



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.36 p.m. – 8.17 p.m.

Gibraltar, Monday, 16th May 2022

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The Gibraltar Parliament

The Parliament met at 3.30 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, Monday, 16th May 2022.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 20th and 23rd September 2021.

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

Mr Speaker signed the Minutes.

ANNOUNCEMENTS

Tribute to Joe Garcia, Editor of *Panorama*

Clerk: (iii) Communications from the Chair; (iv) Petitions; (v) Announcements.

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Mr Speaker: The Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the whole House, I know, will have been saddened greatly by the untimely passing of Joe Garcia Snr, the well-known editor of *Panorama*, in the past weeks. He was the doyen of journalism in Gibraltar. He had been recognised for his work with a state honour from Her Majesty the Queen, an MBE, and this very House had bestowed upon him the Gibraltar Medallion of Honour for his huge contribution to journalism in Gibraltar and to Gibraltar generally as a result.

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Mr Speaker, anybody who knew Joe Garcia Snr knew that he was the embodiment of the commitment to a British Gibraltar and to all of the things that we hold dear in Gibraltar. He was a defender of everything Gibraltarian and everything that all of us love about this place. He was also a close confidant of successive Chief Ministers, myself included; I am genuinely sorry that I will have been the last to enjoy the benefit of his wise counsel.

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The Government felt this loss greatly, not least because Joe was the father of Joseph, the Deputy Chief Minister, and we extend our deepest condolences to the whole of the family, to Lorraine his daughter, to Lydia his wife and to all the grandchildren. I know that the whole House

will join me in extending condolences to the family and to the Deputy Chief Minister in particular.
(*Banging on desks*)

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

Hon. K Azopardi: Mr Speaker, may I associate the Members on this side of the House with the comments of the Chief Minister?

Anyone who thought of journalism in Gibraltar thought of Joe Garcia. He was, for many decades, the foremost figure of journalism in Gibraltar. We all knew him well. Anyone who was in politics knew Joe, knew that he was a fearless advocate for the truth. In his writing he would not take prisoners and he would criticise anyone on any side of politics; that is the way it should be when people do independent journalism. He was always known to be independent and fearless and I am sure he would have liked to have had that reputation, which he indeed merited and earned through so many decades of reporting not just locally but also internationally for other well-known papers around the globe.

Our condolences also to the Garcia family – to Joseph, of course, and the whole family. We all felt his loss.

When I first knew Joe, it was not just in journalism. Of course we had his little foray into politics – that was the first time I knew him – but of course his reputation, his rightful reputation, was built through a long career in journalism, of which he and his family should be undoubtedly proud, and I associate us with the remarks of the Chief Minister. (*Banging on desks*)

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I too would like to take this opportunity to mark the passing of Joe Garcia and offer my condolences, yet again, to his family, especially to his son, the Deputy Chief Minister, who is, of course, present in this Chamber today.

Mr Garcia's fruitful career spanned an impressive five decades, throughout which he had every opportunity to chronicle some of the most relevant events of our recent history. I, personally, remember, as a child, almost every Saturday morning, after synagogue, being taken by the arm to the headquarters of the *Panorama* offices to listen to Mr Garcia's latest musings, where most politicians or journalists would be very interested to know ...

With his bold and personal touch, Mr Garcia brought diversity and colour to our media from the pages of his *Panorama* paper, which he founded and turned into a household name. He excelled as a political analyst and commentator, and for this reason it is right that he is remembered in this Chamber which he so greatly influenced with his passion and his hard work.

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

Mr Speaker: The Hon. Sir Joe Bossano.

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the Gibraltar Savings Bank (Hon. Sir J J Bossano): Mr Speaker, I think I am the Member of the House who has known him longer than anybody else, because of our generation being the one that was faced with the Brussels Agreement and the Lisbon Agreement before that. He showed what came first, because for many years we were on opposite sides in local issues, as he was the editor of the *Evening Post*, which was very close to the AACR, but when the Brussels Agreement came along he actually broke ranks, as it were, and, at the time when the opposition to Brussels was a minority view in Gibraltar, Joe Garcia was supporting that minority view because he thought we were right; he thought it was the wrong thing for Gibraltar to have subscribed to the agreement. Time has proved that he made the right choice, but he had the courage of his conviction and of his love for Gibraltar and he put that above everything else. Therefore, Gibraltar has lost a great defender. Independent of his skills as a journalist, as a Gibraltarian he was 100% a

defender of the Rock. There were not many like him. There are not many more, I think. (*Banging on desks*)

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Mr Speaker: The Hon. the Deputy Chief Minister.

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Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I rise only to thank the Hon. Members who have spoken here this afternoon and also those who have written to me or called me separately in private. Also, on behalf of my mother and the family, I want to thank the many people who have sent messages of support and condolence in the last difficult four or five weeks.

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I think he wanted to be remembered for his contribution to journalism, certainly, as has been said, as editor of the *Gibraltar Post* and later also of *Panorama*, but I think primarily he would want to be remembered for his international links, his international connections, and for projecting the identity of Gibraltar and the Gibraltarian abroad, outside our shores, and also, obviously, our right to self-determination.

Thank you all very much indeed. (*Banging on desks*)

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Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful for the words of all hon. Members and I would recall that in the short foray that Mr Garcia made outside of journalism he was able to mentor four of the current Members of this House – two much more successfully than the other two aspirants, something that was always a great cause of mirth for him in later life.

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Mr Speaker, with that and with a smile on our faces, I call that the House should now hold a minute's silence for Mr Garcia.

The House observed a silence.

**Future relationship with the EU –
UK-EU treaty negotiations –
Statement by the Chief Minister**

Mr Speaker: The Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I am grateful for leave to make a Statement today on our continuing negotiations for a treaty between the United Kingdom and the European Union on Gibraltar's future relationship with the EU.

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As hon. Members and the general public are aware, we have been embarked on these negotiations since October of last year. We were unable to commence sooner, as the European Union mandate for the negotiations was not finalised until early in that month. As we know, the European Union is a union of laws, and, as a result, its negotiators are unable to negotiate other than to a mandate agreed by its institutions. This is as provided for in EU doctrine.

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The process of negotiation has involved eight negotiating rounds to date: the first was held in Brussels on 11th and 12th October 2021; the second in London on 10th, 11th and 12th November 2021; the third, again in Brussels, on 2nd and 3rd December 2021; the fourth in London on 14th and 15th December 2021; round 5 was in Brussels on 1st and 2nd February 2022; round 6 in London on 1st and 2nd March 2022; round 7 in Brussels on 30th and 31st March 2022; and round 8 in London again, last week, on 10th and 11th May 2022. I anticipate that we will likely need two more rounds of formal negotiation at least, and the first is now likely in early June if the parties can agree relevant dates.

120 I think it is important to set this out, as the record needs to reflect these matters. Although, of course, the rounds are already public, we have not had a meeting since the rounds commenced in September and so I think it is important that *Hansard* should reflect those dates.

125 It is also important to reflect on the fact that rounds 2, 3, 4 and 5 were held whilst the so-called Omicron variant of the COVID-19 pandemic was rampant throughout the European Union and the United Kingdom. That made travel harder and uncomfortable, and I want to specifically thank all members of the United Kingdom and EU negotiating teams for travelling at that time. The nascent normality that we seem to be going through at the moment I think has made us all be blessed with forgetfulness as to how difficult it has been during some periods of the pandemic, and it was no less difficult during the last throes of the pandemic when Omicron came and travel once again became very restricted.

130 These eight rounds to date have already covered all areas which are the subject of the negotiation, I am pleased to say. In fact, I must tell the House that the complexity of this negotiation is, frankly, unimaginable. The EU treaties, as all EU lawyers well know, are all very detailed and complex. We are, in effect, touching every single aspect of the basic building blocks of the European Union and considering whether, and if so, how each of those should apply to Gibraltar going forward.

135 The House should nonetheless be aware, as I have already said publicly before, that helping us through this process the United Kingdom has deployed huge resources to assist Gibraltar in this negotiation. Literally hundreds of individual officers of the UK Civil Service have been deployed to assist Gibraltar in areas of specialist competence – from the Home Office, who deal with issues related to mobility, to matters relating to the expertise of officers of Her Majesty’s Revenue and Customs, where Gibraltar has not had experience of being in the free movement of goods zone of the European Union in the past and the issues that arise in relation to indirect and direct taxation of goods, and we have been able to tap in to the expertise of HMRC. Led by the Foreign, Commonwealth and Development Office, we have seen remarkable resources deployed from across Whitehall just to assist us in every aspect of the negotiation, in particular in the preparation for each round of the negotiation, and that is something for which we must be grateful and understand that those resources have been made available to us.

140 Also, on the EU side we have seen similarly large teams involved, with subject matter experts from each relevant directorate involved in the rounds of negotiations. We could not have advanced matters as much as we have without the experts in each field making themselves available. There is nothing easier and yet more dangerous than people who think they know about a subject engaging in a negotiation about it, and therefore it is fundamental that we have the subject matter experts on each side so that we get this right if we are able to make an agreement.

145 The Gibraltar team of officials could also not have been more ably led than it has been by the Attorney General and Chief Legal Adviser to the Government, Michael Llamas QC. No one in Gibraltar has the remotest hint of his depth of understanding of EU law and the relevant EU structures. We could not have achieved what we are achieving in this negotiation without his involvement in leading the technical teams in the discussions. I should also set out my condolences to Mr Llamas, who has suffered the loss of both his parents in the period of this negotiation and indeed in the last few months. A hard professional time has been made tougher all round by extenuating personal circumstances, but he has not faltered for one moment. He has been extraordinarily well supported by Daniel D’Amato in the Gibraltar Office in Brussels, who has really become an indispensable part of our team on this issue.

160 The work has involved senior civil servants from Gibraltar being present in the virtual negotiating rooms and demonstrating the depth of their commitment to Gibraltar in their preparations and contributions in the fields in which they are each the subject-matter experts for Gibraltar. All of our subject-matter experts in the public sector have been involved from Gibraltar.

165 The United Kingdom team, led by UKMIS Ambassador in Brussels Lindsay Appleby, and Foreign Office lead Robbie Bulloch, have gone above and beyond each day as we have strategised and worked together to progress matters.

Although in the past – but not in my time – the Convent and Convent Place may not have always batted together, I am very pleased to say that our fourth official, or our 12th man in our team, has been the quite remarkable Sir David Steel and his Convent team. He really has been a key mentoring and reflecting influence for me in particular, if not for the whole of my team.

Mr Speaker, we could have the best negotiators on our side, but if the EU or Spain had the worst, then we would not be able to make any progress. We are lucky to have a great EU Commission team across the table from us. Clara Martinez Alberola leads a committed team with whom we are enjoying working, even when we inevitably disagree on the many ways to do or say the same thing – but that is what a negotiation in good faith is about, after all. I want to thank the EU negotiators for having had the patience to understand from us the things that make Gibraltar different to most places. We are still working through the list, as you can imagine. I hope they are enjoying this process and learning as much as we are.

The same is true of our interaction with our Spanish opposite numbers, with whom, as I have told the House before, we have built a strong rapport from which to hopefully resolve these historic issues in a way that everyone wins on the non-sovereignty aspects and no one loses on the sovereignty aspects. That is the extraordinarily difficult balance that we are seeking to strike. I therefore reiterate my thanks to the respective negotiating teams involved.

In terms of progress of the talks, I am able to advise the House today that considerable positive engagement in the past four weeks has led us to be very pleased with where we are today. Of course, nothing is agreed until everything is agreed, and at the moment we are not able to say that we have agreed any text; we are simply refining principles in great detail. But we have done so, and this morning I have updated the Cabinet on the progress we made last week, which has been satisfactory to all of us at this stage. I have also subsequently briefed the Leader of the Opposition and the Hon. Ms Hassan Nahon.

On many areas, there has already been agreement around basic principles for full agreement to follow. The areas that remained most open in principle relate to aspects of mobility of persons and aspects of mobility of goods. The main issue has centred around mobility of persons. The key has been resolving how we would be able to give effect to the practical arrangements necessary that will arise from the delicate balance reached in the New Year's Eve Agreement.

Spain is the neighbouring member state and is, today, already responsible for Schengen checks as individuals seek to enter Schengen via Gibraltar at the Gibraltar-Spain frontier at La Linea. We, therefore, agreed in the New Year's Eve Agreement, which we debated already in this House, that Spain will have the responsibility for the Schengen checks as people enter Schengen via the entry points in Gibraltar. At least for the first four years, she will carry out those checks with the assistance of Frontex. The question, however, is how to do that in a way that is safe, secure and agreeable to Gibraltar and the UK, and Spain and the European Union, from day one.

Of course, we have the many years of disputes and restrictions etc. to deal with as we assess each other's positions. The location and manner of the carrying out of the Schengen checks has been a key issue throughout the negotiation. That means working to agree in detail where relevant people will be, what they will do and who they will do it to. As such, we have also had to determine what each relevant agency will do in carrying out such checks. The key, however, is that there will be no such checks at the frontier between us and Spain. That is to say that where the checks are currently carried out, there will be no checks. That will bring an end forever – at least during the period of application of the treaty, such as it may be – of frontier queues and checks as we know them today.

Of course, we also want these issues not to create unnecessary additional burdens for passengers arriving at Gibraltar Airport and Port, so we are working very hard indeed to get this right. Again, the complexity of the negotiation cannot be overstated in this regard, but neither should the potential fruits and benefits of it for this community be underestimated. By seeking mobility of goods and persons we are seeking, in effect, to carve a niche for ourselves in the infrastructure of the EU which cannot in any way threaten the integrity of the single market or the security of the Schengen area. That much is obvious. But those personal mobility and goods

mobility issues are not everything. We continue to seek to finalise agreement in other areas. What I would say, though, is that some of the subsidiary points that are not the totemic ones will also have some important underlying aspects for us which will need to be resolved in a way that we are satisfied, after scrutiny, do not cause us any unintended issues. Those are coming into scope now, but the detail behind the current positions is not one we can go into. I say that knowing, as I do, that people want the detail because the devil is in the detail – in the detail of the principles agreed, which are essentially those seen in the New Year's Eve Agreement, and in the detail of the texts to be finalised in the treaty and the ancillary documents that we will agree around a treaty.

I appreciate the public's patience as we seek to ensure that we strike the right balance. The details will all be made public when everything has been agreed in principle. Nothing will be finally and irrevocably agreed in secret, but what we cannot do is negotiate in public. If we do that, although we may satisfy a lot of curiosity we will also fail to find final agreement in any area. So I am sorry to say that we cannot say more. We cannot go into more details because we want to give the opportunity to finalise this deal the best chance possible. This is not because our instinct is not to be transparent but because our obligation is to a higher purpose than ourselves and even our own political reputations and fortunes. We have to do the right thing for the Gibraltarians and all residents of Gibraltar. We have to do so even if in doing so we have to take arrows and bullets from our own side for our alleged lack of transparency.

In that respect, I would say this. In our view, a lack of transparency arises when a government can say something without a negative repercussion to the nation but chooses not to do so, even if that is as a result of seeking to avoid embarrassment for itself. We are not in the realms of such a lack of transparency. We are respecting the confidentiality of a process which depends on discretion in order to be able to succeed as we consider would be in the best interests of Gibraltar and its people and residents. I think most people understand that this is a process where all relevant teams have been treading softly. We are walking on a tissue of diplomacy that still remains untrampled. If we get to the end without tearing it, it will allow us the twin objectives of making a success of our future relationship with the EU whilst not turning one atom away from the steadfast reality that we are and want to remain exclusively British in every regard. I want to emphasise that in fact no one is asking us to explicitly or implicitly give up the latter, by the way.

Mr Speaker, many of our citizens and our businesses will ask what is the current state of play. The straight answer to that is that we are within touching distance of a historic treaty: a treaty between the United Kingdom and the European Union; a treaty that, if we can get there, will create renewed optimism in the European idea itself. It will create opportunity for our further economic development and the further economic development of the region around us, and perhaps even beyond, reaching across the Straits.

I want to be clear that the shared prosperity we talk about is about business development, not about Gibraltar paying for the creation or maintenance of Spanish infrastructure. The new arrangements, if they can be agreed, will put cross-border co-operation on a more definite and secure footing. In doing so, it will be protecting our post-1986 way of life, whilst at the same time safeguarding all of our fundamental political interests and not asking any other party to compromise theirs, as already provided for in the New Year's Eve Agreement.

We are moving at a good pace now. We can see the contours of the final agreement between the UK and the EU that will be turned into a treaty text. The positions we are landing on are becoming clear and concrete proposals on the table. We are reaching the point of being able to point to legally safe and secure solutions on the different parts of each of the most important points. That will enable the UK and the EU to consider draft texts for the agreement in those areas. I believe we are now close to being able to start consolidated treaty drafting in coming weeks. I entirely agree with Spanish Foreign Minister Albares in his assessment that we can be confident that this will move forward as quickly as possible.

What I can also assure the House and the community as a whole is that we are not, for one moment, going to spring an agreement on anyone. Neither will we pretend to declare an agreement can be ratified by the United Kingdom on behalf of Gibraltar without consultation. We

have already said that we will not give Gibraltar's consent to the United Kingdom's ratification of the treaty without the agreement of the Cabinet and the agreement of this House after a debate on a substantive motion – that is to say an amendable motion, not a motion to note. So this House will debate the terms and substance of the agreement if the Cabinet approves a deal.

280 Mr Speaker, I know that the uncertainties of the past six years have unsettled many. Some have heard rogue voices from outside Gibraltar, in different places, challenge the nature of our British sovereignty. Let me, once again, be exceedingly clear. The future of Gibraltar is exclusively British. Nothing in the negotiations has called this into question or challenged any of the basic tenets of British sovereignty over Gibraltar, and we are not being asked to do anything which
285 might cross that objective of ours. As former Spanish Secretary of State for Europe Mario Aguiriano said, Spanish negotiators know that if they raise the issue of the sovereignty of Gibraltar, the UK and Gibraltar will simply leave the negotiating room. We have not closed our files and left the table because no such thing has been raised or asked of us.

Of course we are looking always to ensure that there is no detail that involves any aspect of jurisdiction or control that will erode sovereignty being brought into play. As I have said in every
290 Statement I have made on this matter in this House, nothing will ever cleave Gibraltar from the United Kingdom. Nothing will ever rip us from Britain. No one is even trying, although I recognise that it is sometimes easier for some to try to battle the monsters of the past to avoid fighting the real challenges of the present. We will not fall into that trap, our people will not fall into that trap,
295 because cheap jingoism will not resolve the Brexit conundrum that Britain has served up for us and which we are negotiating *with* Britain and not *against* Britain, as some might have done.

The European Union is built on compromise and we will need to compromise in some areas, of course. Some things will change and will be done differently as we will have freedoms we did not have before, as in movement of goods and people. For us, the compromises on the table cannot
300 concern compromises on British sovereignty, jurisdiction or control, but they will include practical measures to secure fluidity that will make us all safer and more secure if we become a de facto part of the Schengen space.

In fact, our people know that Gibraltar is, today, closer to the UK than it has ever been before, socially, politically and economically. The latter is important as we have secured access to the
305 United Kingdom market in services that is the envy of many. We will never put that at risk. That has been, perhaps, the greatest political achievement of the Government I have led in the international sphere. It has been the repair, the consolidation and the strengthening of our relationship with the United Kingdom, in which we have found an understanding and willing partner. It is in that work with Britain that the Government as a whole can already see the contours
310 of that deal which we think is likely to become a treaty text which is safe and secure for Gibraltar and within what we would all consider to be acceptable, but we will, of course, have to see the final draft treaty text before deciding.

Mr Speaker, I also want to say something about the issue of Northern Ireland, as I know that it is something which is very live in the news media. It is not for me to comment on the substance
315 of matters affecting Northern Ireland, and I will not do so, but it is clear that many external issues have buffeted our negotiations in the past six years since the result of the Brexit referendum. The most high-profile issue, of course, now is how matters relating to Northern Ireland and the disputes over the application of its protocol may affect our negotiation.

I want to be clear and set out that both our negotiations are entirely different. There are
320 common parties in the UK and the European Union, but there are also underlying disparate parties in Spain and Gibraltar. In one – that is to say in relation to Northern Ireland – the parties are arguing over what they have already agreed and how to implement it, or not. In another – that is to say in relation to our negotiation – we are negotiating our agreement conscious of the need to give it sufficient clarity to avoid issues going forward. That view has been echoed by the United
325 Kingdom, which has consistently made the point that the issues arising in respect of Northern Ireland and those which arise in relation to Gibraltar are entirely different. Importantly, it is also the position of the Kingdom of Spain, at whose suit the European Commission has launched this

negotiation. On Friday, the Spanish Foreign Minister, Jose Manuel Albares, made clear that Gibraltar and Northern Ireland presented the EU with two separate negotiations. 'They have nothing in common other than the fact that on the other side of the table is the same party,' he said. Perhaps even more importantly, the Foreign Secretary of the Republic of Ireland, Mr Simon Coveney, in the same press conference, alongside Sr Albares, was also forthright and clear in separating the issue of the disputes arising in respect of Northern Ireland and the very positive ongoing talks on Gibraltar. Mr Coveney specifically said that they were completely separate negotiations. He insisted, as we do, as the UK does and as Spain does, that they should be negotiations that are kept that way, as has been done at every stage throughout the Brexit process. The European Commission has previously made similar statements through different spokespersons.

Before I sit down, Mr Speaker, I should remind the House of an underlying reality that we cannot minimise. On the morning of 24th June 2016 our political world changed forever. We must understand that, as we reach the final throes of this process. We must understand that Spain remains a member state of the EU and we are not. We must understand that things we had the right to do in Europe before, we are now not entitled to. My obligation from then has been to steer a course to continued prosperity and to seek a path to future prosperity in an exclusively British Gibraltar. We have a plan for being outside the European Union now and a plan for being outside the European Union in four years' time, if needs be. Our better plan is the plan that sees us enter into arrangements with the EU so long as the circumstances for those arrangements are right and remain right. We are leaving no stone unturned to negotiate a safe, secure and positive agreement for Gibraltar's future relationship with the EU. We will continue to work night and day, in good faith, to achieve that.

Mr Speaker, I am happy to clarify or answer questions on any part of this Statement that hon. Members might think is useful.

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

Hon. K Azopardi: Mr Speaker, on this side of the House we entirely understand that the world changed for Gibraltar on 24th June 2016. Brexit was indeed a seminal moment for us. We have said already, on this side of the House, that it was important to be bold and imaginative when considering our future, but in doing so, of course, while we should use imagination and boldness, we also need to make sure that we protect the fundamentals to make Gibraltar sustainable economically and politically as we go forward. I am sure we all have that in mind also whenever we speak on issues such as this.

I welcome that the Chief Minister has, at the end of his Statement, talked about the differences between the Northern Irish situation and the negotiation with regard to Gibraltar. We certainly hope that that will not prove to be, in any way, a hindrance to reaching an agreement for Gibraltar.

On this side of the House our position has been, for a very long time, that there should be a safe and beneficial agreement reached for Gibraltar: safe on the sovereignty aspects and on the fundamentals; beneficial economically and politically and going forward towards a bold and imaginative future and a new relationship with the EU that is safe for everyone in Gibraltar.

May I just ask, in terms of clarification of a number of aspects ...? I will ask the questions ... I asked some of them this morning at the briefing I had with the Chief Minister, but some of the points that I raised this morning I am sure people will have in their minds, so I will give him the opportunity to clarify those aspects, if he feels he can. He can make a judgement call, because I also understand that there may be issues of detail where he does not want to stray, but there may be other issues which he can address quite safely.

The devil is, of course, in the detail, as he rightly says, and we share that view. The Chief Minister has previously said – again, we agreed – that there are many aspects of the EU mandate that are unacceptable. Can he say that the agreement they are working towards will not involve unacceptable aspects for Gibraltar, based on that EU mandate?

380 In terms of process, may I just ask him ...? He gave an indication as to timing, but may I also delve a bit deeper, perhaps? He indicated that they are looking towards a discussion about the principles but then going away to draft the treaty text. Does he have a general view – a view only at this stage, of course, because negotiations are dynamic and I appreciate that things change, but does he have a view as to how long the process will take, so that a treaty text would be published?

385 Would it be that the treaty text that is published is in draft? I understand that it is subject to ratification, but that is not what I am asking. What I am saying is are they intending to publish treaty text that is draft without the parties, i.e. the EU and the UK, having entered into the treaty subject to ratification, or is it that they are intending to enter into it in terms of some signing but subject to ratification, which, of course, will require, as he indicated, ratification?

390 In terms of the process in Parliament, presumably that will take place after the treaty text is published. After that moment – and he says that he is going to take a substantive motion in Parliament – is the Government's current thinking to give the people of Gibraltar an opportunity to also express a view on the treaty text and what is on the table in, for example, a referendum? Or is it something that is, as far as the Government is concerned, off the table? Or is it something that dynamically would depend on the draft treaty text whenever negotiators land on a final settled version? Can I ask him about that thinking?

May I ask him to assure the people of Gibraltar, and indeed the residents, that the deal that the Government is working on is a deal for all residents of Gibraltar, irrespective of what kind of ID card or civil registration card colour they hold?

400 May I also ask him, because it has been a while since this Parliament has met and indeed since he briefed the Opposition informally ...? I think the last informal brief we got was in November last year. Can he explain perhaps a bit more, without delving into the granular detail, which I accept may be subject to detailed discussions on which it may be problematic to give a blow-by-blow account, but can he confirm that what they are trying to negotiate is a deal not just on mobility and on goods but a wider deal that will also encompass other aspects of Gibraltar's relationship with the EU going forward – so things like the environment, things perhaps on judicial co-operation, things on other aspects, social services, indeed health ...? Does it contain other aspects of benefit to the citizens? Is that the objective, or is it something a bit narrower and a bit less wide?

410 On the checks at the Frontier that the Chief Minister mentioned in his contribution, he said that the objective, or at least the result, if there is an agreement, would be that there would be no checks at the Frontier. Does that mean that as a consequence ...? Can we also have his confirmation, or at least an indication, of what is the current desire or state of play? Is it that the consequence would also be that, by there being no checks at the Frontier, the police and customs checks would be eliminated on both sides? In other words, on our side Borders and Coastguard and the Customs, and on the Spanish side Policía Nacional and Guardia Civil? Is that what he envisages would be the result? And has there been a discussion about that?

420 In terms of checks, can he perhaps expand a bit more in terms of what the customs checks would be at the Port and Airport? He has spoken about mobility and we understand the debate there is with Frontex on the immigration side. Can he speak a bit more about the customs checks at the Port and Airport and how he would envisage that would be done and who would do those checks?

425 Mr Speaker, I appreciate that is a long list of questions, but I am sure listeners who are listening to the Ministerial Statement made by the Chief Minister after so many months, understanding that the Chief Minister cannot be explicit about the granular detail, will want some level of reassurance as to where the Government is heading on a number of issues.

When he speaks about issues of mobility, he may also want to address the issue of security in terms of the border by eliminating checks. What is his view on that? The patrolling of waters: will there be patrols?

430 I return to the initial point on which I started my contribution seeking clarification. We all want a safe and beneficial agreement for Gibraltar. Uncertainty, as he himself has pointed out, is

unhelpful. It is certainly better to keep talking than for there not to be talking at all, but six years on from this process the people of Gibraltar would, I am sure, welcome a prompt clarification and conclusion to this process and, hopefully, an arrival point which guarantees a safe and beneficial agreement to Gibraltar.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I must tell the hon. Gentleman that I do not think it is relevant to refer to six years as the period of negotiation: the negotiation commenced eight months ago. And so he will forgive me for saying that a lot of what he has asked me to do – which no doubt is designed, if he will allow me to descend into the politically colloquial, for him to be able to extract and put on his social media page to show that he asked me these things and that he was talking about being safe and beneficial in what we bring back to Gibraltar – is exactly what I have already referred to. I have referred throughout my intervention to us bringing a treaty which is safe and secure on all of the issues of sovereignty, jurisdiction and control – that is to say the fundamentals – so I do not understand what it is that he says is the level of reassurance that I have not given that he is seeking to extract with his questions, which I will try and deal with insofar as I am able to.

The hon. Gentleman says that uncertainty is unhelpful. Well, we can all agree with that – it is such a blanket statement that it is impossible to disagree with it – but the hon. Gentleman needs to, obviously, temper the remarks that he makes with the political reality in which we are dealing. He understands, as I know, that of course it is possible to do an agreement quickly. It is unlikely to be safe or secure if one accepts the first text that is put to one, but if one does the work of ensuring that the treaty text that we bring is safe and secure and as finessed as it can be, to be improved, to be as beneficial as possible to the people of Gibraltar, then that cannot be quick.

He will forgive me for saying that it is becoming a little difficult to accept that the Opposition believe that everything can be done quicker, better and cheaper than the Government does it. Whether we are dealing with these or any of the other matters that hon. Members will ask us about today, their principle seems to be ‘We would have done it quicker, we would have done it better and we would have done it cheaper.’ Given that slogans are successful when they involve three words, I would recommend that they take forward to their campaign for the election – which, according to Mr Clinton, is to be held this month – the slogan ‘Better, quicker, cheaper’. What I cannot do is deliver a treaty that is as safe and secure as can be and as beneficial as can be and do it as quickly as we would like.

Hon. Members will know that one of the reasons my Government is unable to deal with other issues is because we are dealing with this issue. That is an opportunity for them to make political hay because if we are not there because we are doing this, they can be there in all of the other areas of politics. But what we cannot do, in facing the allegation that uncertainty is unhelpful, is accept responsibility for not being able to have brought the treaty sooner, because this is a process. We could have brought a text immediately and not recommended it, or we can do the hard work that is required to finesse this negotiation that delivers, as I have said, the success for all parties and the non-loss for all parties to be safe and secure, but we cannot do that and meet the hon. Member’s slogan that uncertainty is unhelpful, and we need to resolve that.

Having said that, I am going to go through the list of issues that he has asked about. I will start by saying that if in any of the areas that he had asked about today I felt it was possible to give more detail, I would have given more detail, and if I have not given more detail it is because the issue is either not yet agreed or not ripe for announcement because it is in the stew of gelling, if I might call it that, Mr Speaker.

The hon. Gentleman asked me, given how unacceptable we have all said, on the British side, the European Union mandate was, whether we would be seeking to agree things which are unacceptable. I am not going to get into the detail of the negotiation, but I will say that if I bring a text to this House and describe it as safe and secure it will not contain things which are

unacceptable. This is a negotiation, and negotiations are about give and take, but I have already indicated that compromise can only happen in areas which do not go to the fundamentals, do not go to sovereignty, jurisdiction and control, do not go into those issues, so the hon. Gentleman, I think, can make of that what I hope he understands from what I am saying.

I am not going to venture into saying how long I think it will take for a treaty text to be prepared because a treaty text could be prepared, probably, in a week, but whether that treaty text would be acceptable, or whether indeed the treaty text itself will require negotiation and finessing, is obviously something that I cannot predict. But as we all know, matters relating to Gibraltar often require a keener eye on every letter and word than they would if we were simply dealing with a commercial negotiation, so I am not going to venture to give my estimate. The hon. Gentleman knows I have given him my view privately, but I am not going to venture to put out there a timetable that creates an expectation, because people might then think that they should hold us to it and there is nothing to hold us to at the moment because this is a live, ongoing negotiation.

The hon. Gentleman asked me whether we would publish the text before it is ratified or agreed. Of course the text must be published before it is ratified. The process of ratification in the European system and in the British system requires publication, and, in Europe, in the official journal, and in the United Kingdom the process involves laying in the library for a particular period of time – and we anticipate the debate in this Parliament before then. That is the process that leads to the agreement of the treaty. All you have, otherwise, is the agreement of negotiators that they have reached the end of their negotiating mandate and have resolved a text which can be recommended to the ratifiers in the process of ratification. There is no agreement of a treaty which is not the ratification process; there is simply the negotiators and the executive saying, ‘This is the text that we put forward for ratification.’ I do not anticipate, therefore, that what would be published would be a draft at this stage, but it may be that a draft is published or that a draft leaks. A draft is not agreed.

The difficulty, of course, with publishing a draft is that all sides will then have their positions publicly put. On the European Union side there will be, if only the people in Spain take an interest, 45 million opinions about it; if the whole of the European Union takes an interest, 450 million opinions. On our side, of course, there will be 32,000 trenchant opinions, each of them probably slightly different, and potentially 60 million British opinions. You cannot negotiate on that basis. The executive is tasked with taking on the process of negotiation and then bringing the text for ratification. The Cabinet will certainly be seeing all of the drafts of the treaty because the Cabinet will be determining whether after each draft we continue to go to seek a next draft, what we seek to amend etc., which is the process that we have been undergoing, and I expect to informally be continuing to brief hon. Members.

May I just say, Mr Speaker, that the hon. Gentleman says that the last time we briefed him was last November: in fact, it is not. He might care to check that we briefed him again on 22nd November, we briefed him again on 6th December and we briefed him again on 18th January this year, and as he knows, after that process there was also a slower period in the negotiations, as I have told him today. (*Interjection*) I am told that those were the days when we did the briefings.

The hon. Gentleman asked me whether we would envisage giving the people of Gibraltar a say. Well, I think I have already answered that question on television. I have set out the circumstances where I believe, how I believe and when I believe a referendum should be provided for in respect of these arrangements beyond the hardening period, if we might call it that.

Of course, what we are negotiating will be for the benefit of all residents. That is to say whatever colour or hue of identity card a resident of Gibraltar enjoys, they will enjoy the benefits and fruits of the treaty that will be negotiated; they will enjoy the benefits of complete fluidity between Gibraltar and the Schengen space. That, of course, is exactly how I expressed it in a public statement that I made some three or four weeks ago in relation to issues which are being faced by holders of blue identity carnets at this stage, and that is already in the public domain. I welcome the hon. Gentleman giving me the opportunity to confirm that here today, because there is no

question of the Government failing to have in mind the difficulties that are today being experienced by blue ID carnet holders and which in the past have been experienced by holders of other ID cards in Gibraltar. There are not just blue and red ID card holders, there are other colours of ID card which are held by individuals who have had difficulties in the past and in respect of which we have made representations, as we have made in respect of blue ID card holders.

This is an issue on which we have to, of course, recognise that today the Schengen border code applies for access to any part of the Schengen area for holders of British passports resident outside of the Schengen area, as we all are who reside in Gibraltar. And so we need to understand that we are benefiting, at different stages since the Withdrawal Agreement became the final Act, from administrative concessions granted at this Frontier, when there is no obligation to do so, and we have to be careful that we do not do anything that creates a level playing field between all holders of all colours of identity card before we have the treaty, because that level playing field might be a negative one rather than a positive one.

Mr Speaker, I know that the hon. Gentleman has questions on this subject on the Order Paper for later this week. I would just gently counsel that although it is easy to play to a constituency at this moment in the short term, it is in the interest of that constituency and the whole of the single constituency that is Gibraltar that we get this right for everyone and that we get it right as soon as possible on the basis of getting it right when we are satisfied that we have reached the end of the negotiation and we have the safe and secure arrangements that we want to bring forward.

The hon. Gentleman said, as an aside, that it had been some time since Parliament met. Yes, Parliament met last in September, and I think, if the hon. Gentleman goes back to the list of the rounds of negotiations that I gave him, every month since September we have been involved in the negotiations and we have also been involved in the Omicron variant etc. I think it is hugely important that in the view that we all have of how magnificent Gibraltar is, we should also remember how small Gibraltar is and how small its administration is. Despite views about whether the number should be bigger or smaller, it is a small administration and the people who prepare the parliamentary sessions and the people who appear in the parliamentary sessions are also the people who prepare and appear in the negotiations and are involved in the thinking and in the negotiations around the rounds. Each round of negotiations between the European Union and the United Kingdom also involves other rounds of contact at a technical level between the United Kingdom, Spain and Gibraltar and between different, variable geometries of that in a way that ensures that by the time you get to the round you are closer than you were last time and you are engaged in positive discussion. So I think it is important that when we look at the fact that Parliament has not met for that period we do understand that and that it is just sometimes impossible to stretch our resources further in order to be able to meet our obligations, although all our constitutional obligations are met. Indeed, as I think I said in an exchange of press releases with the hon. Member, we probably met more in the month that we have met very little than we met when hon. Members were involved in calling meetings of this House, although that is no consolation to us – we have oft wanted to ensure that we can meet every month, but since Brexit and since the pandemic it has just become impossible.

Mr Speaker, the hon. Gentleman asked me whether this is just a deal on mobility and goods or whether in fact we were going to take the benefit or obligations of *acquis* in other areas. The reality is that a deal on mobility of persons and mobility of goods is a deal that touches just about every area of the *acquis*. If we understand what Europe is about, as we all do, it started off as the European Coal and Steel Community and became the European Economic Community and the European Union in order to permit the movement of people and the movement of goods, and really most of the *acquis* is about that, about how you provide for that fluidity in a way that does not have corrosive or disruptive effects in the other areas to which you are free to move or move your goods. Schengen covers the passport-free movement of people, which creates the fluidity, but the whole *acquis* is about free movement and the free movement of goods. Why do I say that? Because a deal that seeks to provide that level of fluidity that we wish to achieve in effect requires you to plug into different parts of the treaty, take some parts of the *acquis* there is this – LPF, as

it is known in the lexicon of technical European negotiation, level playing field provisions. Level playing field provisions are to ensure that if somebody is producing in one place and selling into a market, there is at least the basis of a level playing field compared to production in another place, so that the competition is as fair as it can be in the context of the environmental impact of production etc. In Gibraltar there is no production, so that is a reason why there are some aspects of what we might otherwise have to take that we do not have to take.

For many years, the argument in relation to the transposition of directives – one of the big issues in the 1996 elections, no less big in 2011 when the list of directives outstanding that we inherited was longer than the one in 1996 – was about whether or not one had to transpose directives in Gibraltar that dealt with rivers or dealt with what are known as Article 100A issues, which were issues relating to goods which were on the market when they had free movement of goods. We were not in the free movement of goods *acquis*, but goods could move to Gibraltar from the EU, just not with the benefit of no taxation.

So, all of those issues, if they were live when we were not in a free movement area involving goods, are very live now and we need to ensure that we get that balance right in a way that is going to be wholly beneficial to the Gibraltar economy. That is why I talk about enhanced prosperity for Gibraltar and shared prosperity between Gibraltar and the region, which is what hon. Members will have heard me talk about before. Which areas? All of that is live within the negotiations.

In terms of checks at the Frontier, I have said before, on a number of occasions, that if you go into a free movement area with the Schengen zone, what you are doing is getting rid of the regular checks on people as they cross the frontiers between those states which have come together to share an immigration protocol. Because you share the immigration protocol, you then do not check each other's members. There would therefore be that regular check disappearing between Gibraltar and Spain. Nonetheless, that does not need to mean less security; in fact, it can mean more security because security can be handled in different ways. The security of the state is not an issue that is up for grabs in negotiations with Schengen. We will be more secure in the future, I am confident, even than we are today.

The hon. Gentleman asked me whether there would be joint patrols. That is not something that anybody has raised with us. I know that they have mentioned it before, but it is not an issue that has been raised with us. Therefore, in terms of security, I believe that the sum total of the arrangements that will be provided for will make Gibraltar much more secure when it comes to security and much more secure when it comes to the inability of others to be able to create a stranglehold at the current crossing point between Gibraltar and Spain, as has traditionally been the case since 1986 when the Frontier was open. We have always, in this House, referred to the Frontier as the potential barometer of the relationship between Gibraltar and Spain because of the length of the frontier queues suggesting a higher or lower level of tension.

On customs issues relating to the Port and Airport, I am not able to say much at this stage because the negotiation is still a live negotiation, but I would say to hon. Members that they will, I believe, when we have finished this process, see that there will be very little change in the context of the excellent work that our customs officials do at Gibraltar Port and Gibraltar Airport. This is not an area like the Schengen area, where responsibility is vested in a member state; this is a different sort of relationship, and so there will be very little to talk about there in terms of the job that our customs officers do today. I envisage very little change in that respect, indeed an enhancement of the role that they will undertake because of course these arrangements are all sought to be entered into for the purpose of, as I said before, enhancing Gibraltar's prosperity – that is to grow what it is that Gibraltar does, grow what it is that our economy provides for, in a way that shares that across the area around us. There will be so much more activity generated by not least the optimism that this treaty, if it is possible to enter into in a safe and secure and beneficial way, will provide – then the economic opportunities will be obvious to the economic actors who I think will want to take them.

Mr Speaker, I think I have dealt as fully as possible with all the issues that the hon. Gentleman raised. He knows that I have been able to tell him a little more in some areas in private simply because at this stage, for all the reasons I have already stated in my earlier intervention, we cannot provide more public information. Indeed, it is a live negotiation, so a lot of the things that I might be able to say to him in private about where we are tactically and strategically I am obviously not able to say here because, although I am full of praise for the work done by our negotiating team and indeed the negotiating team across the table, they are still across the table. We have not yet shaken hands, hugged each other and declared that we think we have reached an agreement that we think we can recommend. This is still live, and therefore, with the utmost of respect to those sitting on the other side of the negotiating table, I am not going to be able to say more at this stage.

Mr Speaker: The Hon. Marlene Hassan Nahon.

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

As much as I appreciate the information provided to me and to the Leader of the Opposition by Government in private briefings and the Chief Minister's update today, here in Parliament, I think the people of Gibraltar need clarification on how the Government plans to manage the day-to-day frictions that will continue to arise in this exceptional moment that we are living in, and into the final stretch of negotiations.

Together Gibraltar and I have always been very supportive of the work of our Government throughout these negotiations. We have gone as far as to make statements protecting the work of our negotiators from what we consider to have been past attempts at populist rabble-rousing on the subject. We are willing to be supportive of Government in this titanic and historic duty, and all we ask in return is that MPs are briefed on developments in a timely fashion and that the people of Gibraltar are informed effectively and accurately of anything that may impact their day-to-day lives.

Despite the Chief Minister's explanations on confidentiality, the Government is, regretfully, failing to manage day-to-day issues that are causing enormous disruption to people's lives, like the issues faced by the Ambulance Service some months ago at the border and all the problems being faced by blue ID holders today, which, as comprehensible as they may be in both of these cases, instead of having properly been guided and supported by their Government, people are being informed of policy changes by Spanish authorities at the Frontier and then told to turn around and go back home.

This situation has caused enormous grief to a lot of Gibraltarians, and while we understand that our Government is not always responsible for these unfortunate developments, we believe that Government is responsible for duly informing and supporting its citizens in advance of any problems they might encounter at the border. I would, therefore, like the Government to clarify if they have plans to improve communications on these operational matters with the Spanish Foreign Ministry and the Spanish border authorities, and if it has put in place contingencies to better inform the public of anything that might affect them directly.

Lastly, Mr Speaker, just to clarify again, despite the reasons given by the Chief Minister for no meetings in this House and the need for resources, why is it that Ministers who do not necessarily deal directly with Brexit cannot attend Parliament to answer questions on things like housing, transport and education, like we see so often in the Houses of Parliament, in Westminster, when Prime Minister Johnson is not present? Or are all his Ministers involved in these negotiations with him simultaneously?

Thank you, Mr Speaker.

Mr Speaker: The Hon. the Chief Minister.

690 **Hon. Chief Minister:** Mr Speaker, I thank the hon. Lady for that intervention. It is, of course, absolutely patently true that we have fallen out on many issues but not on this one, and I am very grateful for the fact that she has continued to plough her positive furrow in respect of this issue. I would just, please, ask her not to call it a 'titanic' task. I am a little superstitious when it comes to superliners that end up in Davy Jones's locker.

695 The reality is that it is sometimes very difficult for the Government to have in place what the hon. Lady calls a strategy for communication to alert people to the things that are about to happen at the Frontier and that people have only learnt about as a result of events at the Frontier, when the Government itself only finds out from events at the Frontier.

700 The Government itself sometimes finds that the less positive angels of some of the people who are involved in negotiations take over and steps are taken at the Frontier which are not conducive to the result that we want to achieve. Gibraltar is large and has many millions of citizens in the way that we sometimes see ourselves, but we are just 30,000 people and we have many different views as to what should happen at 9 a.m. in the morning with Frontier workers, depending on what is happening at the Frontier, let alone an administration the size of that which is currently

705 tasked with the responsibility of protecting Europe's Schengen frontier with Gibraltar.

710 There are rules which now apply to Gibraltar which, in some instances, are being applied at the Frontier, and that sometimes is happening without warning. I do not want to hide that from people. I think we were explicit in saying that at the time, that these things happen. The minute that they come to our attention we raise them with those who are our interlocutors. We sometimes can blunt the effect of that, we sometimes can stop the effect of that; we sometimes cannot change something which has happened as the result of another ministry that is not the one that we are negotiating with having responsibility for things and feeling that their legal obligation under the European rules requires that they do one thing or another. So it is not possible for us to have a strategy to deal with those things, because those things are not things

715 that we have on the radar to deal with.

720 There are many theories that one can have as to how those things happen, who knows they are going to happen and when they are going to happen. I would not want to delve further in that respect in public, other than to say that this is, of course, a live negotiation and different parties think that they have different levers and different parties think that different levers work in different ways and will have different effects. The thing that I would leave in the public domain is that anybody who knows the Gibraltarian and sees the trajectory of the Gibraltarian people from 1967, and the 1960s when the restrictions started – anybody who analyses that will know that seeking to put pressure on a Gibraltarian or seeking to use a lever which somehow makes something uncomfortable for a Gibraltarian is not going to result in a Gibraltarian buckling; it is

725 going to result in a Gibraltarian doubling down and wondering whether the party that is also the subject of a negotiation is as trustworthy as they believe. Indeed, knowing the Gibraltarian as I do, a policy of generosity is going to get people further with us all, a policy of respect is going to get people further with us and will lead to a better outcome which will be safe, secure and beneficial for Gibraltar and the Gibraltarians and for those who will benefit alongside us when our prosperity

730 is enhanced and shared.

735 It is also important to note, as I said earlier, that unfortunately there are some things that, at this moment, it is not possible to do anything other than complain about, and we have to complain about them knowing that it is not that somebody is taking away a right for us to do a thing. This is the big difference in Gibraltar politics today in the relationship with the United Kingdom and our joint relationship with the European Union. From 1973 to 2019-20 we were members of the European Union and we had the right to do things, just like everybody else had. Obstacles were put in our way and our right to do things was curtailed. That was improper and that was the battle. From 2020 onwards we do not have the right to do things and we are seeking to negotiate to have a treaty right to do those things in a different way that does not cross any of the fundamental

740 issues that we need to protect on sovereignty, jurisdiction or control, but enables us to once again have rights to do those things and to be able to assert those rights. In the interim period, which

arises for the reasons I have explained in my answer to the hon. Gentleman – not because we have not worked hard enough, not because we have not wished to resolve things – of course things are happening which we are dissatisfied with because they are no longer the benefits that we enjoyed until 2020 and had the right to do. We have to be careful, as negotiators, not to permit anything which anybody might have designed as an element of pressure to somehow skew the outcome of the negotiation or the way in which we carry out that negotiation towards the fundamental objective that we are seeking to fulfil.

There may be some – not in Gibraltar, not in Brussels or in London, but perhaps some in Madrid, not those we are negotiating with – for whom the best outcome would be that we should not have a treaty and that an element of pressure at our Frontier affecting a group of people, not the majority, might lead us to throw our toys out of the negotiating pram and not achieve the negotiating objective that we have sought to achieve and which we consider can be delivered in a safe, secure and beneficial way which does not affect our sovereignty, jurisdiction and control. So we have to be careful that we react in the right way and that we react in a way that is proportional and responsible, and although we are the smallest in the room we have the obligation, because it is our interests that are on the table principally, to be the most mature, the most adult in the room, and that is of course what we are going to do and how we are going to discharge our function. Everybody is behaving maturely and as adults in the room. Everybody is behaving in a way that is designed to deliver the right result.

I think the hon. Lady understands what I am trying to say, so that she sees that we are not failing to do anything that is designed to protect a collective that could be done, but we are unable to make assertions as of rights which are being vitiated, because this is not a case of rights being vitiated.

The British government has upwards of 150 Ministers in it, and countless civil servants. They are going to lose 10% of their Civil Service in the next few years but it is much more sizeable than us, even to scale. The issue with coming to Parliament to answer some questions but not others is that our Rules do not provide for it. Once a Parliament is called, hon. Members can file questions on any matter they wish involving any Ministry. We have not sought to curtail that in any way. We have not sought to change the way that hon. Members have the right to ask questions. That would have to be something that emerges from Select Committee when we have time to meet in the further parliamentary forms that we wish to see imposed. At the moment, when I sign the notice for hon. Members to have a meeting of Parliament, we are all, ironically, entitled to file such questions as we think are appropriate. Therefore, Mr Speaker, hon. Members could have filed questions to the negotiating team, to the team dealing with other matters, and therefore it would have been impossible to hold a meeting as the hon. Lady suggests. Neither have Opposition Members got in touch with us to say, 'We are happy to come to Parliament and only file questions in respect of housing or financial services.' It is also very difficult because in the way that our administration works, the Parliament team is in No. 6 Convent Place; the other ones, who handle all the questions and distribute all the questions ... every answer needs to be checked etc. So, although at first blush it might seem like you can have parliamentary sessions which only involve some Ministers coming to answer questions only on their issues, we would have to sit down together to agree a mechanism for that to happen in order for us to be able to do that and for me to be comfortable in calling a general meeting of the House and knowing that hon. Members were not going to ask questions of the Ministries that I will be responsible for.

I am open to that. I do hope that we are now at the end of the period of not being able to have meetings of the House, because I think the rounds of negotiation are likely to now happen before the summer. The COVID pandemic has lifted, which was also a difficult issue to deal with. People might think that Omicron was not as bad as it had been in the past, and it was not, but it still required a lot of work from Civil Contingencies and No. 6 etc., so there was a lot going on.

Even in the context of last year, when we had fewer meetings, I think we had more meetings than hon. Members had when they were in government in any year, let alone in that famous year when they only had one meeting. That is no excuse, because I want a Government that calls a

meeting every month. Hon. Members know – I have said it before – I am in Government not because I have a deep desire to be an executive; I am in Government because I enjoy being a parliamentarian. Coming here and debating with them gives full vent to what I enjoy most about being in Parliament. So we haven't not called meetings because we have wanted not to call meetings, we have not called meetings because we have literally not been able to commit to the dates to be here. But the hon. Lady raises an interesting point, and if we felt that it were not possible to call another meeting for an extended period I am quite happy to sit down with her and with the Leader of the Opposition to agree a new set of informal parameters, if only for a short period whilst negotiations were to continue and they were to continue to be protracted, where they could ask questions of Ministries which were not the Ministries of the Deputy Chief Minister, of me or of other Ministers who might in any month be involved in the negotiations.

To answer the question also more widely, as I have said, senior officials from most Departments have been involved in these negotiations because there have been issues of transport and there have been issues of housing, there have been issues of health, there have been issues that affect financial services and standards etc. So we have all been involved at different stages. Preparing for the rounds and preparing to be present virtually in the rounds, in some cases, or being present in person in the rounds or in the ancillary talks around the rounds has taken up time across the board in the public sector, not just principally No. 6 where the Deputy Chief Minister and I are based.

I hope that that answers all of the questions that she has raised at this stage. From my notes, I think it has. Can I suggest the next time she refers to a cruise liner in describing this process she refer to the *Love Boat* instead of the *Titanic*?

Mr Speaker: The Hon. Roy Clinton

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

I only have two areas of clarification which I wish to seek from the Chief Minister. The first is, quite simply, he mentioned the two more rounds to come and the next one would be early June, but I am not sure if I caught when the next round after that would be. Does he have a date in mind, or is there a timetable which would give us an indication of when the next round would be after that round in early June? And is there an end to these rounds, or will they continue until such time as we reach an agreement or there is not an agreement?

Secondly, Mr Speaker, I would ask the Chief Minister about the customs union element of the discussions. He has made reference to various points, to how things will have to be done differently for goods and also the desire to remove the stranglehold at the Frontier, which of course is not just about passports but can also be about customs checks. In terms of how the customs checks will be going on and who will be doing them for what purpose, I would be interested to learn if there is anything the Chief Minister can share with us, but specifically I would be interested if the Chief Minister can confirm one thing that I know both the Chamber and the Federation are concerned about, which is that when we talk about the customs union there will be no VAT-type system or VAT itself introduced, although I appreciate there may be some alternative in mind, but specifically the EU-type VAT system which I know the Federation and Chamber are concerned about. Sir Joe has publicly stated that he does not believe that that will be the case, but I think it would be appropriate if the Chief Minister could confirm that to this House.

Thank you, Mr Speaker.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful for the hon. Gentleman raising those two very distinct issues, which I can deal with quite quickly, I hope.

845 First of all, whenever we have fixed a round for negotiation, we have not often envisaged that there would be another round unless ... I think in one instance we felt it was necessary to have two days for a particular thing, break, and then the following week come back for another two days on another thing, and those were then ascribed two different rounds. We are going into the round in June, and then, once that round is over, we will determine whether what is needed is another round or whether what is needed is more contact at disparate technical levels between the technicians in different areas, who can then come together and have a different sort of meeting, which is more a technical, legal drafting meeting, rather than a round. The rounds are places where we are discussing things in principle etc. We will see, Mr Speaker. It may be that we need one more round after June, that we need 20 more rounds after June or that we need a hundred more rounds after June, or none. It is not possible to say at this stage.

850 Do we continue with rounds until we reach agreement or we end? Well, I think that question answers itself: we continue with more rounds until we reach agreement or we end, although we do hope that when we end, we end with a treaty text that we can recommend, that the Cabinet approves, that I can bring to this House, that the House can approve and that can then go to the process of ratification. This is a 'how long is a piece of string' question, and therefore I am unable to give any more clarity at this stage.

860 In terms of the customs union, the hon. Gentleman is the only person this afternoon who has referred to the customs union. I have not referred to the customs union at all during the course of my Statement. I have referred to movement of goods. Movement of goods is not a customs union, although that is one element of what a customs union can involve. We are talking about the ability to get goods in and out of Gibraltar without a check at the frontier between Gibraltar and Spain, which has been a vexed issue. Ninety eight per cent of our goods enter through the Spain-Gibraltar frontier. It is worth pausing to think that 98% of our goods have entered through the commercial gate. What we are talking about is having different systems for the movement of those goods. I would say to the hon. Gentleman that he should reflect on the fact that I have not used the terminology of the 'customs union' on purpose; there is a reason for that.

875 The hon. Gentleman knows that the EU's negotiating mandate seeks that VAT should apply in Gibraltar and that the Government, from the first moment, has said that we do not accept that that should be a proportionate way of dealing with price differentials in the context of our economy and the European single market. The Government's position has not changed and will not change, but this is a live part of the negotiation. It is, I think, also fair to say that the European Union's position has not formally changed either, and if we are able to reach an agreement then that will be reflected in the agreement that is provided for and is published. The hon. Gentleman looks quizzical but there could be nothing simpler: two parties go into a negotiation with conflicting positions, they maintain their conflicting positions until they are able to surface an agreed alternative position, and that is what we are talking about here.

The Federation and the Chamber will be briefed by the Government privately on Wednesday – I think that appointment has already been fixed with some and is in the process of being fixed with others – and I look forward to being able to share the Government's views with them.

885 Sir Joe Bossano has now been in politics in Gibraltar for 50 years and – rightly, in my view, Mr Speaker – says what he wants when he wants and how he wants and should never be prevented from doing so. He is aware of the Government's position, he is aware of what the Government is negotiating, and if he has thought it appropriate to make a statement about the Government's position which might go a little further than I am prepared to go today, I fully support and endorse his right to say it and what he said.

Mr Speaker: Does any other hon. Member wish to make a contribution to seek clarification on the Chief Minister's Statement?

PAPERS TO BE LAID

895 **Mr Speaker:** We proceed to the next item on the Order Paper.

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

900 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Annual Report of the Gibraltar Police Authority for the year ended 31st March 2021 and the Ombudsman's Annual Report for the year ended 31st December 2020.

Mr Speaker: Ordered to lie.

905 **Clerk:** The Hon. the Minister for Digital and Financial Services, Health Authority and Public Utilities.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, I have the honour to lay on the table the Financial Services Resolution and Compensation Committee Financial Statements ending 31st March 2018, 31st March 2019 and 31st March 2020.

Mr Speaker: Ordered to lie.

Questions for Oral Answer

BUSINESS, TOURISM AND THE PORT

Q10/2022

**Shore-to-ship power –
Government position**

910 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.
Question 10/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state its position on shore-to-ship power?

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, I can confirm that HMGoG is committed to incorporating shore-to-ship power projects as part of the overall strategy to increase the sustainability of the Port. Initiatives linked to providing shore power facilities will form part of the Net Zero Strategy workstreams going forward.

920 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer, although it is not much of an answer because I think it was in their 2019 manifesto where they stated 'We will provide shore power', and whilst it is important for our community to understand and recognise ... I think we would like a bit more reassurance as to how those commercial discussions are going.

I think there was a very strong commitment in the 'Green Gibraltar the Child Friendly City' manifesto of 2019, which set out quite clearly what the commitment was, and I wondered

whether the Minister can give us an update as to how those discussions are going and whether they have found a location for doing shore-to-ship power.

930

Hon. V Daryanani: Mr Speaker, the hon. Member will appreciate that this is quite a complex situation and it is something that we have been working on.

As he will probably know, a lot of the ports around the world have set themselves a target of 2050 when they hope to achieve net zero. I am not saying that we have not spoken yet, internally, about targets – we are looking at things, we are discussing with the stakeholders; they have their views – but I think we are in a situation where we are on the right path with one of the aims to have shore-to-ship power.

There is the issue of electricity, of course. It would demand a lot of power in the area, so we are looking at the infrastructure involved – there are costs involved, very high costs, I must say – but with the world looking at a target of 2080 I think we have a lot of time to deal with this and I hope, as we move along over the next few months, I will be able to give you a little bit more information on this.

Hon. E J Phillips: Mr Speaker, I am grateful for the answer insofar as the route home in relation to this particular issue.

I wonder whether the Government has given any thought to renting out a particular site to a commercial entity for the use. He speaks about the cost, which will be very significant, and the complexity of the particular project, which I do not underestimate, but I wonder whether the Government has given any thought to renting a particular location that would allow for a commercial entity to do that, because that could be fairly significant revenue into the Government.

Hon. V Daryanani: We are considering a lot of different options at the moment, but we have not yet identified a specific area or a specific property.

Q11/2022

Cruise liner visits –

Policy re disembarkation and onshore excursions

Clerk: Question 11/2022. The Hon. D J Bossino.

Hon. D J Bossino: Further to Written Question 36/2021, please provide details of the current policy in respect of cruise liner visits, in particular in relation to the disembarkation of passengers and their participation in onshore excursions.

960

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, in line with policy at the rest of entry points to Gibraltar, we have scaled down the restrictions and conditions placed on passengers wishing to disembark cruise liners in order to carry out shore excursions.

All vessels calling at our Port are still required to provide the Port Authority with a COVID declaration form where any confirmed or suspected cases of COVID-19 on board are listed. This is in addition to the standard Medical Declaration of Health, as mandated by IMO requirements, which has always been a requirement for all ships calling at the Port.

Any passengers listed on the COVID declaration as positive are required to stay on board and not join a shore excursion. This is in line with the industrywide protocols already put in place by

the cruise liners themselves, whereby any passengers who are identified as being positive are isolated in their cabins to avoid dissemination among the rest of the passengers.

975 These procedures, which have been developed in close consultation with the Director of Public Health and Civil Contingencies as well as with the cruise liner industry, ensure that this important activity – namely cruise calls and the consequent passenger excursions – can be carried out in a safe manner.

Hon. D J Bossino: I thank the Minister for the very full reply.

980 The scaling down aspect: is it that they do not require a valid PCR or lateral flow test? Is that understanding correct?

May I also ask him, with the Speaker's permission, are these requirements home grown? In other words, are they Gibraltar requirements, not as a result of any international obligations?

985 **Hon. V Daryanani:** Mr Speaker, first of all, we do not require a PCR test, but the cruise lines themselves have testing facilities on most of their ships now, so they carry out tests regularly. I am told that every 48 hours some of them require them to be carried out, or 72 hours, so they are constantly checking on their passengers, so that if they have any issues they can deal with them and isolate them immediately in the middle of the cruise. As you can imagine, it would be a disaster, otherwise, if they suddenly had people walking around with COVID.

990 Yes, our rules are pretty much what most ports in the Mediterranean have, and we have tried to mirror them.

Hon. D J Bossino: I appreciate this is a very difficult question for him to answer, and perhaps even impossible at this stage, but does he have information as to whether there is going to be a further scaling down of those rules? We have seen a lot of cruise liners coming to our shores, which is obviously a welcome sight, and I am sure that that is something he will want to sell as part of his ongoing marketing of Gibraltar's Port.

1000 **Hon. V Daryanani:** The scaling down is not really something in my control. I would have to see how things are moving and we will react according to the health situation.

Q12-13/2022

Airline links – Update

Clerk: Question 12/2022. The Hon. D J Bossino.

1005 **Hon. D J Bossino:** Please provide updates with regard to the hoped-for airline links with Ireland.

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, I will answer this question together with Question 13.

1010

Clerk: Question 13/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please state what the current state of play is with regard to flight connections to Gibraltar Airport in respect of Wizz Air, Eastern Airways and Volotea airlines.

1015 **Clerk:** Answer, the Hon. the Minister for Business and Tourism.

Hon. V Daryanani: Mr Speaker, the Government is in continued discussions with regard to the possibility of opening air links with Ireland.

1020 Regarding Wizz Air, I refer the hon. Member to the joint statement issued by the airline and the Government on 6th December 2021.

Eastern Airways made a substantial loss on flying to Gibraltar last year. In our discussions with them earlier this year they suggested that the only way they could make the routes work was if the Government subsidised the operation. We took the prudent decision not to do so.

1025 I have clarified the Volotea situation on numerous occasions in Parliament, in the press and live on television. Nothing has changed.

Hon. D J Bossino: So, Mr Speaker, the position with Eastern Airways is that basically it is not coming to Gibraltar – is that correct?

1030 And presumably with Volotea there has not been a renewed attempt by the Government to try and attract that airline or any other Spanish airlines – is that the position?

I will then ask a question in relation to the Irish connection.

1035 **Hon. V Daryanani:** Mr Speaker, regarding Eastern Airways, I do not know whether the hon. Gentleman has heard what I said: we took the prudent decision not to do so, so that is where the matter ends.

With regard to Volotea or any other Spanish airline, the treaty has not ended yet.

1040 **Hon. D J Bossino:** And in relation to Ireland, can he provide any more substantive updates? I think he mentioned ongoing discussions and we still had an intention to bring that air link to Gibraltar.

I am reading from an article, and I cannot say the source because I do not know where it came from, but he does say that he is hoping that we can do something with Ireland and he makes a reference in that context to the air link he was successful in securing vis-à-vis Scotland. Presumably that is not predicated on any deal with the EU. Can he confirm that?

1045 **Hon. V Daryanani:** Ireland is Ireland, and it could be Belfast or it could be Dublin. I do not know which article he is referring to, but it has nothing to do with the link with Scotland. We are talking to two or three different airlines about the possibility of different routes to Ireland, but obviously at this moment in time I do not really have anything further to add.

1050 **Hon. D J Bossino:** By a point of clarification, I ask a question, with your permission, Mr Speaker. In fairness, he does not say it has a direct link to the Scottish connection, so to speak. Just to confirm that.

1055 **Hon. V Daryanani:** That is right, Mr Speaker, it has no link to the Scotland route.

Q14/2022
Floating hotel –
Likelihood and location

Clerk: Question 14/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please provide an update as to whether Gibraltar is likely to see a floating hotel establishing itself here; and, if so, where the location would be.

1060 **Clerk:** Answer, the Hon. the Minister for Business and Tourism.

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, the Government has been approached by a number of potential operators of a floating hotel in Gibraltar. Nothing concrete has been agreed.

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Hon. D J Bossino: Mr Speaker, a couple of questions, if I can elicit this further information. This arises, as he will recall, from news that Gibraltar had received that there was a potential floating hotel – I think there was a brochure with a location at the Small Boats Marina: a barge which was situated in Medway in Kent. It did not look particularly attractive, I must say. In that context, I think Government said that that particular barge was not coming to Gibraltar. But he said that the Government had been approached back in October by a number of potential operators of luxury floating hotels. He says that not much progress has happened, but can I ask him now many have approached him and what does he think is the likely prospect of that happening?

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1075 **Hon. V Daryanani:** Mr Speaker – *(Interjection by Hon. Chief Minister)* Ah, right.

Mr Speaker, the Member opposite will understand, as a lawyer, client confidentiality. I cannot give out information on who has approached or who has not approached. It is very difficult to say because we are approached by many investors, not only to bring a floating hotel but to carry out lots of different business in Gibraltar. These things take time, more so when we are still in a pandemic, when people are thinking twice about making investments. We are discussing with a handful of possible investors. Let's see where the discussions take us, and when and if we have anything concrete we will make the announcement and then he will know.

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Hon. D J Bossino: Mr Speaker, that is fair enough. He knows full well that instinctively I will not ask him to reveal any confidences. I fully appreciate that, but I have simply asked for numbers so that the Opposition and the public can gauge what level of interest there is out there for this particular line of business. I have asked him for the number, that is all, rather than just 'many' – but with all due respect to him.

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1090 **Hon. V Daryanani:** A handful, Mr Speaker.

Hon. D J Bossino: Mr Speaker, that is not really an answer. A handful is not a precise number. I am not asking him ... perhaps I *am* asking him to be a bit more forensic about it. He is playing around with words. Does he have that information? If he does not have that information in the House today, it is fair enough, but I am asking him specifically is he willing to provide that answer, or is he suggesting that even that information is of a confidential nature which cannot be expressed across the floor of this House?

1095

Hon. V Daryanani: Mr Speaker, I feel uncomfortable providing really any information because there are people here who have put money into looking at things and how they want to do things, and I do not feel comfortable in providing whether there is one, whether there are two or whether there are three. I am happy to speak to him behind the Speaker's Chair, if he wishes.

1100

Hon. D J Bossino: I will accept that offer, Mr Speaker, but I really do think that it is information which does not transgress the issues that he has raised in any way, shape, manner or form. I suspect that he does not have the information, but let's see. I will have a word with him.

1105

It is a pity, unfortunately, when this offer is made, that the people of Gibraltar do not get the information which ought to be made public. I simply do not understand why that in itself is confidential in nature.

1110

Mr Speaker: Next question. *(Interjections)*

Hon. V Daryanani: I do know the number because I deal with them directly, so do not say that I do not know. I do know how many people have shown interest.

1115 **Mr Speaker:** Let's proceed. Let's continue.

Q15-18/2022

**Minister for Tourism's foreign visits –
Delegations, costs, meetings, new business secured and duration of trips**

Clerk: Question 15/2022. The Hon. D J Bossino.

1120 **Hon. D J Bossino:** Please provide the following details relating to the Minister for Tourism's visit to Seatrade Cruise Global in Miami. It is five pieces of information I would like: (i) who comprised the Government's delegation; (ii) the total cost of the trip, broken down into air travel costs, lodgings and entertainment; (iii) who the Minister met; (iv) what new business has been secured as a result of the trip; and (v) the duration of the trip.

1125 **Clerk:** Answer, the Hon. the Minister for Business and Tourism.

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, I shall answer this question together with Questions 16, 17 and 18.

1130 **Clerk:** Question 16/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please provide the following details relating to the Minister for Tourism's visit to Edinburgh. It is (i) to (v) and exactly the same information. I am not sure if Mr Speaker wants me to read it out again for the sake of *Hansard*.

1135 **Mr Speaker:** For the sake of *Hansard*, you should.

Hon. D J Bossino: (i) Who comprised the Government's delegation; (ii) the total cost of the trip broken down into air travel costs, lodgings and entertainment; (iii) who the Minister met; (iv) what new business has been secured as a result of the trip; and (v) the duration of the trip.

1140 **Clerk:** Question 17/2022. The Hon. D J Bossino.

1145 **Hon. D J Bossino:** Please provide the following details relating to the Minister for Tourism's working breakfast in London in March last year: (i) who comprised the Government's delegation; (ii) the total cost of the trip broken down into air travel costs, lodgings and entertainment; (iii) who the Minister met; (iv) what new business has been secured as a result of the trip; and (v) the duration of the trip.

1150 **Clerk:** Question 18/2022. The Hon. D J Bossino.

1155 **Hon. D J Bossino:** Please provide the following details relating to the Minister for Tourism's visit to the CONNECT Route Development Forum in Tampere, Finland: (i) who comprised the Government's delegation; (ii) the total cost of the trip broken down into air travel costs, lodgings and entertainment; (iii) who the Minister met; (iv) what new business has been secured as a result of the trip; and (v) the duration of the trip.

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

Hon. V Daryanani: Mr Speaker, in relation to Question 15, the Government's delegation was comprised of Mr John Reyes, Chief Executive of the Ministry of Business, Tourism and the Port; Mr John Ghio, Captain of the Port; and myself. The cost of air travel was £9,664.14, and lodgings was £3,254.28. There was zero cost on entertainment. I took the opportunity to meet with several leading cruise line executives. The duration of the trip was three days in Miami and overnight in London, due to flight timings.

In relation to Questions 16 and 17, the Government's delegation was comprised of Mr John Reyes, Chief Executive of the Ministry of Business, Tourism and the Port; Ms Maxine Sene, Press and Communications Officer of the Ministry of Business, Tourism and the Port; Ms Tracey Poggio Magnus, UK Head, Media & Marketing, Gibraltar Tourist Board; and myself. The total cost of the trips were as follows: £1,300 return Gibraltar-London; £1,793.60 London-Edinburgh. Lodgings were £990 in London and £882 in Edinburgh. Entertainment was £940 – reception in Edinburgh. In London, I met with travel writers from *Business Traveller*, *Conde Nast Traveller*, *BA Highlife* and *Travel Bulletin* amongst others, and the editor of *Business Traveller*. In Edinburgh, I met with travel agents and the local Scottish press. The duration of the trip was one day in London and one day in Edinburgh.

Finally, in relation to Question 18, the Government's delegation was comprised of Mr John Reyes, Chief Executive of the Ministry of Business, Tourism and the Port, and myself. The cost of air travel was £3,387.23 and lodgings was £1,117.67. There was zero cost on entertainment. I took the opportunity to meet with several airline executives. The duration of the trip was two days in Finland and overnight in London on the way back, due to flight timings.

Hon. D J Bossino: Mr Speaker, it has cost a lot of money in terms of expenditure – particularly, obviously, the US trip, as one perhaps would expect – but it will require more analysis.

The issue that I feel he ought to try to answer, and I am not sure that he has in terms of one of my subsidiary questions from the main question, is what business he has been able to secure from these trips. I appreciate that there is always a tension with these things – or, at least, there ought to be – that before the Government decides to expend money which it can probably ill afford given the current economic and financial situation we are in, and this is on their own admission, it chooses wisely where to exert its efforts and invest, both in terms of financial investment – I apologise that there is a bit of a long preamble to this – in terms of financial investment and in terms of the Minister's and his team's time in relation to this.

Can he tell me, firstly, whether he can provide an answer to the fourth subsidiary question I asked, as to whether he has been able to secure any new business for Gibraltar; and in relation to all of these trips that I have mentioned, whether he thinks any of them are not worth pursuing any further, or whether he intends ... which ones he wishes to pursue further or which new ones he is thinking of pursuing further for the sake of attracting new business to Gibraltar? In other words, really what I am asking him is whether he has a plan in relation to marketing, and, if he does, what it is and whether he sits down with his team, and how often he does, to assess whether that plan and his trips are proving fruitful in any way.

Hon. V Daryanani: Mr Speaker, he complains when I do not go marketing to Madrid; now he is complaining that I am marketing elsewhere. He needs to – (*Interjection*) I am just making a point.

Chief Minister (Hon. F R Picardo): [Inaudible] hipocresia [Inaudible]

Hon. V Daryanani: Exactly, I am asking him.

What the hon. Member needs to understand is that the one who is taking the decisions is me, because I am the Minister for Tourism. He is not in Government and I cannot be expected to do what he thinks I should do, because that is not how it works.

1210 Regarding new business, let me tell him that new business does not just happen with one
meeting or two meetings; it can take years. He asks whether I am going to pursue going to these
conferences. To give the example of CONNECT, it was the first time the Government of Gibraltar
has been to this conference. It was a decision I took because I felt that, considering we are
negotiating a treaty, there might be a possibility that air transport might form part. If it does form
1215 part of the treaty, then it will open up different possibilities for Gibraltar, so that is why I chose to
go to CONNECT. Of course I will assess whether I go next year. I might or I might not – it all
depends.

Insofar as Seatrade Global is concerned, I was told that Gibraltar has been going for 25 years.
It is the most important cruising conference in the world. Let me tell him that I am glad I went
because it showed me how much interest there is in Gibraltar and it showed me how much inroad
1220 we have made by the way we are marketing and the way we are promoting our Port – the constant
cruise calls which are promoted on social media and the top executives of all major cruise
companies stopping me and asking how Gibraltar was doing. Of course, this shows that we are on
the right path, so I will continue going to Miami and, actually, to any cruising conference that I feel
will help Gibraltar, because I am extremely keen on making sure that Gibraltar becomes the
1225 premier cruising destination in the Mediterranean.

Hon. D J Bossino: Mr Speaker, unfortunately his reply look I am really trying with the hon.
Member. He and I have had our differences. Clearly, we continue to have them, it seems. He just
needs to learn how to answer in a reasonable way and fully, and I am afraid to say ... I will not rise
1230 to the bait. I am not sure he is even trying to place a bait before me. I really do not think so; I do
not think he is that clever, to be honest. The hon. Member has not –

Mr Speaker: I think that is out of order.

1235 **Hon. D J Bossino:** Happy to withdraw it, Mr Speaker

Mr Speaker: And apologise.

Hon. D J Bossino: And I apologise to him.

1240 **Mr Speaker:** Thank you.

Hon. D J Bossino: Mr Speaker, what he has revealed to us in that reply is that he does not have
a plan. He alights, in respect of one of the questions I asked, which is the Seatrade cruise place to
1245 be in Miami, which he rightly points out our Government used to attend and they have continued
with the practice ... That is an obvious reply and I am glad that he went. He mentions the CONNECT
conference that he went to. He has not answered, for example, in relation to that particular one,
where he is treading on new ground, whether he has made the analysis as to whether he thinks
he will be going in the future.

1250 Let me ask him a specific question. He tells us, and I quote, that the one who takes the decisions
is him, and presumably he is the one who intends to continue to attend these conferences and
meetings etc. The specific question is what he envisages in relation to the newly appointed CEO,
who happens to be my brother but that is totally irrelevant. Does he intend to allow the new CEO
1255 to take charge of these things, or will he be the one to continue to lead in relation to these
marketing trips?

Hon. V Daryanani: I am not going to rise to the bait, whether or not he knows that he laid it.

What can I say? The Member opposite has become a one-trick pony, Mr Speaker. People are
tired of his negativity, his immaturity and his pessimism. He has become so predictable –

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Hon. D J Bossino: ‘Immature’ – that cannot be parliamentary, Mr Speaker.

Mr Speaker: Yes, I think the Member is absolutely right. You cannot say things like this.

1265 **Hon. V Daryanani:** Immature? It has been said across the House on a number of occasions, Mr Speaker.

Mr Speaker: No, no, no, I think you should withdraw that particular word. (**Hon. D J Bossino:** And apologise.) And apologise, yes.

1270

Hon. V Daryanani: I have heard it on many occasions. I would never use a word that I thought I could not use, Mr Speaker. (*Interjection*)

1275 **Hon. Chief Minister:** Mr Speaker, I think the Government considers that that language is parliamentary, but we always take your advice, and although it might be parliamentary, if it is not temperate ... We would always seek to ensure that we have a temperate debate across the floor of the House. You rightly pulled up the hon. Gentleman on that side, so on this side we will follow your advice, of course.

1280 **Hon. V Daryanani:** So, Mr Speaker, I withdraw that comment.

Hon D J Bossino: And apologise.

Mr Speaker: And apologise.

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Hon. V Daryanani: And apologise. (*Laughter*)

Hon. V Daryanani: I apologise, but the hon. Member has said many things to me that need apology, Mr Speaker, and ‘immature’ is one of the ... Anyway, Mr Speaker, I will follow your ruling, of course.

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He is the only one who does not want to see business in Gibraltar, or it seems that he is the only one. He does not want to see me go out and try to achieve to bring business to Gibraltar. The industry and the stakeholders all – (*Interjection by Hon. D J Bossino*) Mr Speaker, it just shows you the lack of respect he has for this Parliament, but what can I say? As I said, all he wants ... He does not want me to go out there and try to bring new business to Gibraltar, but he will not stop me from doing so. I will continue working hard to make sure that we can bring Gibraltar back to a strong economy. He does not understand that I am ...

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I am sorry that I have to repeat this, Mr Speaker, because he constantly repeats the same thing. All the comments that he makes are damaging to Gibraltar. It is not like before when you made comments and they were just for local consumption. Today, people abroad, executives who follow Gibraltar, who work with Gibraltar, see these comments being made on social media by politicians, by Members of the Opposition, and they ask me, ‘The other politicians in Gibraltar, don’t they want to see new business for Gibraltar?’ I say, ‘Well, I suppose they want to, but in their desperation to win the odd vote here and there, this is the game that they play.’ In other countries, when it comes to this type of message, politicians tend to work together to promote their economy, but we know what the hon. Member Mr Bossino is here for: he laps up the oxygen of controversy for his own political gain.

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Finally, Mr Speaker, I would just like to say one thing. I am told that the Member opposite is the spokesman for ‘Style of Government’. Well, before he aspires to Government, he should look first at his style of Opposition: destructive, uninspiring and toxic.

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Mr Speaker: This is going to be the last supplementary.

Hon. D J Bossino: Mr Speaker, I have used this adjective to describe it in the past and I have not been called to order, re not him but what he said, and it is a load of fluff. He has not answered the point and he has certainly has not answered the specific point in relation to the CEO and the role he is going to play.

Can I ask him this? This is a point of detail, and he did provide it in his reply but I would ask him, because I was not able to take a note, did he say that Maxine Sene – who I do not know, but he mentioned her name – is part of the press office team? Is that what he said? And, if so, is that his press office or that of No. 6? And, if the latter, why did he take her on the Edinburgh trip? It is not very clear to me.

Hon. Chief Minister: Mr Speaker, just to clarify, because these are issues that affect across the Government, press officers often travel with Government Ministers when there is a need for them to do so. They have travelled to the United Kingdom and they have travelled to the United States of America on a number of occasions. They have sometimes travelled to Spain and other places where it is considered appropriate that members of the press should travel with members of the Government for the purposes of being able to record a message or to deliver a message in a more effective way for Gibraltar's ends. I do not think this is something we originated, I think it is something that originated ... I am not going to say in their time, I am going to say in the past. I think that is just the way that things have oft developed in history. There is nothing new there, and I am surprised that the hon. Gentleman is asking about it.

But I wanted to clarify the question that he has asked repeatedly – I think he has asked it three times. The hon. Member, I think, wishes that it should be answered on behalf of the whole Government because it is a question about how Government functions. Of course, when a chief executive officer is appointed to a role, he is a chief and executive officer. That is to say he is in executive control of a Department. The Minister becomes responsible for policy when there is such a person involved and that person runs the mechanism.

So, Mr Speaker, what Mr Bossino is asking is whether Mr Bossino will be allowed to run the Department. Mr Bossino should know that as soon as Mr Bossino arrives, Mr Bossino will be the one making the decisions, so that Mr Bossino can ask whether Mr Bossino has done something right or not, and then ensure that the Minister is not the one he blames for everything going wrong. It will be the fault of Mr Bossino.

Mr Speaker: Next question.

Q19 and Q21/2022
Gibraltar Tourist Board –
Changes to staff complement

Clerk: Question 19/2022. The Hon. D J Bossino.

Hon. D J Bossino: Well, let's see.

Please state whether any changes have been made recently to the staff complement at the Tourist Board; and, if so, please provide details of what these are.

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, I will answer this together with Question 21.

Clerk: Question 21/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Why has a vacancy been seen circulating in the Gibraltar Tourist Board when a senior member of staff has been transferred out and the filling of posts from those who have retired has been abolished?

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

Hon. V Daryanani: Mr Speaker, the Government does not comment on any internal transfers. The Government is unaware of what vacancy the hon. Lady is referring to.

Hon. Ms M D Hassan Nahon: Mr Speaker, I find it hard to believe that the Minister can answer in such a way, because there has been quite a bit of commentary on a particular senior member of staff who was quickly and swiftly asked to transfer. My question leads to the concerns and the impact that this has on the morale of the staff, given their loyalty and their pride in the role over many years. I believe that the Minister knows exactly what I am asking about, and I would ask him to perhaps enlighten this House and the community, and perhaps even his staff, on Government plans to retain a happy and motivated staff at the Tourist Board.

Chief Minister (Hon. F R Picardo): Mr Speaker, all moves of civil servants and members of the Gibraltar Development Corporation, of which I am the Chairman, are handled through the Department of Human Resources or the secretariat of the GDC. All of the officers who are clerical officers of the Civil Service and the GDC are freely transferrable and are often transferred.

Sometimes when these transfers occur, the sorts of sentiments that the hon. Lady refers to are the first sentiments that seem to come to the fore, but in my experience in Government, and indeed in Opposition, a new leader soon settles in with the team and the team soon follows and supports their new leader, and the individual who has moved, although not wishing to move on, usually moves on to do an excellent job somewhere else. Excellent leaders are excellent leaders wherever you put them. That is the benefit of having a professional Civil Service and what having the GDC as a supplier of services to the Civil Service has enabled us to do.

I am very confident in the changes that have been made during the course of the change of financial year, where the Minister for Economic Stability and I, together with the Financial Secretary, have been working with each Department head, not just on issues relating to other changes in Departments but also on personnel changes, and we will see that produce the efficiency that Gibraltar requires.

We do not routinely – and neither did they when they were in government, Mr Speaker, and I assume no one will in the future – comment on specific moves of civil servants across the floor of the House. We have always considered that that is a matter which touches and concerns the dignity of the individual in question, and therefore we support the continued excellent work that the officers of the Hon. Minister for Tourism’s Department are doing, as well as those who were in that Department, who did excellent work and are now moving to do excellent work elsewhere.

That is the nature of the Service. It is an established principle in the Civil Service – and it would be one which I think would find common agreement between Members on all sides of the House – and should not change, to ensure that Gibraltar’s administration has the business efficacy that it needs to have and always has had since it was created.

Hon. D J Bossino: Mr Speaker, I would like to be a bit more specific. The hon. Member said – and there has been an alignment in terms of the answers that we have heard from both Ministers in relation to this – that they do not comment on internal transfers, but can I gather from what the Hon. the Chief Minister has said that there have been moves within the GTB? And, if so, can he confirm that that is the case?

The specific point that I make is that this issue has been the subject of comment in social media. Without mentioning names – because the Hon. the Chief Minister is absolutely right that this House has, in the past ... Indeed, when I have asked questions in my previous incarnation in the

1410 previous Parliament, I asked a particular Minister for details of the employees in his Department and he gave me a whole spreadsheet with names, and then that was actually commented on by the Speaker at the time, Mr Canepa, that he should not do that, provide names. I think that is absolutely right, so in follow-up questions I did not refer to the names. But I will refer to this particular message that I received, and indeed many people in Gibraltar received in relation to ...
1415 I think it is of public interest to not ignore this. It is out there. I do not propose to quote the entirety of it. I can assure Members I have no intention of mentioning any names – although they are out there in the public – out of respect to those individuals, but I will just read two paragraphs. The title is ‘What’s happening in the GTB?’ So there is concern. What I ask the Minister to do, once I have read this, is to assuage any concerns that there may be in relation to, as the hon. Lady says, morale etc. This post says, and I quote:

Employees have been transferred, unwillingly, at the Minister’s whim, from the GTB to posts that they are not suited for.

This is the second paragraph, albeit the third one in the text, and there are about seven or eight:

Valuable and longstanding members of staff are not being used for their strengths. Essentially, they are being ignored and almost ostracised.

I would like the hon. Member to comment in relation to that, if he can.

Hon. Chief Minister: Mr Speaker, this is a message which I received as well. It is a common
1425 things, these days. If you want to get attention, you circulate a WhatsApp to everyone in your address book, everyone in your address book circulates it to their mates, and before you have said Bob’s your uncle 32,000 Gibraltarians have read the same WhatsApp message and then started to send it to each other – so I think I got it about 32,000 times!

It is not dissimilar to the sort of thing that used to happen before WhatsApp was the chosen
1430 method of communication. I have also seen similar messages posted in places on social media and in the past I have seen very similar messages which I have had regard to when I have been in Opposition and which I have understood the nature of when I have been in Government. That is to say that there are people who are moved from where they are who do not wish to be moved, and then wish to recriminate on the basis that they have been moved.

1435 These are decisions which are taken for the very opposite of the reason that the hon. Gentleman has quoted from the WhatsApp message. In other words, there is no question of valuable and longstanding members of staff not being used to their strength and essentially being ignored or ostracised; it is quite the opposite. And it is not the case that the Government considers that people have been moved to posts for which they are not suited; quite the opposite.

1440 We have a higher regard for the people in question than the person who sent the WhatsApp, because we do believe that they are eminently well suited for the things that they are now going to be asked to do, which are not the things that they were doing, because we believe that they are really well qualified, we believe that they are excellent professionals and we believe that they can turn their hands to what it is that they are being and will be asked to do.

1445 It is not true that people are not being used to their strengths and are being ignored and ostracised, although anybody whose opinion might not be the one pursued on a particular occasion might take the view that that is the case, that because what they have asked should be the case does not happen they being ignored or ostracised. I would simply say that, quite the opposite, because we might not agree with something that a particular individual may recommend on one occasion, it does not mean that we will disregard that person’s opinion or advice in other matters where we might agree, or where, in fact, that person’s opinion may lead us to a better decision to be made in a particular area.
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Mr Speaker, in fact I am grateful to the hon. Gentleman for raising this because it has demonstrated in glorious technicolour exactly what I have said to the House before: that they are sometimes led in their questioning by rumour and tittle-tattle. Here, the rumour and tittle-tattle is set out explicitly not in something which is metaphysical, but in something which is physically able to be seen by all of us. They are acting on the basis of an anonymous WhatsApp exchange, giving it the credibility of raising the issue in this Parliament, actually reading out this physically set-out rumour and part of the innuendo provided for, and in that way Mr Speaker seeking to create dissent and to, I assume, seek to curry political advantage. In, fact what is happening is that the Minister – in keeping with other Ministers, because this has happened across the Service – is making changes, with the support of my Office and the support of the Human Resources department and the GDC secretariat, to ensure that we deliver, in the way that we consider is best suited to deliver, the policies that we are elected to deliver. *(Interjection)* We are maximising the resources that we have in the way that is best designed to deliver efficiency, and I thought that they supported us in that.

The individuals mentioned in this WhatsApp – and we have all read it, so we see the names – are individuals the Government holds in the highest regard, who have done an excellent job wherever they have been. There are individuals who are not named here, who are equally highly regarded by the Government, who are also moving to other areas and will do an equally excellent job wherever they go. Some of them will work more closely with me going forward, rather than with the hon. Gentleman; other people who have worked closely with me will be working with the hon. Gentleman; and new people from outside will be working even more closely with the hon. Gentleman in discharging the functions that they will have come to discharge to Gibraltar.

It is quite remarkable to see an Opposition not just operate on the basis of rumour and tittle-tattle but actually stick their colours to the mast, to the objective existence of this anonymous rumour and tittle-tattle, and I am very grateful to the Hon. Mr Bossino for having done so, because I no longer have to portend that that is what they are doing when asking questions and can actually point to the fact that they did so.

Mr Speaker: Next question.

Q20/2022

Gibraltar Tourist Board – CEO salary, benefits and location

Clerk: Question 20/2022. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, further to the Government's announcement regarding the identity of the CEO of the GTB, can we have details of his salary, other financial or contractual benefits and where he will be based?

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, Mr Kevin Bossino, the new CEO of the GTB, will be paid a salary of £140,000 per annum. Mr Bossino will be working between Gibraltar and London, as required. A flexible arrangement has been agreed with him.

Hon. K Azopardi: Can I just ask about that aspect, the between Gibraltar and London? Is it that the new CEO is not actually going to be based in either Gibraltar or London? Is he going to be based in both? How is that going to work? Can the Minister provide a bit more detail about that?

Hon. V Daryanani: Mr Speaker, as I have just stated in my answer, we have a flexible arrangement with Mr Bossino.

1500 Never had I expected that a Gibraltarian would tick all the boxes I was looking at. This is a demand-driven situation, so it might be that he will spend more time in London at some points, then in Gibraltar. It all depends on where he is required.

1505 You need to understand that Mr Bossino is coming to Gibraltar and this is one of the situations that he wanted to ... He was happy to be based in London principally, but obviously he has a family in Gibraltar and he wanted that to be taken into account, and we have done that.

Hon. K Azopardi: Mr Speaker, the hon. Member should not underestimate the Gibraltarian so much. **(A Member:** Hear, hear.) When I look at the jobs that the Government put out, I hope, first, that the Gibraltarian does get it. I am sure there are lots of talented Gibraltarians out there.

1510 Does the hon. Member not know where Mr Bossino is going to live? Really, that is what I am asking. Surely, in the discussions on reaching a flexible arrangement, he must have established where he is going to be living.

1515 **Hon. V Daryanani:** Mr Speaker, what I was not expecting was a Gibraltarian to apply for a job, to live in London. That is what I was saying. He will now live in both Gibraltar and London. That is the point I am making. He will work in London and he will work in Gibraltar, so he will live in London and also live in Gibraltar.

1520 **Hon. K Azopardi:** Mr Speaker, how much of the year does he expect Mr Bossino to be living in London for?

1525 **Chief Minister (Hon. F R Picardo):** Mr Speaker, that is an issue which is indeterminate. After the first year of operation we will be able to tell the hon. Gentleman, without the fear of misleading the House inadvertently, how much of the time Mr Bossino has spent in Gibraltar and how much he has spent in London, and then we will have an empirical set of answers that we can give hon. Members.

1530 The hon. Member has made clear that we expect Mr Bossino to be working in London as much as in Gibraltar, whereas before – and this is the issue they are trying to get to – the head of the GTB was based in Gibraltar. We expect him to be spending a lot of his time in London. Whether that will be the majority or not ... Let's not crystal-ball gaze. Let's make an assessment after the end of 365 days, and then we can tell them where he has spent the most time.

1535 **Hon. K Azopardi:** Mr Speaker, is it not actually the case that they have changed their view, and having put an advert out for someone who was going to be based in England and having found the right person – who happens to be a Gibraltarian – to do that job, that person is going to be based in Gibraltar, although that person may, of course, work in England from time to time? Of course you have to go to England, which is an important market for us, but in reality that person will be based in Gibraltar.

1540 If that is the case and the position has changed, we welcome it, because that person should, in fact, direct tourism policy from Gibraltar.

Hon. Chief Minister: Well, I am afraid, Mr Speaker, in that case hon. Members will not welcome this, because it is anticipated that actually Mr Bossino will be doing a lot of his work in London and from London.

1545 Mr Bossino is not moving back to Gibraltar. He is going to be moving to Gibraltar and to London. He will be based in London for a considerable part of his time, and it may be that that is the majority of his time. We will know whether it is or not at the end of the year, and then Mr Speaker we can be accused not of changing our minds but of having permitted the flexibility to make

1550 decisions that Mr Bossino is asking that Mr Bossino should have, to ensure that Mr Bossino is the one making the decision even as to where he should be.

Let's be very clear, Mr Speaker. The hon. Gentleman has demonstrated in his last question that all he was doing with his purported forensic cross-examination was seeking to make a cheap political point. Point made. Target missed.

1555 **Mr Speaker:** The Hon. Roy Clinton.

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

1560 Just two questions. Could the Minister advise the length of the contract? And if I recollect correctly – and I am happy to be corrected – I believe the Minister, at the time when he said this person would be based in London, said it would actually achieve a net cost saving. If that is the case, could he tell the House what that net cost saving is?

Hon. V Daryanani: Mr Speaker, the net cost saving will be announced during the Budget.

1565 The contract is an indefinite contract. *(Interjection)* Yes. I do not have the contract with me, but ... I would need to check that, but ... Yes, it is better that I check it and I will write to him and let him know.

Mr Speaker: Next question.

INDUSTRIAL RELATIONS, EMPLOYMENT, HOUSING AND SPORT

Q32/2022

Youth clubs –

Opening hours and statistics re regular use

Clerk: Question 32/2022. The Hon. E J Reyes.

1570

Hon. E J Reyes: Mr Speaker, can Government provide updated details of the opening times at the youth clubs, together with statistics of how many youngsters are using these facilities on a regular basis?

1575 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, I now hand over to the hon. Member opposite the information requested.

Answer to Q32/2020

Laguna Youth Club

Tuesday 4.30pm to 7.30pm

Wednesday 4.30pm to 7.30pm

Thursday 4.30pm to 7.30pm

Attendance: between 20 to 40 young people

Plater Youth Club

Tuesday 4.30pm to 7.30pm

Wednesday 4.30pm to 7.30pm

Thursday 4.30pm to 7.30pm

Attendance: between 20 to 30 young people

Youth Centre

Tuesday 4.30pm to 7.30pm

Wednesday 6.00pm to 9.00pm

Thursday 5.00pm to 8.00pm

Friday 6.00pm to 9.00pm

Attendance: between 20 to 35 young people

Dolphins Youth Club

Tuesday 5.00pm to 8.00pm

Wednesday 5.00pm to 8.00pm

Thursday 5.00pm to 8.00pm

Attendance: between 25 to 50 young people

Weekend opening is on a Youth Club rotation basis.

1580 **Hon. E J Reyes:** Mr Speaker, I am grateful for the schedule the Minister has provided. My first quick look at it shows that there is actually no opening during weekends per se, be it the summer or winter schedule. Can the Minister expand upon why this policy of not opening or making the premises available for youngsters' use during the whole weekend?

1585 **Hon. S E Linares:** No, Mr Speaker, the youth clubs are open during the weekend. It says, in the answer to the question, that weekend opening is on a youth club rotation basis. At the bottom it says on a 'rotational basis'. That means that there is always one youth club open. It is to do, basically, with programmes that they might have. Sometimes, if the programme is in the Dolphins Youth Club, they open the Dolphins Youth Club during the weekend on a rotational basis, like it says.

1590 Every weekend there are programmes. Sometimes it is not even on a rotational basis. Sometimes you get two or three youth clubs doing projects during the weekend. The only thing is that they are not time specific. That means that we would not put it there, opening from 7.30 to 9.30, or whatever; it is on a case-by-case basis, depending on the programme.

1595 **Hon. E J Reyes:** Mr Speaker, from what I gather, I think that extra bit of information ... No youth club is open on a Monday. On a Friday afternoon or evening there is only the Youth Centre available. And, if I have interpreted correctly what the Minister was saying in his supplementary answers, as and when a youth club may have an activity it may open during the course of a weekend, but that seems to be specific to the particular youth club for specific use by a youngster taking part in a project, so any other youngster who happens to have time off and wishes to attend a youth club during the course of a weekend – Friday, Saturday or Sunday – does not seem to have
1600 a choice of any of the four there. Am I right in that interpretation, Mr Speaker?

Hon. S E Linares: Mr Speaker, over the course of the last 12 months, the world has faced uncertainty with regard to the global pandemic. Gibraltar was no exception. This affected the nature of the work we embarked on at the Youth Service, particularly on weekends, where under usual circumstances we provide opportunities to young people to travel abroad and into Spain for activities that cannot be sourced within Gibraltar. Up until last month, we had been unable to undergo any activities in Spain, or any other country for that matter. However, the Youth Service team adapted as best as possible in order to provide opportunities to young people locally.

We endeavour to ensure that the work we do and opportunities we offer are meaningful to the young people and yet also within the parameters that Government provide, up until recently.

With the above in mind, the Youth Service ensured that the following work was carried out on weekends: Youth Day – a day to celebrate the youth of Gibraltar; movie afternoons hosted at each of the youth clubs; trips to local cinemas; bowling at the Kings Bastion Leisure Centre; cooking; overnight stays at the Gibraltar Retreat Centre; team-building activities; interclub football and basketball tournaments hosted by the Dolphins Youth Club; arts and crafts themed sessions; visit to the Royal Gibraltar Regiment; guided tours at the Alameda Gardens; visit to the Alameda Zoo; Upper Rock tours; paddle-boarding; kayaking; visit to the Northern Defences; Nautilus Project workshops; and collaboration works with various charities. And there are many more I can read, Mr Speaker.

I think the young people are very well catered for during the weekend, so if any young person would like to come on a Friday, Saturday and Sunday to any of the youth clubs, there are many activities that they can do.

Hon. E J Reyes: Mr Speaker, the Minister obviously has read out all the information provided to him on the question arising, but he still has not really answered what I was asking. The youth clubs are not open on a Monday. On a Friday there is only the Youth Centre open from six to 9 p.m., and because there is no other official opening time advertised as such in any youth club – and not even the Minister can provide it in this Parliament – for any youngster who wishes to entertain himself by going to a healthy and safe environment, like a youth club, during the course of let's say this Saturday or this Sunday, the information is not here.

Can the Minister say what time it is open or just admit that it is not open? You know what youngsters are like, they tend to act on the spur of the moment, so a youngster, at five o'clock on Saturday afternoon, can he or can he not go to a youth club and find it open for his use?

Hon. S E Linares: Mr Speaker, the youngster can find out in school. All the youngsters are in schools and therefore it is through the school system that they know exactly when these things are happening. Even at the weekend there are loads and loads of things that are happening and therefore the youngster will know, not only through his or her peers, that the youth clubs are functioning.

If a youngster, at five o'clock in the afternoon on a Saturday wants to go to any of the youth clubs, they will find that the youth club might be closed, but they can go to the next youth club and see if it is open. But anyway, they all know about the activities that are happening because all these activities are well published not only in social media ... They can go to youth.gi and they will get a vast array of projects which they can get into. For example, if they turn up to the Victoria Stadium, the Nautilus Project is running there. That is not a youth club but it is run by the Youth Service in conjunction with the Nautilus Project.

I understand that the hon. Member is going to say that one young person has not found out whether there is any project, that they go to the youth club and it is closed. Yes, unfortunate.

Mr Speaker: Next question.

Q33/2022

**Play park facilities –
Reason for delays to repairs**

1650 **Clerk:** Question 33/2022. The Hon. E J Reyes.

Hon. E J Reyes: Can Government explain why there seem to be delays in carrying out repairs at facilities provided in children's play parks?

1655 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):
Mr Speaker, given the retirement from service of several members of staff and discussions regarding the future maintenance of parks and playgrounds, there has been a slight delay in addressing some repairs. However, I am glad to report that this has been resolved.

1660 Moving forward, GJBS will be taking over the actual maintenance and repairs, but these will ultimately continue to be under the responsibility of the GSLA. Officials from both sides have been working together with the new maintenance regime, which started on Monday, 9th May 2022.

1665 **Hon. E J Reyes:** Mr Speaker, I heard clearly the Minister saying – what he is admitting – that because there was some retirement ... Contrary to this, does the Minister not realise that that perhaps shows poor succession planning to ensure that there is as little disruption as possible?

1670 Mr Speaker, may I declare a vested interest? As a grandparent of three young children, I am a very regular user of these play parks, and may I add that each weekend I tend to find that things have got slightly worse rather than slightly better, and in some places they are unsafe, or bordering on being unsafe. May I please urge the Minister to ensure that whatever plans he has in the future are implemented as soon as possible and to ensure that there is constant reporting on and updating of facilities for the sake of us grandparents, but more importantly for our grandchildren, with which I think Mr Speaker will concur?

1675 **Hon. S E Linares:** Mr Speaker, I am happy to say that the GJBS system is now working very well.

It was not a question of succession; it was a question of having a team in the GSLA itself. Having said that, I am happy that the hon. Member uses the playgrounds and I am happy to inform the hon. Member that in every single playground there is a hotline which he can now call to report anything that might be dangerous, and he should do so immediately so that it can be made safe immediately for it to be repaired as soon as is reasonably possible. That is exactly what is happening now.

Thank you.

1685 **Mr Speaker:** Next question.

Q34/2022

**Lathbury and Europa sports facilities –
Management arrangements and plans re operation and maintenance**

Clerk: Question 34/2022. The Hon. E J Reyes.

1690 **Hon. E J Reyes:** Can the Minister for Sports provide updated details in respect of the present management arrangements in operation at Lathbury and Europa sports facilities, together with details of future long-term plans for the operation and maintenance of these facilities?

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

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):
Mr Speaker, my answer remains the same as my answer to Question 509/2020.

1695

Hon. E J Reyes: Mr Speaker, I was somewhat hoping that there had been some sort of progress. Does the Minister have any idea by when we can have an update or a change in information, so that I can then make a note and see when next to ask this question across the table?

1700

Hon. S E Linares: Mr Speaker, I would say very soon because we are very close to sorting all these contracts and memoranda of understanding that we are trying to get together. I hasten not to give him a date, but it is going to be very soon and it will not take more than six months, I would say – even though I am giving you more or less a date. I am sure he can come back in six months and put a gun to my head on why I have not done it, but I am sure it will be done before then.

Q35/2022
Island Games facilities –
Expected completion dates

1705

Clerk: Question 35/2022. The Hon. E J Reyes.

1710

Hon. E J Reyes: Can the Minister for Sports update this House with details of what facilities still require completion or remedial works at all the facilities built or refurbished in connection with the 2019 Island Games, together with details of their respective revised expected completion dates?

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

1715

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):
Mr Speaker, in respect of facilities built or refurbished in connection with the 2019 Island Games, please note the following.

1720

Lathbury Sports Complex: the swimming pool is now nearing the end of its testing and commissioning phase. This is a slow process given that it identifies any issues with the integrity of the structure, and if and when identified these are addressed with minimal amount of water loss. The turfed field is complete and we are now awaiting the arrival of the specialist subcontractor to complete the top layer of the athletics track. All being well with personnel arrival and other minor issues, everything should be complete by the end of June. This was due to the unprecedented weather conditions, especially the mud rain we encountered.

1725

Europa Sports Park: the facility is complete with the only item pending being the ball-stop netting on the north side of the ground. The contractor will be in Gibraltar imminently to complete this final area. However, irrespective of this, temporary safety measures have been implemented, which means that the facility is practically in full use.

1730

Hon. E J Reyes: Mr Speaker, the Minister, in his answer, has ended by referring to the Europa sports ground. Yes, I tend to go round that area quite a lot. May I bring to his attention, in case he has not noticed it – but I think he has, due to the proximity to his own place of residence – that it is not only the netting on the north side but also that on the east side that does not seem to be correctly in place. Perhaps there is less danger of a ball going that way, but the Minister may not have been provided with full information.

1735 In all the things that he has given us that are ready or almost ready, there has been no reference made to the actual wicket in the cricket area. The Minister and I both shared some time out there recently. Can he confirm whether that new wicket as arrived?

Also, whilst I am on my feet, Mr Speaker, can the Minister confirm that he is fully satisfied with the repair completed in respect of the dip at the southern end of the rugby playing area?

1740

Hon. S E Linares: Mr Speaker, the hon. Member has touched upon two issues. The slope has already been fixed and should be finished with the turf on top very soon, which is when the contractor should be here. By the way, I wanted the contractor to be here last week and I was having discussions – only discussions, and I will say that – with the contractor, because I am the one who is more allied with the contractor than anybody else. Be that as it may, that has already been fixed.

1745

As to the wicket, we have another company that will be putting down the wicket, which is the company that has been identified by the cricket ... itself, because the one that put it down originally was not good enough and we told them as much, to the same one that has put down all the other part of the turf. The cricket fraternity was not happy with it, so we told the contractor, because they did not have the specialist wicket, that we would contract, with the Cricket Association, another company – at their cost because they were supposed to have put the right wicket. So we are now waiting for the new contractor. They are still playing on the one that is currently there, but they are not happy with it, so it is going to be lifted and the new one put down.

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Q36/2022
Employment Tribunal –
Cases pending

Clerk: Question 36/2022. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide updated details of how many cases are pending to be processed by the Industrial Tribunal, together with details of dates when individuals first applied to the tribunal with their grievance?

1760

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

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, the first part is a bit semantic, but it is the legal terminology, so I would just say I would first like to make the hon. Member opposite aware that it is the Employment Tribunal and not the Industrial Tribunal.

1765

As at 11th May 2022, there are no applications that the Employment Tribunal staff have received that have not been processed by them.

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Hon. E J Reyes: Mr Speaker, if there are none pending to be processed, how many are pending to be completed to finalise the whole process?

Hon. S E Linares: Mr Speaker, there are currently a total of 85 cases which are going through the Employment Tribunal process. This includes the allocation of the chairperson and mediators, applications that are undergoing hearing or directions, and applications that have been heard and are awaiting judgments from the chairperson.

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The status of these are follows: awaiting appointment of the chairperson, 47; awaiting appointment of a mediator, none; awaiting mediation outcome, nine; awaiting response, five;

1780 undergoing hearing or directions, 23; and awaiting judgment, one. It says here 'awaiting appointment of chairman by due date' and I have a whole list, which is since 2019, 2020 and 2021.

The Employment Tribunal has specific procedures set out in the legislation for different stages of the process under each of the different timeframes. If the hon. Member would like, I will pass him the figures from the three dates, if he wants.

1785

Hon. E J Reyes: Yes, Mr Speaker, I would be grateful for that, and it is probably better for this House if the Minister can forward to me that information at his earliest possible convenience.

Hon. D J Bossino: May I ask a supplementary on that question, Mr Speaker? Does the hon. Member – and I appreciate that he may not have that information in front of him ... Has he made a comparison with the figures from previous years to see how the – I think the correct nomenclature is 'Employment Tribunal', is doing in terms of processing all these cases?

1790

Hon. S E Linares: When I said I would pass the hon. Member ... I meant not as a schedule, but I have a supplementary, Mr Speaker.

1795

Mr Speaker: You had some information that you agreed to give the hon. Member.

Hon. S E Linares: Yes, I will pass that information to the hon. Member. It is together with my supplementary –

1800

Mr Speaker: Right, which you want to extract?

Hon. S E Linares: Exactly, yes. I just want to give him the list. Okay?

1805

Mr Speaker: Yes.

Hon. S E Linares: Thank you.

I have, actually, a press release prepared in order to publish exactly what we are going to do with the Employment Tribunal. I did not want to do that and I have stopped it because of the questions the hon. Member has asked. I did not want to be told off – rightly so – by the Speaker for publishing it before I came to this House, but I can tell the hon. Member that we are in the process of already choosing a chairperson and mediators, and all the set-up is currently being done, and it will be stated publicly exactly what we are doing.

1815

Mr Speaker: Next question.

Hon. D J Bossino: Mr Speaker, this issue may be a subject of record both in this House and indeed, I think, in the manifesto of the parties opposite. I think the intention is that, when he talks about alighting on a decision in relation to the chairperson, we are dealing with a permanent individual. Is that the case?

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Hon. S E Linares: Yes, there will be a permanent and also a supply, so in case the permanent chairperson is not available for whatever reason we can also tap into people who will be on a supply list to cover.

1825

Mr Speaker: Next question.

Q37/2022
Nature Reserve staff walkout –
State of play

Clerk: Question 37/2022. The Hon. D J Bossino.

1830 **Hon. D J Bossino:** Please state what the state of play is with regard to the Nature Reserve staff who carried out a walkout recently.

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

1835 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):**
Mr Speaker, as the Minister for Industrial Relations, I have met with the unions and their
representatives in relation to their concerns. The Government proposed to work collaboratively
with the unions to identify efficiencies, invite proposals from each of the workforce in relation to
revenue and savings and providing a value-for-money service — a vision that all stakeholders
1840 subscribed to. In the interim, the status quo will prevail. To this end, the unions ceased all
industrial action within this sector.

Hon. D J Bossino: I am grateful for his reply. I think it is very similar, in fairness, to the press
release that the Government issued at the beginning of the month.

1845 Would he agree with me that what happened that day with the closure of the Nature Reserve,
on that Friday, was a sad state of affairs? And in that context, may I ask him what measures he
has in place, given his new responsibility as the Minister for Industrial Relations, to prevent this
type of incident occurring again?

1850 **Hon. S E Linares:** Yes, Mr Speaker, it was very unfortunate because I could not deal with it – I
was in the UK and I was in a conference, so I dealt with it via WhatsApp and tried to get the press
releases and all the issues that occurred ... It is unfortunate, but now I am having a very good
working relationship with the unions, in which the unions, before they start ...

I have told the unions that I think it is not only fair for me but for them and for the workforce
1855 not to come on a Friday night saying to me that on Monday they are walking out. I have told them
that I need to get to grips, and I am getting to grips with all the issues. We will be sitting down
systematically, issue by issue, and seeing how we can resolve them before it gets to this point, but
unfortunately it did this time.

1860 **Hon. D J Bossino:** Yes, Mr Speaker, especially when we are dealing, in effect, with the coalface
in terms of our tourist industry and all the rest of it, which has gone through sufficient stress and
trouble as it is.

In the press release and in his reply to this Hon. House he talks about efficiencies, but can he
be a bit more particular in relation to that? Is he able to tell this House what the underlying issues
1865 are? What are the issues that the employees want to resolve from the Government side?

Hon. S E Linares: It is one of those things, Mr Speaker, that have been simmering for a long
time, and I am trying to sit down with them to negotiate how best we can do the whole ... For
example, up the Rock, how we can work out who does what, when, and overtime and promotions
and all these issues. It is no good for me to now say which one I can resolve or not. I need to sit
1870 down with the union in order to see how best we can do it.

Value for money: they can also give me or the Government ways in which we can make more
revenue. They have told me, 'Minister, do you want to know how to make more money out of
this? We can do this, this or this to make more money.' These are very interesting things that I

1875 would like to discuss and negotiate with them, to see how best we can have a service which the taxi drivers and everybody else will be happy with as well. So it is a question of negotiating.

Hon. D J Bossino: Mr Speaker, I appreciate that and he has been very kind to respond. I think the issues are basically in terms of conditions, pay, responsibilities and duties, in effect – it is quite wide ranging. Is he able to tell this House when he expects that to be resolved?

Hon. S E Linares: How soon? I do not really know. I am only negotiating with them. I am already sitting down with the unions. I am going issue by issue from all of the Departments that want to come and speak to me about it. I am open as from now, so it is happening already.

1885 **Mr Speaker:** Final question.

Hon. D J Bossino: Mr Speaker, I am grateful.
Is one of the issues a manpower issue? Can he state whether that is the case, and does it impact on the negotiations? I am simply asking him to highlight whether that is one of the live issues between the parties.

Hon. S E Linares: I would not know, Mr Speaker, until I negotiate with them, so I cannot answer that question. I would have to sit down and ask them whether there is an issue or not, but at this moment in time I would not know.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am conscious that you have been in that chair, although we have been able to be in and out, for a number of hours now, and I wonder whether it might be a convenient moment to offer all Members and yourself a 10-15 minute recess.

1900 **Mr Speaker:** The House will recess until quarter to seven.

The House recessed at 6.30 p.m. and resumed its sitting at 6.45 p.m.

Q38/2022

Housing for special needs individuals – Plans to earmark

Clerk: We continue with Question 38/2022. The Hon. D J Bossino.

Hon. D J Bossino: Thank you.
1905 Does the Government have plans to earmark housing for use by special needs individuals; and, if so, what are these?

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

1910 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):**
Mr Speaker, the Government has always had plans for individuals with special needs. These individuals have always been assessed by professionals and referred to the Housing Department for support and assistance with their respective applications. Once they are identified as needing housing, the Housing Department engages with the occupational therapist and other relevant professionals in order to adapt these flats to their individual needs.
1915

The Housing Department will continue to endeavour to make the lives of individuals with special needs as easy and comfortable as is reasonably possible, working together with professionals to allocate and reallocate flats depending on an individual's needs.

1920 **Hon. D J Bossino:** That is not the information that I am receiving. It is not that I am challenging the system, as he has put it. What I am being told is that there are flats allocated and identified almost on a permanent basis, rather than on a case-by-case needs basis as the Minister has just put it to me and to the House. He is shaking his head, so no doubt for the record he will deny that.

1925 Can he give an indication as to how many extant applications need to be dealt with in the process that he has kindly set out for this House?

1930 **Hon. S E Linares:** Mr Speaker, it is virtually impossible to say how many there are, as in numbers, because, as I have said in the last line of my answer, we will work together with professionals to allocate and relocate. That means that if there is a family that needs more care as the person with special needs grows and gets older, then we will adapt and relocate as and when needed. If a family has children ... and I say 'children' openly because they may become adults, and that is where the problem might lie, where the family might not be able to live in that flat because of the needs of then the adult. So we are always open to see... if we need to improve by relocating them somewhere else, where we can completely adapt for their needs, we will do so.

1935 **Hon. D J Bossino:** Maybe if I phrase the question in a different way ... I think I understand what he is saying. Rather than in terms of applicants, can I ask him to state how many cases his Department is dealing with?

1940 And secondly, if I may, Mr Speaker, the issue which has been brought to my attention – but he tells me that there are not flats specifically allocated for this purpose – is that there is a flat, I am told, in Engineer Lane, and one in the Upper Town, which are simply not fit for purpose in terms of mobility and access and all the rest of it. I would ask him to address that point as well, if he would, in his answer.

1945 **Hon. S E Linares:** Mr Speaker, he says in Engineer Lane. I do not recall having any housing stock – (*Interjection*) There is no housing stock in Engineer Lane that I know of.

How many? As and when it is needed. Only recently I had a case where it came to our attention that the family were struggling in the flat where they living, because of space, for example, so we are now working actively with the family and with the professionals in order to relocate that family somewhere else, where they can live more comfortably. This goes beyond housing lists and all that. We will do that as a matter of urgency because I will prioritise that.

1950 If somebody is in need and they come to us and ask for a relocation, for example, I am not going to wait a year and a half or two years for the person to be up on the list. It becomes medical/social, and all the professionals will work for that family to be relocated as soon as it is possible.

1955 **Hon. D J Bossino:** Is he telling this House that he does not have ...? I really do genuinely ask this by way of clarification. Is he telling me that when a case like this arises it is categorised in the current list – as he said, medical/social – as opposed to a specific category dealing with special needs?

1960 The reason why I am pressing him on this is simply because in Gibraltar we tend to find that there is a dearth of statistics in relation to all these issues, so it is a question, really, of assessing what type of demand there is. For example, if we are dealing with two, then we know that that can probably be very easily accommodated by the Government, but if we are dealing with thousands – I know that for the purpose of this example I am exaggerating – then obviously we need to take, as a community, I think, a policy decision in order to address this issue.

1970 **Hon. S E Linares:** Mr Speaker, it is a question of assessing the disability and the needs of the person. If the hon. Member says that suddenly there are a thousand, then we would have to build a thousand houses specifically for the people with disabilities. It is not the case that it is thousands; it is a handful. One or two have recently cropped up and, as I said, the Housing Department will work closely with the family, together with professionals, to see how we can help with improving the lives of those people with those disabilities.

1975 **Hon. D J Bossino:** I just want him to answer, really by way of clarification ... I do not think he has addressed the specific point. So you have a family that comes to you, or because of the various institutions' dealings with that family they decide together that this individual – who, as he said, was a child and becomes an adult – is able to, more or less, have an independent lifestyle and therefore accommodation; we have a case that the Government, his Department, needs to deal with. What I am asking is once you have that case, what happens to it? Where is it catalogued? 1980 That is all I am asking. Does it become medical/social category on the standard housing list? Or is there a special category for special needs individuals?

Hon. S E Linares: Mr Speaker, I still insist it depends on the urgency and how bad ... and how quickly we can allocate that family a better place to live in. So it is not a question of having a list 1985 of 20 families wanting better ... We will do it as and when it is needed. The professionals will come to us and say there is a family that is having problems because the child is no longer a child and the child has more needs, and therefore we will identify it and actively try to relocate them to a better place.

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Mr Speaker: Behind the Speaker's Chair have a word with the Minister and perhaps arrive at some way of moving this forward.

Hon. D J Bossino: Yes, Mr Speaker, I am conscious that we need to move the business of the 1995 House, but unless I have ... The Speaker understands the point I am making and, with all due respect to the Member, I do not think he is addressing the point, but maybe behind the Speaker's Chair I can ask him – or WhatsApp him – whether there is a special classification of a case once it is brought to the attention of the Government. That is all. The answer has not come back with a yes or a no. He has alighted on and explained the process behind it, that is all.

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Hon. S E Linares: Mr Speaker, I can answer the question. Everybody with a disability is classified automatically, and then, on that classification, as and when they need it –

Hon. D J Bossino: In your Department, in Housing?

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Hon. S E Linares: Yes, in Housing, by their disability – *(Interjection by Hon. D J Bossino)* Right. So we identify them by the disability and therefore, if the person is living now in a place and they need something else, and we need to either adapt the house ... As opposed to relocation, it could be adapting the flat, making the flat more user friendly for the person who has the disability.

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Hon. D J Bossino: Finally, Mr Speaker, until we have got a place where there is a classification, the term is not 'special needs', it is 'disability'. If I ask a question at the next meeting of the House as to what that number is, unless it is available online – it may be – the hon. Member would be able to provide that: is that the case?

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Hon. S E Linares: Yes, Mr Speaker. There is no issue at all. I do not know what the issue is. I have explained to the hon. Member exactly how we work.

Mr Speaker: Next question.

Q39/2022

**Government flats –
Reason for drop in allocations**

2020 **Clerk:** Question 39/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please provide an explanation as to why there is a drop in the number of allocations for Government flats and when it is expected that that number will rise to previous levels.

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

2030 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):** Mr Speaker, the number of flats allocated is determined by the availability of stock, i.e. flats returned to the Housing Department from their previous tenants. If there are fewer flats returned then there are fewer flats allocated.

2035 **Hon. D J Bossino:** Mr Speaker, I thank the Minister for the answer. The reason why I asked the question is ... and I have not done a full analysis of the last 10 years, but over the last three or four years I have noticed a drop, particularly in this last year, when you do a comparison month by month with the previous years, and then from 2018 onwards you see a drop in the number of allocations.

2040 For example, in 2018 – this is the online information, which I am sure the hon. Member will be aware is available in Table H7 – we have 226 flats, then in 2019 it drops to 192. It is not a particularly big drop, but then in 2021 it is 151. Obviously, we have not seen the full effect of the 2022 figures, but the figures for January and March, which are four and six respectively, are particularly low when the average of allocations is around about the 12, 15, 16, 17, 18 mark.

2045 He has given a wide explanation. If that is the case, then that is the case; there is no other extraneous reason to explain what for me appears to be a drop, perhaps not particularly significant but nevertheless a drop. It could be the fact that we have had COVID and that has had an effect, but if that is the answer, fair enough; it would not be the answer that he gave me originally.

2050 **Hon. S E Linares:** It is the answer that I have given him and it is to do with the pandemic. It is both. I have fewer flats to give because fewer flats have been able to be fixed, due to the pandemic. Therefore, the numbers obviously have dropped because people have not been able to fix the flats because of the pandemic.

2055 We have had the Housing Works Agency running around doing all the good work that they have been doing with the pensioners in the pensioner flats. They have been working with them to take things to ... Everything that has happened in the pandemic – I am not going to go through it all but it is to do with that. As the hon. Member knows, we are quite proud of the number of flats we turn around every year. There has been a drop, and in fact the dates that the hon. Member mentions – January to March – are when we were at the height of the pandemic. It was then that we were having the pandemic and therefore why it drops, but I am hoping that now we will pick up again and we will go back to the numbers, and even better.

2065 **Hon. D J Bossino:** Mr Speaker, that is fair enough and it fills me with hope that that is the case. I am glad that he has identified the pandemic as the reason for that reduction in numbers. He expressed the hope himself that it would improve.

Now that we have some modicum of normality, as the Hon. Chief Minister was referring to earlier, when does he expect that number to see an increase? I think I speak for many Members

on this side of the House. I am sure he also receives many complaints from individuals out there who are in dire housing circumstances which require a resolution sooner rather than later.

2070 **Hon. S E Linares:** Mr Speaker, yes, I am hoping, and we are getting back to normal but again this is a question of supply and demand. It is a demand-led thing. I know the demand is high, but we will be dealing with it.

I can also say to the hon. Member that once we build the houses we will have quite a lot of stock to be able to give because people who are in Government houses have been categorised as
2075 category 1, where they will be given the choice of buying a house and therefore returning the house to Government.

Hon. D A Feetham: Mr Speaker, can the Minister, in his experience, provide an estimate of how long it takes from the moment when somebody is told by his Department, 'We have allocated
2080 a flat to you' ...? The flat is normally not identified. That is, essentially the procedure. It then goes to the Housing Works Agency in order to fix it up. It goes out to be fixed. It may be fixed by a company, I do not know, but it has to be fixed ... for that flat to then come back to his Department so that it can then at least be seen by the person who has been told that they have been allocated a flat?

2085 I have, and I have written to the Minister about this, an example of somebody who received a letter more than four months ago being told 'You have been allocated a flat' – the flat has not been identified – 'but we cannot show you the flat because it needs to be fixed up.' It is May already, this was actually before Christmas, and that person has not even been shown the flat, so I am just asking how long do these things normally take.

2090 **Hon. S E Linares:** Mr Speaker, I cannot say. I cannot answer that question for the simple reason that there are flats that need a lot of work and there are flats that need hardly any work. These are people who we say are earmarked a flat and – I have explained this in the House before – we do chains ... For example, the person he is talking about, who will move into whatever flat is going
2095 to be allocated ... Yes, it might take four to six months, but once they are allocated a flat I have to get that flat from that person and see if I can move somebody in again, because we move people around to satisfy their needs. Therefore we do these chains, and sometimes ... I would prefer to be able to do that within a month, but realistically it does not happen. It is a question of identifying what ... I can tell the hon. Member that sometimes the flats, the way they are returned leaves a lot to be desired, but that is another issue for another day. We have to fix the flat and maybe I say
2100 to someone, 'Don't worry, because you have a flat earmarked.'

We do not want to take the person there for a number of reasons, because we have taken people who have been earmarked a flat and we have given them the number, and then they have gone into the flat and told the contractor, 'I want this, this and this,' costing the Housing
2105 Department three or four times the original budget. So we do not say where the flat is. We expect the flat to be ready as soon as is reasonably possible and then we give them the flat.

The hon. Member must understand why these things happen. We might not communicate for four to six months, but within six to eight months they are going to get the house and they know that, so it is a question of hanging on and waiting for a little while until we give them the flat in
2110 adequate condition.

Hon. D A Feetham: But, Mr Speaker, does the Minister not think that perhaps the system could be improved? And does he not understand as well the great frustration that somebody who, for instance, has already spent a number of years in the women's refuge, is finally told, 'You are being
2115 earmarked a flat,' and five months down the line she has not even been taken to see the flat? At least if, for example, an assessment can be made of the flat the moment the Minister or his Department receive the keys and then that assessment says, 'This needs x, y and z and we estimate that the works are going to take three, four or five months,' even if you were to add, to be

cautious, two months on top of that, at least people are being told how long it will take, not that you have the frustration of somebody – and I do not think this is an isolated example – having spent a number of years in the women’s refuge being told before Christmas that a flat had been earmarked and in May that person is still waiting.

Does he not agree that the system can be improved, and will he give a commitment to this House that he is going to look at improving the system and communication with people in particular?

Chief Minister (Hon. F R Picardo): Mr Speaker, we are not going to create a false expectation that things can be fixed when they cannot be fixed, because although the results may not be that which any of us would wish, and the easiest thing would be to say that we will fix the system and go away just on that, there is a physical reality that hon. Members have to understand, which affected them as much as it affects us.

First of all, we tell people as soon as we are able to make an allocation, so we tell them sometimes with the person who is still the tenant telling us that they are going to leave in two weeks, but they have told us that they are going to leave, so we say to the other person, ‘The good news is we are able to make an earmarked allocation; the works are going to start.’ The person then does not go, for reasons which are sometimes perfectly humanly understandable: they were moving to private accommodation and the chain in which they are involved does not move quickly, they are waiting for another flat which we are not able to complete, or there is an issue with a bed at ERS so there is a delay in the move out. If we forced the move out of the person who has told us they are going to move in two weeks, hon. Members would rightly be here saying, ‘You put enormous pressure on a pensioner to move to ERS’ or ‘You put enormous pressure on a person to leave Government rented accommodation to go to the accommodation they were purchasing.’ That is the first potential delay.

The second delay is the works. If we bring an external company in to do the works quickly, hon. Members will come here and tell us we used an external company and the tap failed when the new tenant went to touch the tap for the first time, or that we are privatising and outsourcing things etc. So we do it in the usual way using the resources that we have. That sometimes takes more time because, although an assessment is made at a preliminary level of works that require to be done, when the works commence they take longer because all of the pipes are rotten, not just the ones that were visible when the works were going to start. If we do not fix all the pipes, hon. Members will be here telling us that we put people in a flat which had rotten pipes. So we want to try to do the work to the standard that hon. Members would agree with us is the right standard in the timeframe that the hon. Members would agree with us is the right timeframe for the person who is leaving the flat, if it is not a flat that has been empty because of somebody deceasing and moving out already, in the context of the repairs being done in the proper way, and therefore that is the only thing holding up the process.

If there were anything we were doing to hold up the process – in other words, if the Government were not voting the money for the repairs to be done, if the Government were not permitting the repairs to start for any other reason, if you had an empty house which was either being repaired or handed back to the Government etc. – then you would have fat in the system, in the chronology of the system, which we would be able to attack in order to reduce the waiting time. There may be instances where that has happened. I am not suggesting that that has not been the case either in our time or in their time in office, although the line of questioning that the Hon. Mr Bossino was taking a moment earlier was about how proud we rightly are that we refurbish and hand over many more houses every quarter of every year that we have been in government than they did in every quarter of every year when they were in government – except for the pandemic period, in which everything stopped completely.

In those circumstances, although the easy political thing to do is to get up and answer the hon. Member’s question with a yes, I am going to be extraordinarily honest with the hon. Gentleman

2170 and the House, as I always am, and say that the answer has to be no, for all of the reasons I have already provided.

Hon. D A Feetham: May I, (**Mr Speaker:** Final one.) because it is an issue that is important to many Gibraltarians. All of that is understood and I understand the difficulties that the Government is facing, but actually, even in the first example that the Hon. the Chief Minister postulated about why he was not agreeing with me, this is about communication.

2175 It is possible for the Minister or his Department to do an assessment in relation to ... In the example the Hon. Chief Minister gave – perhaps somebody does not want to leave, does not want to vacate the flat – it is the simplest of things to simply write to the person who has been told they have been allocated a flat and say, ‘The reason why you do not have the keys is because, unfortunately, we thought that that person was going to vacate but the sitting tenant has not vacated.’

2180 Very often this is simply about communication. It is not because the process has not started and things are not in process; it is about communication. That is the point that I am making to the Minister, because actually the system could potentially be improved through an assessment of the flats that you have – ‘How long is this going to take? What do we need?’ – and just communicating with people and saying, ‘We have subcontracted to X Ltd in order to do the works, we estimate that the works are going to take x but we cannot give a guarantee’ at least is an open channel of communication. It is about explaining to people and it would lead to less frustration on the part of people than there is currently. Therefore, can I commend that to the Chief Minister?

Hon. Chief Minister: Mr Speaker, I am very grateful to the hon. Gentleman for commending that to me and I will receive that commendation with the generosity that has marked our political relationship in the past months, and not in the average level of generosity that would mark the assessment if we made it over the past 15 years.

2195 But I will also tell him, in the spirit of honesty, openness, transparency and accountability that has characterised this Government since were elected, that unfortunately everything that he has said is irrelevant because the communication happens, because the persons who are told that there is an earmark then proceed to call the Department of Housing – and I am being generous – once a day, if not twice a day, three times a day or five times a day. In many instances they will call the Hon. Minister, the Hon. Minister’s secretary, my secretary, the previous Minister for Housing and the previous Minister for Housing’s secretary, etc. That is why the decision was made, I think in their time, not to tell people which house has been earmarked to them, because people will then turn up at the house and harass the people who are still there. I am not suggesting that the lady who has consulted the hon. Gentleman would be such a person, but unfortunately we have to put in place procedures to deal with the extremes that we have experienced. If we told a person that we had allocated XYZ Ltd to deal with the refurbishment of a particular property, that person would be calling XYZ Ltd or following them around to see where they were going to do a refurbishment to, in that way, determine which the property was.

2200 This is a vexed issue, where there is, in fact, a huge amount of communication between the Department of Housing and the individuals and a massive amount of frustration, which I fully understand and accept, but unfortunately it would be utterly superficial to believe that this is an issue of communication. It is not an issue of communication; there is sufficient communication. People sometimes – and I am not suggesting it is the lady who consulted the hon. Gentleman – just do not accept what they are told. They do not accept a reasonable reason for a delay.

2215 Unfortunately, the culture of entitlement which the hon. Gentleman has oft spoken against sometimes intrudes in situations where it should not, such as the very meritorious situation which he is referring us to of a person who has finally been given a home, who is in the women’s refuge and direly needs it as soon as possible.

2220 I am sure, Mr Speaker, that he would want to encourage us to ensure that in such instances there is no fat in the process of allocation and that we reduce that insofar as is possible, which we will indeed always seek to do.

I hope that is helpful, Mr Speaker.

2225 **Mr Speaker:** Next question.

Q40/2022

**Illegal occupation of rental homes –
Legal costs**

Clerk: Question 40/2022. The Hon. D J Bossino.

2230 **Hon. D J Bossino:** Further to the answer to Written Question 61/2021, please provide an update with regard to the then unresolved case of illegal occupation of a rental home and what the legal costs are for each of the unresolved and resolved cases.

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

2235 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):** Mr Speaker, the unresolved case of the unauthorised occupier in Written Question 61/2021 has been resolved. The legal cost of this has been £1,750. The legal cost of the resolved case in Written Question 61/2021 has been nil.

2240 **Hon. D J Bossino:** He said that in relation to the resolved case the legal cost has been nil. I suspect that he expects the supplementary question I am about to pose, because what he has said in his written answer is:

The invoice relating to the resolved case has not yet been received by the Housing Department.

Clearly, when he gave the answer he must have expected to receive a legal bill. Can he explain why the legal cost is nil?

2245 **Hon. S E Linares:** Because there is not any legal cost.

2250 **Hon. D J Bossino:** But that is not the impression he gave when he gave the written answer. He said, 'The invoice relating to the resolved case has not yet been received', which is suggestive of at least an expectation on his part that he was going to be receiving an invoice for legal services provided.

Can he explain why that is the case? Did he not engage lawyers, and was the answer wrong? Or it was done pro bono – is that the case?

2255 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman may have missed it, but there have been successive Ministers for Housing who have given the answer in this House that we have a retainer in relation to housing matters. In some instances, the work is in excess of a retainer and it requires a separate bill. In this instance, he will be delighted to hear that there was no need for a separate bill; it will have been covered by the retainer.

2260 Perhaps we have come within that parameter that I indicated earlier to the hon. Members that they might wish to adopt for themselves: that we did this quicker, better and cheaper than they expected.

Hon. D J Bossino: Why is it the case, then, that the hon. Member was expecting an invoice for legal services rendered? Did he not know that it was within the retainer?

2265 **Hon. Chief Minister:** Because we do not know whether something has been covered by the retainer until the lawyer who is retained tells us whether he has exceeded the hours for the month in the month that he has acted. As somebody who practises in the field, I would have thought it was relatively clear.

2270 **Mr Speaker:** Next question.

Q41/2022

**Unlawful occupation of rental homes –
Number of ongoing investigations**

Clerk: Question 41/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please provide details of how many cases of unlawful occupation of rental homes are currently being investigated by the relevant authorities.

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

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, the Housing Department is currently investigating three cases of unlawful occupation.

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Hon. D J Bossino: Does he have an understanding as to when these are likely to be resolved to the satisfaction of his Ministry?

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Hon. S E Linares: No, Mr Speaker. These all started last year and therefore we do not know how long they will take. I reckon that two of them might be solved quickly but the other one might not. But then again, I do not know how they will proceed.

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Hon. D J Bossino: Just to get a better idea on the timelines, when he said they all started last year, we are talking, presumably, of the investigation rather than from when they have been illegally occupied – if he knows what I mean?

Hon. S E Linares: The date of action. We go through the process first, and then it is action, so it was last year.

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Mr Speaker: Next question.

Q42/2022

**Government rented housing estates –
Anti-social behaviour**

Clerk: Question 42/2022. The Hon. D J Bossino.

2300 **Hon. D J Bossino:** How does the Government deal with anti-social behaviour in Government rented housing estates?

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

2305 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):**
Mr Speaker, upon receiving a complaint a housing officer will make an assessment to determine if the complaint constitutes anti-social behaviour (ASB). This process will be carried out in line with this policy. If a complaint is accepted and it is determined that it is reasonable and proportionate to conclude that a tenant, member of their family or other visiting person may have been conducting ASB, based on the information we have received, we will prioritise the complaint,
2310 which will allow us to allocate an appropriate priority and response time for dealing with the complaint. The focus needs to be on those behaviours that have a significant negative impact on the quality of life of others but does not necessarily take the form of criminal behaviour such as drugs, criminal damage, harassment, etc. It is on this basis that we will prioritise incoming complaints.

2315 We will notify the alleged perpetrator, where appropriate, in writing, when a complaint has been made. In accordance with the Data Protection Act 2004 and GDPR, we will never disclose the name of the person making the complaint.

If it appears that a tenant has breached their tenancy conditions, we will investigate further. This may include prevention, intervention and formal methods of resolving a complaint.
2320 Investigative measures may include discussions at joint agency meetings; letters; liaison with the RGP; referrals to Children and Young People Services, Adult and Community Services and the Community Mental Health team; asking complainants to keep detailed records of the ASB experienced – this is particularly important where eviction is considered – but any noise monitoring taking place will be dealt with by the Department for the Environment; signposting to
2325 other agencies; and working with or making referrals to other internal departments and external agencies where appropriate.

We will take a multi- agency approach, including working with the RGP; the Care Agency; Adult and Children Services; environmental protection officers; the Gibraltar Health Authority, including the Community Mental Health team; other internal departments as necessary; tenants'
2330 associations; and schools.

Hon. D J Bossino: I thank the Minister for the very full reply. I think he has given a very detailed statement as to how the system works and I thank him for that.

2335 Is he able to assess the success or effectiveness – shall I put it in those terms? – or otherwise of the system he has just laid out for us? A subsidiary question to that would be is he aware of how many complaints he receives, say on a monthly or indeed a yearly basis? Is that information that his Department catalogues? It leads to my first point, which is how it is that he is able to assess whether the system that he has in place actually works or not, because it appears, from the information that I am getting, that there are very serious issues in particularly some estates, not
2340 necessarily in all of them.

Hon. S E Linares: Mr Speaker, the issues, as and when they arise ... We do have a list of complaints, and that is why we follow the form that I have just read out to the hon. Member, but it is very difficult to ... It is a long process. It takes time. People need to monitor. We have to, like

2345 I have just read out, go through all the motions of going through the agencies, depending on the age of the person who is doing the anti-social behaviour and what the anti-social behaviour is, but one of the problems we have is that many complaints come to us when some people do some things once or twice. That is why I said at the very beginning we have to monitor whether they are constantly doing it or it is a one-off, or weekly. It is very difficult.

2350 If we go the other way, which is eviction, where do we send the person who has anti-social behaviour? That is the problem, because the person who lives beside them says, 'I do not want this person here,' but I send them somewhere and they create the problem elsewhere. So it is a question of going through the right motions in order to ascertain whether there are actually lots of problems that they are creating. Like I said, it is hard on the person who is living beside the person who has anti-social behaviour, it is very hard, because you are living beside somebody who is constantly playing either music or whatever ... That is why it is taken on a multi-agency approach.

Hon. D J Bossino: But similar to the points I made in relation to the disability numbers, does he have the numbers in order to establish ...? It is conceivable that somebody may make an unmeritorious complaint, but does he have numbers where he says he ... or at least to be able to assist him in determining whether there are particular pockets, particular estates which are worse than others, which may require the greater attention of his Department? That is really what I am driving at. If he does not have that information and as a system his Department does not have it, that is fair enough, but I just wanted to elicit that information from him, that is all.

2365 **Hon. S E Linares:** No, Mr Speaker, it does not happen specifically on one estate. Sometimes it does not happen specifically always in specific estates. It can happen anywhere in Gibraltar. You might think, 'Well, I live in this block in the south and it is very quiet,' but all you need to have is one anti-social behaviour that is constant and it has an effect on the lives of all the people who are living around, and we are conscious of that. It is a very difficult situation because you have to go through the whole process before you do the end part, which is eviction. I am quite happy with the way it is dealt with, because it is a systematic way of dealing with it.

2370 Sometimes what happens is that if it gets to the stage, for example, of letters, the person changes and takes the letters in and thinks, 'I am not going to be as I was before,' and it cures them – then it works. Or you have to go to another stage, where the RGP is involved, and maybe because the RGP is involved they refrain from doing it. So it is a very difficult balance in how you deal with it all the time, but I can understand and we are actively doing it. It is a question of actively doing it when it happens.

2380 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, the Minister will know that a few minutes ago I spoke to him in the back room about a representation without knowing that this question was being presented. So, considering the representation that I brought to him was about three or four years old and has not been solved, would he now say that the system that is being applied is failing? And what would he tell this constituent, who is constantly suffering as a result of this nuisance?

2390 **Hon. S E Linares:** Mr Speaker, it is difficult to answer that question because it is a specific case and I would not like to go down the route of a specific case. All I can say to the hon. Lady is that we are dealing with it. We are looking at it, we have written certain letters and we are in the process of what I have read and we will try to see how best we can deal with that specific case, but I do not want to go down the route of saying how far we have gone or not on that case. But we are dealing with it.

2395 **Mr Speaker:** Next question.

Q43/2022

**Mid-Harbours estate –
Cleaning and maintenance**

Clerk: Question 43/2022. The Hon. D J Bossino.

2400 **Hon. D J Bossino:** Please state what arrangements are in place to clean and generally maintain the Mid-Harbours estate and whether the Government is satisfied with the general condition of the estate.

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

2405 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):** Mr Speaker, under a contract between HMGoG and Britannia Management the cleaning of the communal areas of Mid-Harbours estate is undertaken daily from Monday to Sunday. It includes scrubbing, flushing and power hosing once a month during the autumn and winter and fortnightly during the spring and summer; servicing of all the litter bins Monday to Sunday as required,
2410 minimum once a day; cleaning of bin holding areas daily Monday to Sunday; and sanitising of the refuse containers once a week.

The cleaning of internal communal areas – *el Turno* – includes the cleaning of all internal lobbies, halls, corridors, landings, stairways, fire-escape corridors/stairways and lifts, and all bannisters, grab rails, letterbox areas, communal windows, glass-pane doors and window reveals
2415 and sills within the blocks, where applicable. The cleaning routine is undertaken to each block once a week, 52 weeks per year.

With regard to the general maintenance, we are currently catching up with pending work orders, as a result of the pandemic generally, throughout the housing stock.

It must be said that this estate has been suffering from defects since its construction, hence works having been undertaken already to the west façade of Blue Wave House. In addition to this,
2420 there is an inherent defect with the podium, whereby rainwater filters through every time it rains. These defects can be resolved, albeit holistically. In fact, there are projects in the pipeline to resolve these issues. Bearing in mind that we are slowly but surely coming out of a pandemic, progress is being made, albeit at a slower rate than we would have wanted. In addition, the issue
2425 of inherent defects within Mid-Harbour estate since it was constructed is something that needs to be factored in when it comes to the overall maintenance of the estate.

Hon. D J Bossino: Again, thank you for the very full and long reply, but can I just tell him this: that I visited the estate recently and met up with the committee there, and I must say that what
2430 he has set out in his reply is not reflective of reality in terms of the general cleanliness of the estate. Very large sections of the place look particularly bad and grotty.

I saw for myself a situation where flower beds are not cleaned, I am told, because there is a tension between one company and another – one company saying that it is the other company's responsibility and so forth.

2435 Bird excrement: he talks about cleaning of windows, but I saw one particular one which was in a really sorry state and had not been cleaned, at least when I saw it, for a very long time.

Those who live there may not be absolved of any responsibility. I am not suggesting that that is the case, but perhaps the hon. Member should take a look. I am not suggesting he has not, but I simply put to him that there is a diametric opposition between what he has given in his reply and
2440 what is in fact happening on the ground. If he has not visited recently, I encourage him to do so.

Can he, therefore – if I can put this into the form of a question – look into this and establish whether what I saw is in fact reflective of what he tells me contractually these companies are meant to be doing in the estates?

2445 **Hon. S E Linares:** Mr Speaker, there are two issues there which I have to answer. One is if everything that I am saying is not being done. I meet regularly with the tenants' association and that is not what they say to me. If it is not being done, I will go back and make sure, because we do pay them for doing exactly what we are saying.

2450 The hon. Member might also consider that when he went there, there might have been people who do things on a daily basis and then he sees it badly. It might have been swept at nine o'clock in the morning, but then at eight o'clock in the evening it is not the same.

2455 What I am saying is I meet regularly with the tenants' association. I am glad that the hon. Member is saying that it is not there. I do visit all estates frequently – very frequently – and if what the hon. Member is saying to me ... I will tackle the company that does it, because they should be doing it.

2460 **Hon. D J Bossino:** Would he encourage them to tackle the flower bed issue? As I said, I was told that there is a tension between one and the other, so maybe it is a question of looking at the contracts and establishing who is meant to be doing it – but just get it done.

Hon. S E Linares: I agree.

Q44-45/2022

Home Co-Ownership Scheme –

Criteria for access to and allocation of flats; number of allocations made not meeting criteria

Clerk: Question 44/2022. The Hon. D J Bossino.

2465 **Hon. D J Bossino:** What is the criteria for access to and the allocation of flats to the Home Co-Ownership Scheme?

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

2470 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 45.

Clerk: Question 45/2022. The Hon. D J Bossino.

2475 **Hon. D J Bossino:** How many flat allocations have been made in the Home Co-Ownership Scheme that do not meet the criteria for allocation?

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

2480 **Hon. S E Linares:** Mr Speaker, the criteria for access to and the allocation of flats to the Home Co-Ownership Scheme was published at the time that the current projects were announced. I will read it to the hon. Member if he has not read the press release:

Applicants who release HMGOG rented accommodation; applicants who have post-war HMGOG accommodation purchased; applicants, family compositions, registered on the housing waiting lists; married couples with no children registered on the waiting lists; joint applicants not married and with no children, both registered on the housing waiting lists; applicants who are meritorious upgraders, i.e. those requiring larger accommodation because of family composition – this group is looked into on a case by case basis, as a limited number of flats are available within this group; single applicants registered on the housing waiting lists; family units eligible but not registered on the housing waiting lists; single applicants eligible but not registered on the housing waiting lists; applicants wishing to upgrade or transfer from their currently owned private accommodation – this group is sorted by way of a draw; applicants

resident in Gibraltar but not falling into any of the above categories – this group is sorted by way of a draw; any remaining apartments will be sold by way of tender to the highest bidder.

I can confirm that GRP strictly allocates properties in line with the criteria set above by HMGoG for each development.

2485 **Hon. D J Bossino:** Thank you for that. Just a point of clarification. I do have a press release of 28th September 2017, when they announced the new home ownership scheme at Hassan Centenary, Bob Peliza and Chatham, and there is a reference to another press release, apparently from 2015, which sets out the eligibility criteria but it very helpfully sets out in a note to editors the criteria which is applied. I have not done the proper analysis but it looks slightly different to what the hon. Member has just read out. Can he confirm that the criteria is as set out in, if he bears with me it says under the section, in this press release, 'Eligibility Criteria':

The eligibility criteria and priority of allocation continues to be as announced by Government in its press release in August 2015 which are given in notes to editors.

Is he saying that that is still the current position?

2495 **Hon. S E Linares:** Well, it is the same as I have read, yes.

Hon. D J Bossino: That is the point that I made by way of preamble. It is not the statement that he has read. I can do the analysis later from *Hansard* when I receive the written reply, but it does not, from what he has read ... Whilst there are bits which are similar, there are other sections which appear to be quite different and I just wanted to understand. If he is not aware of what the position is, then that is fine, but I just want to understand. There clearly has been a change at some point and I ask him to shed some light on that.

2500 **Hon. S E Linares:** Mr Speaker, the change might be that we have added more. Frankly speaking, all the houses are sold now and we have used this criteria. In fact, it gets to a point where, as you go down the list, there is less opportunity for anybody to get ... For example, the one on the currently privately owned accommodation we probably did not get to because they were all sold before. The list is the same as is there, but obviously you add on because you might think, 'Well, if I do not sell to this section, these type of applicants, I will go down to the next one.'

2510 As I said at the very beginning, for us the priority is number one, where they give HMGoG accommodation, and we are happy to say that we have sold quite a number of those, which will then come back to Government, and that was a priority that we pushed.

2515 **Hon. D J Bossino:** Did he say, just by way of clarification, that that criteria has been adhered to, and not in any way, by exercise, let's say, of discretion being adopted in a different way in order to allow an application not necessary to meet any of the criteria to have access to an apartment?

2520 **Hon. S E Linares:** It is not possible because ... I can confirm that GRP strictly adheres to properties in line with the criteria set out above, so they do follow these criteria. As I have said, they have not even reached the fourth line here, category 4. We are pushing category 1 pushing category 2 because it is in our interest to get those houses back.

Hon. D J Bossino: I see. So the way it works is you go down the categories. I see. Okay.

2525 **Mr Speaker:** Next question.

Q46-47 and Q50/2022

**Bob Peliza Mews, Chatham Views, Hassan Centenary Terraces and Beach View Terraces –
Update re commencement/completion of construction; rectification re flooring**

Clerk: Question 46/2022. The Hon. D J Bossino.

2530 **Hon. D J Bossino:** Further to the answer to Written Question 67/2021, please provide an update as to the commencement of construction of the Bob Peliza Mews and Chatham Views projects.

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

2535 **Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Questions 47 and 50.

Clerk: Question 47/2022. The Hon. D J Bossino.

2540 **Hon. D J Bossino:** Please provide an update as to when the Hassan Centenary project is likely to complete, broken down in respect of each phase.

Clerk: Question 50/2022. The Hon. Ms M D Hassan Nahon.

2545 **Hon. Ms M D Hassan Nahon:** Has Government honoured its repeated manifesto promise to rectify the faulty flooring at Beach View Terraces?

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

2550 **Hon. S E Linares:** Mr Speaker, as has been previously explained in answer to Written Question 67/2021, the start of Bob Peliza Mews estate is dependent on the decommissioning and demolition of the Waterport power station and the relocation and demolition of the AquaGib reverse osmosis plant. Over the past months, the necessary assessments and investigations of the Waterport power station have been ongoing and the first of a series of tenders associated with its demolition will be issued during June 2022. In parallel with this, the extent of any ground
2555 remediation required will be determined. The findings of the latter will dictate the completion of the site clearance phase. It is expected that site clearance will be completed in November 2022, after which time the site will be available to commence the construction of the first phase of the housing estate. The start of the second phase will be dependent on the AquaGib relocation, which is currently being designed with a planning submission to follow. The whole estate is programmed
2560 to take 35 months to construct.

Similarly, the commencement of Chatham Views is dependent on the clearance of the Westside School and Westside Mews site. There have been delays in completing the latter due to existing occupiers, but decisions have now been made to finally deal with this. This will now allow the demolition process to begin so that the site can be cleared. The construction of the estate is
2565 programmed to take 27 months to complete.

The first phase of the Hassan Centenary Terraces project is programmed for completion in July 2023. The second phase of the project is programmed for completion in April 2025.

2570 In respect of the faulty floors at Beach View Terraces, the Government confirms that it will continue to honour its commitment to rectify any latent defects in the acoustic flooring layer. Independent surveys will assess and determine if any such defects are present and the main contractor will take the necessary actions to deal with them.

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker ... *[Inaudible]*

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Chief Minister (Hon. F R Picardo): No, Mr Speaker, the purchasers were not aware of that and neither was the Government. Of course the issue that has really affected us here has been the inability to assign a contract for demolition and for construction, principally because of the two-year hiatus that has been visited upon us by the pandemic, which has meant that it has been impossible to enter into a contract for construction in a safe way. If we had, we would have found that that contract would have already been costing us a lot more than expected. We would have been paying in the period when we would have been down without being able to see works undertaken.

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We have, also, an issue on that site of a sitting tenant, where we have now, I think, resolved the issue that was outstanding. It has been a hugely challenging period to resolve the issues that related to, first of all, the contracts for demolition that are required, and second the construction contracts that are required. This has delayed us in a way that is entirely unacceptable. The Government recognises that these delays are unacceptable, but where there is no alternative, where it could not have been done in any other way, where we could not have gone faster, where we could not have delivered in a different way – not because of any choices that we have made as a Government under successive Ministers for Housing, under my Ministry for Finance, which is in the driving seat of this construction, but because we would be damned if we did and damned if we did not – we have no choice but to make sure that we make the right choice for the taxpayer to ensure that we do not enter into contracts which would have become open-ended money pits that could have caused us huge financial problems. That is the difficulty that we have. I think most people will understand that.

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I know many people are in deep hardship because they need housing and they will not be able to have it now for a longer period. There is nothing we can do other than continue to diligently work to ensure that the new housing is delivered as soon as possible, knowing that in the period we will have delivered more homes in 12 years than any other Government in our history has delivered homes for sale in a 12-year period, but nonetheless not at the pace we would have wished it to be, which would have been much faster – but in any event exceeding the 200 per year that we set out had to be provided, but still not at the pace we wished. It is an inevitable consequence of reality, which we cannot magic-wand away.

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Hon. Ms M D Hassan Nahon: Can I just –? Oh sorry...

Hon. D J Bossino: I think she is asking a supplementary, unless I have understood what is – (**Hon. Ms M D Hassan Nahon:** No.) Maybe on the next one. But she asked a supplementary in relation to my question, as opposed to ... I thought you had allowed her to go ahead, to ask a supplementary in relation to her question, but if she wants to ask a supplementary on her question then I am willing to give way.

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Hon. Ms M D Hassan Nahon: Sorry, Mr Speaker, I was going to ask two in one, but then I just asked one. The supplementary on my question, being Question 50: the Minister talks about continuing to honour defects at Beach View Terraces, but from what I understand there is not *continuation* of honouring defects because honouring defects has not even begun. From what I remember, just before the last General Election the Government assured tenants that these defects would be dealt with very soon and we are here, three years later ... I know there has been a pandemic, but for many there is no sign of this action being taken, so can the Minister expand on this 'continue to honour' phrase that he has used? And when exactly will tenants finally see that these defects have been rectified?

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Hon. Chief Minister: Again, Mr Speaker, this is being dealt with by my office and, as far as I know, we had resolved the issues that had been brought to our attention. There was an ongoing

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discussion with ... it is not the tenants' association, it is the management company, and the instances of cases that had been brought to our attention had already been dealt with, as far as I understood it.

2630 The hon. Lady can rest assured that if she asks those of her constituents who have got in touch with her to get in touch with us through the management company or directly, we will continue the process of resolving these issues. We have resolved them in a number of cases.

Mr Speaker: The Hon. Damon Bossino.

2635 **Hon. D J Bossino:** I am grateful, Mr Speaker.

In terms of the replies that the Hon. Minister has given in relation to Bob Peliza Mews, one point, if I may, by way of clarification or confirmation: did he say that in relation to the first phase it is going to be dependent on the decommissioning and demolition of the Waterport power station? And further, did he say that that is expected to be completed in November this year, 2640 November 2022?

Secondly, if he could give further clarification in relation to the second aspect, which is presumably also the decommissioning and demolition of the AquaGib RO plant and when that is expected. I think he did not have a date in relation to that, and I think, as I understand it, that impacts on the second phase of that particular project.

2645 And then, if I may, does the timeline of 35 months, which is, I think, just under three years, apply to both phases respectively?

Hon. S E Linares: No, Mr Speaker. If he wants, I can read it to him again, because I have answered those questions.

2650 The one on Bob Peliza was to do with two issues. The issues were the decommissioning of the Waterport power station and the AquaGib reserve osmosis plant. I stated that in parallel with this, the extent of any ground remediation that needs to be done ... the findings of the latter will dictate the completion of the site clearance. It is expected – talking about Bob Peliza – that site clearance will be completed in November 2022, after which time the site will be available to commence the 2655 construction of phase 1 of the housing estate. The start of the second phase will be dependent on the AquaGib relocation. That means we are starting one after November and then the other one is to do with AquaGib, which is currently being designed with a planning submission to follow. The whole estate is programmed to take 35 months.

2660 Then he talks about Chatham. Chatham is different. It has different dates. It is dependent on the clearance of Westside School and Westside Mews. We have stated why there was a delay. This will now allow the demolition process to begin so that the site can be cleared. The construction of the estate is programmed to take 27 months to complete. So we are actually stating dates on both estates.

2665 **Hon. K Azopardi:** So, Mr Speaker, 27 months for Chatham, but the commencement date is unclear because of the explanation that the Hon. Minister has given, whereas in respect of Bob Peliza Mews he is clearer because he thinks it might start after November 2022. Is that right? So, in respect of Chatham it is unclear when the construction will start?

2670 **Hon. S E Linares:** No. In fact, I can tell the hon. Member that for Chatham the tenders are going out as well, to do with the demolition. I stated that. There was a problem, we have solved it, and now there is going to be a demolition and it will take 27 months to complete the whole lot.

Mr Speaker: Next question.

Q48/2022
HM Customs –
Industrial action

2675 **Clerk:** Question 48/2022. The Hon. K Azopardi.

Hon. K Azopardi: Have the issues leading to industrial action at HM Customs been resolved; and, if so, how?

2680 **Clerk:** Answer, the Minister for Industrial Relations, Employment, Housing and Sport.

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, the Government continues to engage with both the GGCA and Unite the Union to reach an outcome which is acceptable to all parties and does not impinge on operational outputs.

2685

Hon. K Azopardi: Mr Speaker, can the Minister give us an idea of what precisely the issues in dispute are? There has been a report, some months ago, back in November, that there was a dispute in relation to the Marine section and shifts. I do not know if that has been resolved or continues to be the central issue, or whether there are new issues that are the central part of the dispute. Can the Minister perhaps tell us what the particular matters are at the core of the dispute?

2690

Hon. S E Linares: No, Mr Speaker, because I am still engaging with them and I would not like to say which are the specific issues. I need to speak to the union. Once we get a resolution, we will come back and say what the resolution is.

2695

I am in negotiation, so you must understand that if I am negotiating certain things and I say that we are negotiating this, then the union will say 'Why have you gone public on this, that or the other?' So I would rather not say at this stage, but I have said that I am engaging with them. During the week I will be meeting them again and again. I met them today and I met them last week as well.

2700

Hon. K Azopardi: Mr Speaker, I am not trying to prejudice the Hon. Minister's negotiations. All I am asking for is ... There was a report six months ago about a particular issue, so this would not be new because it has already been reported. What I am saying is: is that one of the issues that is still part of the dispute, or has that matter been resolved and this is about something completely different? And if it is about something completely different, is there nothing the Minister can tell us without affecting his negotiation? For example, I am not asking for the granular detail but is it about manpower, is it about working hours, is it about resources? Broadly speaking, what are the issues?

2705

Anecdotally, people are saying that they have experience that members of staff do not pick up the phones, or did not before a certain period. Is that still the case? Are members of staff not picking up the phone at the Customs service?

2710

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman is asking now about a question that arises in respect of a period when I was Minister for Industrial Relations when this thing started.

2715

The Government has always taken the view that we should not be setting out what the dispute that the union is claiming should be. That is for the union to set out and the unions decide for themselves what they want to say publicly about the issues they are raising. In some instances, if there is an effect on public services, the Government may make a statement, but we have sought not to make a statement at this stage in order not to inflame matters.

2720

There is more than one union involved in this matter, they each have a different view of what their dispute is or is not, and so the Government could not faithfully characterise that on behalf of one union or the other in a way that we would be able to say is sufficiently accurate to ensure that we are giving the House accurate information. We can tell hon. Members what we think the dispute is about, as we perceive it to be, but it would be for the union to make a statement as to what they say the issues in dispute are. Therefore, I think that the Hon. Minister has indicated today, both in relation to this question and the question from the Hon. Mr Bossino earlier about the Upper Rock, that the Government does not wish to say anything that exacerbates issues with unions in the context of areas where we may be negotiating.

We want to ensure that we continue to work in partnership with our union colleagues, that we resolve issues, where we can, collegiately and through discussion, and if anybody wants to know what a union says its dispute is they should ask that union, not the Government.

Hon. K Azopardi: Yes, Mr Speaker, well, of course the unions can say whatever they want where there are disputes, I accept that. I was picking up information which is publicly available and that is why I was putting it to the hon. Members. I have put it twice. The hon. Members do not want to confirm either way. I accept that answer, obviously; I am not going to get a different one, because I have asked twice already.

Does the Chief Minister accept that obviously the industrial action can affect the service to the public – to the extent that people are not picking up the phone, for example – and it appears to have been going on for some time? The Government must, I assume, be sighted about the importance of resolving matters, so given that they are involved in those negotiations – and they know what the issues are, but we do not – are we any nearer resolution, given that it has now been six months at least?

Hon. Chief Minister: Chronologically there can be no other answer but yes, as a matter of logic and chronology.

Mr Speaker: Next question.

Q49/2022
Department of Social Security –
Industrial action

Clerk: Question 49/2022. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, can the Government explain how it intends to resolve the issues affecting the Department of Social Security that have resulted in industrial action by staff?

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

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, the Government has continued to engage with the GGCA, DSS management and our employees to reach an agreed way forward. Consequently, a firm date for a move into new premises has been agreed. During this transitional period no services to the public will be affected.

Hon. K Azopardi: Mr Speaker, I assume that that resolution, that move to new premises, that promise has now happened after the filing of the question. In the last week, this came into the public news again for a variety of reasons.

Does the Minister accept that the staff at DSS rightly felt let down after they had been enduring bad conditions in the building for some time? They had promises from the Government. They had taken industrial action and were working from home for several months.

2770 And then, last week, the action escalated to the point where the most vulnerable and the most needy members of our community were put at peril of not receiving their benefits in a timely fashion, which caused huge concern to those people in our community.

2775 Does the Government accept that it was right that the staff should feel let down and it was right that the people who are most needy and most vulnerable in our community should also feel aggrieved that the dispute had been allowed to escalate to that point and the Government had allowed the service, in effect, to collapse around them without a resolution, which put the needy in this community at most peril?

2780 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Gentleman does not know which industrial relations bandwagon to jump on now. It appears that what we are going to have to do now is have questions from the hon. Member on every industrial relations issue that raises its head, so that we can continue the negotiation with the union here, with him representing either the union of choice – because there may be more than one union involved and they may be at loggerheads, as is the case in another of the questions that he asked – or pursuing the agenda of a particular union.

2785 When it comes to talking about our magnificent staff at the Department of Social Security, we are talking to them directly. We have issued public statements regretting the fact that we have not been able to move them. Again, physical reality got in the way. They know that the minute they raised the issue of their premises we were completely on board in moving them. We have physical issues of getting ... We even had a truck strike in Spain ... that was bringing all the material in to move out one office so that they could move into another. We have publicly, in a press release, apologised to the members of the DSS staff for not being able to move them quicker, so I am surprised that the hon. Member is asking us those questions here, other than for the opportunistic opportunity of seeking to raise the issue in a way that he can put on his social media feed to show that he raised them and to show how much he loves everyone except us.

2795 Mr Speaker, let me tell him that we actually have the highest possible regard for our members of staff at the DSS. They have done everything possible to ensure that they could continue the service despite the circumstances in which they have found themselves in. They are so dedicated that they did not even raise the issue of their premises for a long time. Because they were so dedicated and they raised it late, it has been difficult for us to recover the momentum that we needed in time to be able to move them. We are totally committed to doing so. The hon. Member
2800 has given them, after discussion with me, an undertaking that we will move them now with the deadlines that we envisaged set in stone.

2805 What we should be doing is not trying to raise the spectre of something that did not happen, as the hon. Gentleman is doing, but looking to support the Government to ensure that we can deliver in time. Why do I say that, Mr Speaker? Because actually the hon. Member has been left without the tool that he wanted. He would much rather that hon. people in our society had not got their money in time, because then he could have come here with that axe. Instead, he was left stuttering to say 'put at peril' at not potentially getting their money in time. They did get their money in time because the members of staff of the DSS pulled out every stop to ensure that they
2810 made those payments in time and that if any was delayed it was only marginally delayed. I thank them for their forbearance in the way that they have behaved, I thank them for continuing to be diligent and concerned about what they do and I thank them for knowing an opportunist when they see one.

2815 **Hon. K Azopardi:** Mr Speaker, the Chief Minister has now twice in this House accused me of wanting to ask questions so as to put things on social media. It may be that the answers I get – or the lack of answers – get put on social media, because that is the role that we have in this House,

to hold them to account robustly and to ask for information. He has gone further. He has actually gone further to say that I would rather see vulnerable people in this community not get their money because in some way it is going to help me politically. It is absolute nonsense and a shame for him to say that. It is a shame.

The reason I raised this publicly was because single mothers who could not put food on the table and thought they were at peril were contacting me. That is the reason why I raised this publicly the other day on social media. The hon. Member can smirk all he wants but that is the reality of the role that I discharge properly and seriously, and I will continue to do so while I am in this chair. What he needs to understand is not that he is what he says he is.

In fact, he did not actually relocate the staff the minute they asked for the relocation. In January they took the action that they were going to work from home, so they knew it was building up. They knew it was building up because they put it in their manifesto two years ago that they were going to relocate the staff, but they allowed the situation to escalate and the question I was asking is if they knew it was escalating and they knew it had to be done, why allow it to get to the level that the most vulnerable in this community are exposed?

The reason I raise it is not because of political opportunism; it is because it is a real issue that people want answers for in this community.

Hon. Chief Minister: Mr Speaker, that is not a question. That fails all of the parliamentary requirements, except of course the social media requirement to be an impassioned speech in less than two minutes 40 seconds that can be uploaded to Twitter to show how much the hon. Gentleman cares for people who have *not* been put at risk, for people who *have* been paid on time.

If he felt concern about a single mother who could not put food on the table, how dare he not have called me? If he was genuinely concerned that single mothers who could not put food on the table were not able to provide for their families ... If that was a genuine concern of a Leader of the Opposition in a place like Gibraltar, where we are all accessible, where he can text me on whatever he likes, how dare he not get in touch with me with that concern – if it was a genuine one, because of course it was not, because he would have known before he got up today that they have all been paid on time.

I will give him the benefit of the doubt that when he filed the question he might have had the concern, but when he put the question today he will have known that she was paid on time, he will have known that those issues have been resolved. So, Mr Speaker he will spare this House the bleeding heart that pretends that he is not in politics to achieve ascension through the greasy pole. He is here for exactly that purpose, making those points for exactly that purpose, impassioned or otherwise.

With my political opponents, however bitter it might have got, I have never, for one moment, challenged their professional abilities. He is an excellent advocate, but from an excellent advocate to an excellent politician when it comes to dealing with issues that matter to everyday people, let me guarantee him that if he gets one phone call of concern I get 20 and we ensure that we act so that the most vulnerable in our community are never going to suffer – as they have not suffered this week.

But he will allow me to think what I want to think – unless he is going to become the thought police even before he has been elected to the executive – and I believe what I told this House was his motivation was exactly what motivated him. We have seen it everywhere. We have seen this hypocrisy. I am grateful to them for making it obvious so that they can no longer hide it.

One day they describe a thing as a rust bucket and they tell us that we are not going to make money on it, that we are going to lose our shirts on it. The next day they are on the *Sunborn* recording their magnificent new videos at the choice location in Gibraltar. (*Interjections*) One day they are telling us that we must not announce things when we think we have achieved them – Volotea; the next day they are telling us that the minute somebody gets in touch with us and tells us that they might bring a boat to Gibraltar we have to announce it. It is a very clear campaign

2870 *(Interjections)* and what is very clear to everyone is that the one thing that has not aged well is the fact that Mr Clinton suggested that there would be an election within three months of February. *(Interjections)* There is not going to be, and the slogan 'Better, cheaper, faster' is not going to get them anywhere because no one believes them, Mr Speaker. *(Banging on desks)*

2875 **Mr Speaker:** The Hon. Roy Clinton.

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

If I may ask the Minister something much more mundane: the new premises that DSS are going to, were they existing Government premises? If so, who has been vacated from them? And how long has his Ministry been at Regal House?

2880

Hon. S E Linares: Mr Speaker, as to the first question, we are moving the Housing Works Agency to the ICC, the Housing Department also goes to the ICC and the DSS will move into the Housing Department. I have been in my offices in Regal House for nearly a year and a half.

2885

Hon. R M Clinton: Mr Speaker, if I may, just one supplementary.

Hon. S E Linares: Mr Speaker, just on a point of order, I do not know what relevance the second question has to this debate, but never mind.

2890

Hon. R M Clinton: Mr Speaker, with your indulgence, the relevance is where effectively the Government is obviously having to rent from the private sector, as opposed to using its own resources – for example the Haven building, which has been empty for years.

2895 **Hon. Chief Minister:** Mr Speaker, I am afraid that is totally, materially, incorrect. The Haven building belongs to Gibtelecom; it does not belong to the Government of Gibraltar and therefore cannot be a place where one would put civil servants of the Government of Gibraltar. It belongs to a company which is involved in telecommunications, not which is going to be able to house civil servants. Nonsense.

2900 Mr Speaker, in the circumstances, I wonder whether now would be a convenient moment to adjourn the House to tomorrow at 3.30 in the afternoon.

Mr Speaker: I now propose a question, which is that this House do now adjourn to Tuesday, 17th May at 3.30.

2905 I put the question, which is that this House do now adjourn to Tuesday, 17th May at 3.30. Those in favour? **(Members: Aye.)** Those against? Passed.

The House will now adjourn to Tuesday, 17th May at 3.30 p.m.

The House adjourned at 8.17 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.37 p.m. – 6.28 p.m.

Gibraltar, Tuesday, 17th May 2022

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The Gibraltar Parliament

The Parliament met at 3.37 p.m.

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

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

Questions for Oral Answer

Clerk: Meeting of Parliament, Tuesday, 17th May 2022.
We continue with Answers to Questions.

Procedural

5 **Mr Speaker:** We are going to start off, first of all, with a number of unanswered questions from the September meeting. Some of these will be answered by Minister Sacramento and then it will be the turn of Minister Isola, who has some of these unanswered questions from September. We are going to start with Question 229.

JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q229/2021

Nitrous oxide –

Criminalisation re possession and supply

10 **Clerk:** Question 229/2021. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government confirm that it intends to criminalise the possession and supply of nitrous oxide?

15 **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 have already discussed this issue with the Commissioner of Police and I have commissioned draft legislation for the purpose of making nitrous oxide a controlled drug under the Crimes Act.

20 **Hon. E J Phillips:** I thank the hon. Lady for the answer to the question. I think that, of course, is a development from the legislation that the Government brought in 2020 in relation to the imports and exports amendment, making it a controlled import. Does the Minister know at this stage when she is likely to bring amending legislation to bring that within the scope of the misuse
25 of drugs legislation?

I only ask that because it is clear from the positive – actually, the very positive – engagement I had with the Chief Minister in relation to this issue that there are still a number of these cartridges seen in certain car parks in Gibraltar where a lot of young people are misusing this particular item, which is commonly known as ‘hippy crack’, and the photographs that I received yesterday from an individual who said they have now noticed a lot of these in a particular car park, which I can share with the Hon. Minister.

I would just like some more visibility on when she intends to promote legislation in this area.

Hon. Miss S J Sacramento: Mr Speaker, the draft legislation has been commissioned. There are quite a number of pieces of legislation that I have commissioned, so as soon as it is made ready by those who are drafting it for me it will be brought to this House.

Mr Speaker: Next question.

Q230/2021

Support for the profoundly deaf – Provision of BSL trained interpreters

Clerk: Question 230/2021. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state whether the support for profoundly deaf people extends to the provision of BSL trained and experienced British Sign Language interpreters?

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 hon. Gentleman will be aware that the Government recently published a Bill to recognise British Sign Language as a language of Gibraltar and requires the Minister for Equality to report on the promotion and facilitation of the use of BSL by public authorities and issue relevant guidance.

Hon. E J Phillips: Mr Speaker, of course there is a Bill before this House that is likely to be presented by a Minister of the Government in respect of the recognition of British Sign Language as a language of Gibraltar. The question really is pointed at the resource issue, because whilst the Bill will, I can state to the Minister, be welcomed by this side of the House, it is a first step in not only recognition but also provision more widely.

There is concern by GHITA, deaf members and hearing-loss members of our community about the lack of resource, particularly in healthcare, education and employment, and it would be helpful if the Minister could explain what level of interpreter will be provided, because there is clearly a CPD issue there as well, so it would be helpful if the Minister could expand on the answer.

Hon. Miss S J Sacramento: Mr Speaker, there will, of course, be a debate in this House as to the merits of the Bill that I have just referred to, but as the hon. Member will know, because he has seen this Bill, there is provision for the provision of BSL by public authorities if the Bill is passed.

However, first of all in relation to the point that the hon. Member makes in respect of GHITA, I was not aware that the hon. Member was a spokesman for GHITA in this House. In my capacity as Minister for Equality, my Department is in regular contact with GHITA and we have a very good relationship with them, as of course they have a relationship with the Chief Minister from the meetings that they have with him as well as with me.

Of course we would not, clearly, present a Bill to this House for the recognition of British Sign Language if there was no intention to provide it, but the hon. Gentleman does not understand that Gibraltar public authorities already facilitate the use of British Sign Language interpreters in the services that they provide. In fact, this is an arrangement that was initially introduced in Gibraltar, in the GHA, by this Government and it was the hon. Member Minister Cortes who introduced it when he was Minister for Health. So that is a landmark decision made by us in government and I recall very vividly working closely with Minister Cortes in this respect.

What we have is a contractual relationship. Initially it was a relationship between the Gibraltar Health Authority and a provider of BSL services. Subsequently, as we were learning more about the issue, that contract was extended for the whole of the Government. So, what we have is a contract where if someone requires the provision of BSL within a Government Department we have arrangements with a provider to provide those for us. Also, because that is not always available immediately, the Government has invested in an app where that is provided by digital means. I do not know the extent of the hon. Gentleman's knowledge in this field. In my capacity as Minister for Equality I am very fortunate that I have a very efficient team at the Ministry for Equality who, of course, are very up to date with these things and keep them up to date.

As a Government that is invested in and committed to equality, these things are, of course, provided, so the answer to the hon. Gentleman is yes.

Hon. E J Phillips: Mr Speaker, just one more question. I am not going to labour the point because there is a particular question on the Order Paper that deals with the number of interpreters and we can deal with that when we come to it.

I should say from the outset that I am not a spokesman for GHITA. I am a supporter of the work that they do and their cause. I am also a supporter of inclusivity and accessibility to interpreters for deaf people who really need them in healthcare in communicating their conditions to doctors and nurses. I think this whole House should support GHITA. I am not a spokesman for them, but I am a supporter of the work that they do and I will always support the work that they do within this community.

What I would say is that the BSL Bill that will be presented before this House is about recognition of BSL as a language and it imposes on the Minister an obligation to report to this House in relation to the work of public services and the Departments under the Government. My question was more about BSL trained and experienced sign language interpreters and the accessibility of that, because that is the real problem on the ground, that people are not getting ... The information I receive from those people who believe in inclusivity and accessibility is that they do not have that accessibility, and I think it is important that this House support those individuals who have a longstanding complaint about being discriminated against because of the lack of resource for the deaf and hearing-loss community. I would ask the Minister if she could expand on that.

Hon. Miss S J Sacramento: Mr Speaker, I am very glad and indeed I welcome the hon. Gentleman's support for the work that we have done in Government through the Ministry for Equality in the inclusion of people with disabilities, regardless of the disability they have, and the very significant progress that we have made in over 10 years since we have been in Government and work that I am very proud that we have done as a Government.

In this respect, the hon. Gentleman I think is confusing this question, which is an old question from a historic sitting of Parliament, with a different question that I think it is also the hon. Gentleman who has posed on the Order Paper in relation to the qualification of people who are trained in BSL. That is a completely separate question.

Insofar as what the Bill does and does not do, I did say in my first reply to a supplementary that the Bill is before this House and will be debated in this House. It is obviously clear from the content and the substance of the Bill what the Government intends to provide and I would not want, at

this stage, to usurp the debate that we intend to have in this House, because I feel it is improper to do it at this juncture.

125 **Mr Speaker:** Next question.

Q231/2021
Support for the profoundly deaf –
Interactions with the public service

Clerk: Question 231/2021. The Hon. E J Phillips.

130 **Hon. E J Phillips:** Mr Speaker, can the Government confirm what support the Government provides to assist profoundly deaf people within the community in their daily interactions with public services?

Clerk: Answer, the Hon. the Minister for Justice, Equality and Standards.

135 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, our Government has always been committed to equality. We were the first to introduce the provision of BSL and have now published a Bill for it to be recognised.

With the progress of e-Government services alone, this Government is ensuring that more services are available to those who find it difficult to communicate verbally, but this merely improves a system that already existed for any individual who may have found it difficult to communicate in person or by telephone. E-Gov services were also introduced and this offered alternative ways in which people with hearing impairments can communicate with Departments in order to complete and submit application forms or other information.

140 Notwithstanding this, hearing induction loop systems have also been actively introduced by us in many Government Departments and sites, and other measures have been taken to ensure that this service is provided when an individual needs to attend in person, if they are hard of hearing. For example, at the Primary Care Centre we have, for a long time, offered appointment services via the Smart Messaging Service (SMS) to those people who are deaf or hard of hearing and cannot phone in to ask for an appointment. At the clinics, pagers that vibrate are also being used to communicate that the GP or medical practitioner is available to see the patient. Also, since last year, the GHA 111 service was enhanced to allow people who are deaf or hard of hearing to communicate via WhatsApp if they require medical attention. This service will also allow the emergency 111 team to dispatch police or fire services if required by the user. As you know, Mr Speaker, 111 is also the mental health crisis line.

145 The Government has a longstanding contractual arrangement that was introduced by this administration that enables Government to book BSL interpreters to attend meetings where necessary. This has been further enhanced by adding the provision of online sign video service as well.

BSL interpreters have been used frequently in the past by Government, including at cultural events like the Literary Festival and also at the Gibraltar National Day Rally.

160 **Hon. E J Phillips:** Mr Speaker, I think we generally, as a community, have underestimated the need for wider BSL provision within our community. If we individually look back at our lives and what we do every single day of the week, it is difficult to imagine an example of an individual going to see a doctor, for instance, in a sensitive appointment with a doctor, and not being able to communicate with that doctor the symptomology of the complaint that they are experiencing. That is enormously difficult for someone who is deaf or has a hearing loss issue.

What I am receiving from constituents is the problem in communication, and whilst she is right in relation to the online exchange, it does assist in some way, but what I am receiving from people on the ground is that it is very difficult to communicate with a doctor. You must understand from the GHA's perspective as well that in terms of misdiagnosis and risk to the GHA in misdiagnosis it is also a problem.

There is another example as well, in relation to public broadcasting. That is a serious issue for the deaf and hearing-loss community, who wish to understand the news that is going on in our community. Indeed, the speech of the Chief Minister yesterday, in that contribution: isn't it right that the deaf and hearing-loss community understand what the Chief Minister is saying about a seminal moment in the history of Gibraltar and its engagement on Brexit?

I think that what I am asking the Minister ... Those are two or three examples of where the deaf and hearing-loss community do feel that they are being discriminated against insofar as access to public services and I think the answer to this problem – and I ask her whether she agrees or not – is the increased provision of British Sign Language across the public service so those individuals concerned can understand and communicate properly, as is their right, Mr Speaker.

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman has referred to me during the course of the question and to my contribution yesterday in this House in relation to Brexit. He will have noticed that I read my speech. Other than during the course of interventions during the Budget debate or indeed when presenting a Bill which is technical, I try to avoid reading speeches because the Rules suggest that we should not and that we need your leave to read a speech. I gave you yesterday, Mr Speaker, a copy of my Statement ahead of my delivery of it, as is the custom also in circumstances where a Member seeks leaves to read.

There is a reason why when I make Statements in this House I read them, and there is a reason why every time I have made an intervention and one of the Members of the Government has made an intervention at four o'clock from No. 6 Convent Place in those horrible days when we were dealing with COVID, why we were reading our speeches, and that is because after we made our very first intervention, GHITA got in touch with us and said, 'These statements are hugely important and our members cannot understand what is being said on every occasion because they do not have the kit,' and we do not have subtitles, etc. And so we then ensured that instead of having notes when we made our addresses from No. 6 etc., we had a script, so the script could immediately be provided online and could be provided on our social media platforms, so that members of the hard-of-hearing community in Gibraltar were able to have that as expeditiously as possible. We subsequently also tried to provide online subtitles to the question and answer sessions and our teams transcribed those question and answer sessions so that members of GHITA could have that information.

We are absolutely of the view that those who are hard of hearing must have the information, insofar as possible, in real time, and what we are going to do, as a Government – and therefore I am surprised that the hon. Gentleman thinks he needs to urge us to do so – is make it a legal requirement that provision is available to those who are hard of hearing, so that BSL becomes an official language and we have to provide in the official language that alternative language to what is being said.

Mr Speaker, we have to understand it is going to be a sea change in the way that we do things in Gibraltar. We have already understood that these things can be manageable, because we have seen how it has been done in the United Kingdom, although England has been the last of the nations of the United Kingdom to adopt legislation, but Wales and Scotland have done so already. There is now a model for us to be able to follow and we are very confident that we will be able to make the provision that is necessary.

The credit for this should go not to anyone in this House. The credit for this should go to those who have been campaigning to make us all aware of this, not just in our time in government but even before, from the days of Joe Brugada writing to me about these issues, putting them on the agenda, our discussions on the subject.

Hon. Members will know that since the first moment the hon. Lady had the opportunity to do so, we were providing a BSL interpreter at Casemates on National Day and on other occasions when we were able to do so. So we have gone from being volunteers to this to accepting that we have to take a further step and bind ourselves by law to ensure that this provision is made.

I hope that the hon. Gentleman therefore now sees that he is pushing at a door that is no longer there, that opened a long time ago, that opened when we were elected, that opened as a result of the hard work of the men and women who make up GHITA and from the genesis of GHITA and the work that Joe Brugada used to do. He wrote me a very moving letter recently, where he said an old man's work is done and it really has been well done.

Hon. E J Phillips: Mr Speaker, I just have one question, a final question in relation to this. I know that Mr Bossino had a lot of leave yesterday to ask all sorts of questions, but I only have one in relation to this.

I thank the Chief Minister for his intervention, and of course he answers that question more broadly from the Government's perspective but also in relation to his responsibilities for broadcasting. I did direct a certain part of my question in relation to, for instance, those who are involved with doctors in sensitive medical investigations and how difficult it is for them to communicate with their doctors. I note that that might well remain unanswered.

I acknowledge the fact that the Government puts forward this sea change in approach, which we welcome on this side of the House, but I should not let that go without saying that it was the motion of this side of the House, in combination with the campaign by GHITA that has allowed the Government to bring this Bill in the time that it has. I think that is the overall context of how this has happened and I think it is right that we ... not make this political, Mr Speaker (*Interjections*) because this is not about them and us, this is about the deaf community, and people like Bobby and Ana Maria Gomez who are marching to the north of Spain in this heat, campaigning for the rights of deaf people. This is about systemic discrimination of deaf people in our community for generations and we are putting it right, and we should avoid at all costs a political battle on this because this is about deaf people. Does the Chief Minister agree with that assessment?

And I would appreciate an answer in relation to the medical question before.

Hon. Chief Minister: Mr Speaker, in relation to the medical issue, which is an operational issue, I will allow the Minister for Disabilities to reply.

I really do not understand what it is that the hon. Gentleman is trying to do, because I was attempting to ensure that we were reflecting on how things were being done in a constructive spirit.

The Government has never needed an Opposition motion on any subject in order to be able to legislate in respect of that subject. The Government, I must tell him, was not at all moved by his motion. We felt it was the usual attempt by hon. Members to try to curry favour with a particular section or interest group in our community. The reason for that, as I have been at pains to explain on a number of occasions to hon. Members – to this hon. Member in particular – is that I have always been clear with hon. Members that if they believe that something will improve our community and they wish to bring a motion to this House for the purpose of doing that, they have two ways of doing it. They can simply put a motion and then the Government will take the view it takes of the motion and we will ... This is the place to do politics in our community and therefore we will deal with it in the way that we consider is necessarily political. Or, if the hon. Members opposite want a motion to succeed and they therefore wish to have Government support for an Opposition motion, the only thing that they need to do is get in touch with me, or indeed with another Member of the Government, with their relevant shadow in that area, say that they think this is a thing which is constructive and that we should do together. We will agree, if it is constructive and if it is something that we can do together. They can then move the motion, so that they can have the party political brownie points which they might wish to garner from any particular issue – let's make no bones about the fact that politicians are in politics to do politics –

and we will support them, although they will have that party political gain because they will be the first movers on an issue which will enjoy our support.

The hon. Gentleman did not do that in this case. The hon. Gentleman simply went for the sure shot of the headline where he was the mover of the motion. He was not able to say that he had
275 Government support and I can tell him now he will not have Government support for his motion because the Government is doing that which the Government is empowered to do.

The Government has been in direct contact with the people who have the issues here, in GHITA. There was a confluence of opinion between those making representations to the Government and those inside the Government advising the Government – and GHITA have many
280 strong advocates inside the Government – and that is why the Government acted.

And so the first part of what the hon. Gentleman said in the context of asking a question in this last supplementary was entirely wrong and misleading. The Government did not need the Opposition motion in order to bring this legislation. Neither was the Government moved to act because of the Opposition motion. The motivation behind the Government's action was the
285 extraordinary campaign run by GHITA and the representations made internally by the hon. Lady and others who advise her also.

Just in relation to those who are continuing the exercise of fundraising – and I know that Robert Gomez is walking an extraordinary distance to raise awareness of these issues and raise funds for these issues – people like that are the people who deserve the respect of this community, people
290 who put themselves out when they could put their feet up. Those are the ones who really deserve our support and those are the ones who deserve the credit for keeping these issues at the top of the political agenda with so much going on – people like Edgar Triay, who gives every moment outside his professional life, if not some of them in his professional life, to keep this on the agenda to make the campaign. His committee, the people who support him, all deserve mention of the
295 great work that has been done to keep this in the headlines and to make it a priority.

Mr Speaker, I think it ill behoves us, in particular when we get up to say that something is not political, to be quite as party political as the hon. Gentleman transparently has.

Hon. Miss S J Sacramento: Mr Speaker, I will deal with the other points and that of medical
300 treatment, in particular the capacity to give consent to medical treatment, which is, in a nutshell and in a concise way of expressing it, what I think the hon. Gentleman wanted to say in his extremely long supplementary questions.

I am afraid that I think that the hon. Gentleman has not heard a word of what I said in my answers. It would be much better, I would advise the hon. Gentleman, if he could really hear with
305 the purpose of listening to what I have to say, instead of just listening for the sake of it and already having his pre-prepared supplementary questions, which do not take anything I have just said into account.

I said, I do not know how many supplementaries ago – we have already been here half an hour and we are still on the second question – when we came into government and I was Minister for
310 Equality and Minister Cortes was the Minister for Health, we introduced a system so that we could provide British Sign Language services to people who are profoundly deaf and speak British Sign Language. It was something that when they were in government did not exist. When we came into government we introduced it.

We introduced it initially in the GHA because the issue of informed consent and understanding
315 medical treatment is something that we felt very strongly about. As I explained in answer to my question, we have introduced a system whereby if you are deaf and are unable to use the telephone to make an appointment, an appointment can be made either using e-Gov or by using an SMS system, so you can get into the system. So, the first part of one of the supplementaries he asked I answered. When you use the system, the GHA system recognises you as deaf, and
320 arrangements are then made so that when you attend your appointment there is provision for there to be a BSL interpreter there, available for you. All that I have explained, but the hon. Gentleman did not seem to understand.

The arrangements that are made in government are not just for speakers of BSL. The hon. Gentleman is focusing these couple of questions he is asking here specifically on BSL – they relate to people who speak BSL – but when it comes to the Government, and as part of our ... Mr Speaker, that is the term that is used. You speak BSL. That is the terminology that one uses in this area. But the work that we have done is not limited to people who speak BSL. We provide support to all the people in Gibraltar who are also hard of hearing with lots of other alternatives to services that we provide for them, and we will be very shortly announcing a massive investment that Government has made in audiology services for Gibraltar.

Mr Speaker: Next question.

Q22/2022

**British Sign Language –
Qualified individuals engaged in public sector**

Clerk: Question 22/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state the number of British Sign Language qualified individuals currently engaged in the public sector?

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, in his question the hon. Gentleman specifically enquires as to the number of individuals qualified in British Sign Language (BSL). Since Government is not a provider of BSL training, it is not in a position to answer this question with absolute certainty.

What I can say is that the Ministry of Equality has in the past collaborated with GHITA in order to offer and pay for training for public servants in BSL Levels 1 and 2. Already this year, the Ministry of Equality has spoken to GHITA again to provide similar training and are waiting to hear from them as to when it will be delivered. The Government's Human Resources department has also undertaken a consultation with all public offices to determine the number of public servants who have any level of qualification in BSL and it has shown that 17 people are so qualified.

Mr Speaker, it is important to point out that HM Government of Gibraltar already engages with qualified BSL interpreters when necessary, both in person and via online video link.

Mr Speaker: Next question.

Q23/2022

**Mental Health Act 2016 –
Leaves of absence requested since introduction**

Clerk: Question 23/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, may I ask the Minister to please look at the answer provided to Q702/2020? Is the Minister now able to answer the supplementary posed, namely how many reports and requests for leave of absence have been received since the Mental Health Act 2016 was introduced, updating the position to today's date?

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 granting of leaves of absence to patients under section 16 of the Mental Health Act 2016 is within the remit of the responsible clinician. It is only relevant for the Minister for Justice to be involved if the individual has been admitted to Ocean Views subject to a hospital order. In those cases, section 16 of the Mental Health Act 2016 needs to be read in conjunction with section 117 of the same Act, which requires the Minister for Justice's consent.

Since the Mental Health Act 2016 was introduced, five applications for the granting of leaves of absence have been received by the Ministry for Justice. These relate to three individuals. All of the applications were agreed to.

Hon. D A Feetham: Mr Speaker, I understand that she has a role, in certain circumstances, in relation to leave of absence, but the information that I have received is that in fact reports were not being produced under section 16.

Just to recap so that people understand this, section 16 of the Mental Health Act essentially allows a responsible clinician to make a report that essentially will allow somebody out of Ocean Views where that person has been sectioned, but in order to do so it will consider the situation of that person – for example, whether it will allow that person to be rehabilitated, and that is why a short leave may be provided, but also the safety of the public. So that is one of the things that need to be considered in the report.

I would have thought that even though it may not involve a decision by her, a question from me as to how many of these reports have been produced ... The question arose out of a prior question about how many leaves of absence had actually been granted. I was asking how many reports had been produced because the information I was getting was that in fact these reports were not being produced. I would have thought that is something that the Hon. Minister would take seriously and would be keen to answer in this House, and therefore I am asking her again –

Hon. Miss S J Sacramento: I have answered.

Hon. D A Feetham: Well, no, you have not. Perhaps I have misunderstood. *(Interjection by Hon. Miss S J Sacramento)* Is the Minister saying that there are five that have involved her? But I am not asking about her only, I am actually asking how many reports have been produced more generally that do not involve her.

Hon. Miss S J Sacramento: Mr Speaker, as I recall – because this is a question that arises from the last time we were in Parliament and the hon. Gentleman will remember that there were a number of questions in relation to this and there was a lot of toing and froing between us as to the actual question the hon. Gentleman was asking, so I remember we were having this debate at length on the last occasion. In terms of this question, I have replied on the basis of my understanding of this question from the basis of the questions on the last occasion, because this question follows on from that one and I remember that we had a lot of debate across the floor in that respect.

As far as the ones that come to me as the Minister for Justice, of course, as the hon. Gentleman rightly says, it is my job to ensure that this process is triggered and that this process is done. Of course these are produced. I see them, I read them, I consult on them and I sign them, and in fact when these reports have come to me I have sent them back with questions because, as the hon. Gentleman says, I need to be satisfied in terms of the rights of the individuals concerned and the public protection responsibilities that we have.

Although this question has not been answered beyond this, I know for a fact – not in my capacity as Minister for Justice, which is how I am replying to this today, but in my previous capacity as Minister for Health I, of course, ensured that this happened ... I know for a fact that it

happens. It also forms part of the Gibraltar National Mental Health Strategy, so I know that these things happen.

415 I know that the hon. Gentleman triggered ... I said I was the previous Minister for Health, not the current. I do not know what the joke with the hon. Gentleman is at the moment. I am a bit confused. (*Interjection*) No, I am looking at you. In any event, Mr Speaker, I do not know why the hon. Gentleman finds this discussion funny, because it is very serious.

420 I know that when we had this debate in the last Parliament the hon. Gentleman raised this as a result of a conversation with someone from – (*Interjection by Hon. D A Feetham*) No, I think we did by the end of it. By the end of the debate we identified the source and I think when I met with ... We are going further to what we identified here last time. It is in relation to a group that meets in this umbrella and it was discussed in that context. The hon. Gentleman can rest assured that if there was any understanding or misunderstanding at the last meeting of Parliament, which
425 was last year and a long time ago and perhaps premised on something that was more of a rumour and not that accurate, then so that we do not have to go further into that debate I can guarantee to the hon. Gentleman that all procedures that need to be met in law are met.

Q24/2022

Breathalyser tests –

Number of convictions set aside due to unapproved tests

Clerk: Question 24/2022. The Hon. D A Feetham.

430 **Hon. D A Feetham:** Can the Minister please refer to the answers to Written Questions 51, 52, 53/2021, and will the Government state how many convictions, if any, have been set aside or overturned either on appeal, by agreement with the Crown Prosecution service or otherwise due to the use of an unapproved breathalyser as a *material* factor?

I have put the 'material' in italics so that the Minister can focus on that.

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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, one.

440

Clerk: Question 25/2022.

Mr Speaker: Just a second, Mr Clerk. Does the hon. Member wish to ask a supplementary?

445 **Hon. D A Feetham:** So there is one that has been set aside because the use of the unapproved breathalyser was a material factor in the conviction – am I correct in relation to that?

Hon. Miss S J Sacramento: Yes, Mr Speaker, I did read the question as he intended me to read it, but in any event I am grateful for that clarification that he provided.

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As the hon. Gentleman will know, convictions of this nature are not usually premised on the roadside breathalyser. Usually it is on the basis of a second test that is undertaken, but the question was only relevant in relation to one particular case.

455 **Hon. D A Feetham:** And does she know whether there have been any attempts or any representations, for example, to the Crown Prosecution Service for the Crown Prosecution Service to review any other convictions on the basis that the unapproved breathalyser was also material in the conviction?

460 **Hon. Miss S J Sacramento:** Mr Speaker, yes, and indeed it was the other way round. It was as a result of this situation that the Director of Public Prosecutions advised the Police to identify if there were any other cases where this may be relevant, and I understand that the Royal Gibraltar Police wrote to individuals and invited them to make representations in that respect, but from the information that I have, no representations were received, so only one has been overturned.

Mr Speaker: Next question.

Q25/2022

**UN Convention on the Rights of the Disabled –
Target date for full implementation**

465 **Clerk:** Question 25/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, I refer to the answer provided to Written Question 57/2021. Will the Government please state by when it intends to fully implement the UN Convention on the Rights of the Disabled?

470 **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, Government continues to be committed to assuring the rights of people with disabilities are being met. As I said in my last reply to the hon. Gentleman in Written Question 57/2021, this continues to be an ongoing process that has been held back because of our focus on COVID-19, but which we are already refocussing on.

475 In essence, the UN Convention sets out a minimum standard for the protection and safeguarding of a full range of civil, political, social and economic rights for people with disabilities. The support for the rights already exists in legislation in the form of our Constitution, the Equal Opportunities Act, the Disability Act and other legislation. The ongoing progress I referred to relates to the practical matters that need to be looked at in order to better provide services so that these rights are enabled.

485 **Hon. D A Feetham:** Mr Speaker, I have in the past accepted that the Government has gone a long way in relation to the rights of the disabled, but this is an important issue in relation to the UN Convention, as the Minister nodding from a sedentary position appears to accept, and therefore can I ask her to provide some comfort to people who are concerned about this with at least an indication of by when she expects that exercise to be completed?

490 **Hon. Miss S J Sacramento:** Of course, Mr Speaker, equality is not more important to anyone than to those on this side of this House, so anything we need to do in terms of progressing any of the strands in relation to equality we will progress as much as we can.

495 Of course we know, and the hon. Gentleman will have heard me say in relation to disability and the provisions of the UN Convention, anything that needs to be done in order to further what we have already done will be done in the lifetime of this House.

500 **Hon. D A Feetham:** Mr Speaker, just one final question. 'As much as we can' obviously is an elastic concept. Can the Minister at least –? (*Interjection by Hon. Miss S J Sacramento*) I have said 'as much as we can'. Sorry, have you heard what I have said? 'As much as we can' is an elastic concept. Sorry, does she want to say something?

Hon. Miss S J Sacramento: Mr Speaker, I just do not understand where the supplementary is going, so hopefully we can – (*Interjection*) The hon. Gentleman just continues to repeat something, but I do not understand from his questions today or in previous questions what exactly it is that he is getting at, that he wants me to do. Is there anything in particular that he wants me to do? Can he please be clear, instead of being ...? I think, Mr Speaker, it is the hon. Gentleman who is being elastic and very wide in his description. I would ask the hon. Gentleman to be concise and pinpoint what it is that he is referring to.

Hon. D A Feetham: Mr Speaker, I know that after the next election we will be on that side and they will be sitting here (**Several Members:** Hear, hear) and therefore she can ask all the questions she wants and she will find us in government much more forthcoming than they are with answers that they provide – and far less elastic, I may add, as well.

What we want on this side of the House is the implementation of the UN Convention on the Rights of the Disabled; that is what we want.

The question I was going to ask was: given that doing as much as we can is an elastic concept, can she at least say whether she has completed any kind of study that at least is going to guide her in the work in terms of the implementation? For example, is there a set of parameters that she has now landed upon where the Government essentially has made a decision that we are going to be implementing 90% of the UN Convention on the Rights of the Disabled, or we are going to be implementing this part that we left out last time round but not these other parts? That is essentially the supplementary question, so that at least we have more specificity in relation to what the Government's plan is in relation to the implementation of this particularly important Convention.

Chief Minister (Hon. F R Picardo): Mr Speaker, I am afraid that I agree with the hon. Gentleman about what is going to happen after the next election. I do believe he is right: there is likely to be a Feetham on this side of the House, but it is unlikely to be him (*Interjections*) because when it comes to elasticity there is no one more elastic than the hon. Gentleman. In fact, in praising him, as I always do since he has left the leadership of the Opposition, I would say that he is Gibraltar's political equivalent of the stretchy man on the *Fantastic Four* because he pretends to be as much on the left as he pretends on the right. He pretends to cover all parts of the political rainbow and to represent all ideologies and, of course, none, which is in the nature of the hon. Gentleman.

That is why the team he represents is very likely to be rejected at the next General Election by the people of Gibraltar. What I am not going to do is decide what is going to happen at the next General Election because I respect the judgement of the people of Gibraltar and they will decide who makes up the next Government of Gibraltar at the time when a General Election is called – which, by the way, is not three months after February when the hon. Gentleman thought it was going to be.

On this issue the hon. Gentleman has demonstrated that he does not understand the concept with which he is pressing us, and it is a concept on which he should press us. The Government is pressing itself in order to achieve the extension of the United Nations Convention on the issue of disabilities, not the implementation of the United Nations Convention on Disabilities. The hon. Gentleman has confused his apples and his pears. He has confused his directives of the European Union, which contain things which have to be implemented in the national law, and his conventions, which are UN conventions, which are extended, not implemented, into the national law.

And so, Mr Speaker, what the Government is doing is putting in place all of the things that need to be put in place in the national law for the extension of the Convention to Gibraltar, which must happen as soon as possible, to be done without Gibraltar then being in breach of the Convention when the extension becomes active. These are completely different legal concepts that he has confused, and in that context what the hon. Lady is saying is that we have done a lot already – and he has recognised that – to put ourselves in a position where extension, not implementation, of

the Convention to Gibraltar can happen without Gibraltar immediately being in breach of that Convention when it is extended to us.

Hon. Members will know, of course, that the extension of the Convention is sought by the United Kingdom. The United Kingdom acquires international legal obligations when the Convention is extended to Gibraltar and it would be the United Kingdom that would be found in breach of its international legal obligations if we had not put in place all those building blocks. The answer that we gave him before he started to spin his yarn about elasticity and forgot that we were not dealing with a concept called implementation, we are dealing with a concept called extension, is that we expect that that extension will be done in the lifetime of this Parliament, which is not just another week before the three months that Mr Clinton suggested would be the end of the lifetime of this Parliament when he was interviewed on GBC in February, it is in the lifetime of the Writ of this Parliament, which is four years from October 2019. And so we believe that we have fully answered with full particulars the issue as to the timetable and the issue as to the extension of the Convention, not implementation.

But on this, Mr Speaker, whilst he remains a Member of this Parliament I look forward to continuing to be pushed by him. This is the one area on which the GSD is welcome to clock-watch for us. He will recall that when he had abandoned the left and joined the right and then became a Member of this Parliament, his leader, Sir Peter Caruana, told us in Opposition, when we were asking them about whether one of the projects in their manifesto was going to be completed, that as far as the GSD – the colours that he still represents – were concerned, the Opposition were not elected in this House to clock-watch when they were implementing their obligations to the people of Gibraltar because they were the Government, they were elected by the people of Gibraltar, they were answerable to the people of Gibraltar. Well, Mr Speaker, on this I tell him he should clock-watch us. He should ask us at every session of the House between now and the next General Election, ‘Where are you on the extension’ – not implementation – ‘of the United Nations Convention in respect of disabilities?’ and we will happily answer that we are on target to complete extension during the lifetime of this Parliament.

I look forward to welcoming the other Feetham to this House, Mr Speaker.

Hon. D A Feetham: Mr Speaker, my belt must be particularly visible today because he really cannot resist punching below it. That is the reality. The hon. Gentleman’s style in politics is that every single time there is a question that hits the mark or potentially is going to hit the mark the hon. Gentleman rises and hits below the belt. That is his style. I will just leave it there.

The reality is that every single Government does its bit over the course of their term in office for different sectors of society. We did it, they have done it, I have recognised it. We have brought motions in relation to Disability Benefit, we have asked about this issue on a number of occasions, and that is what politics is about. It is about an Opposition of the day essentially holding the Government to account and asking questions, because that way issues then are at the forefront of a Government’s agenda, or more likely to be at the forefront of the Government’s agenda.

Mr Speaker, all I want from the answer to this question is for the Government not to split hairs in terms of extensions and implementation, but bearing in mind that in the past the Government has said they were not able to transpose – let’s use that wording – into Gibraltar law the UN Convention or the UN Convention on Human Rights because it would have involved, I think, from memory at the time, a disproportionate burden, for example, on private business – that is one of the arguments that were deployed at the time – and therefore the Government has seemed to accept that what we had in the legislation book is not a full transposition of the actual Convention ... Is the Government saying that, actually, before the end of this term in office all of the Convention is going to effectively be transposed and form part of the law of Gibraltar and that there are not going to be parts that are left out because they may be disproportionate either on business or on the Government? That is the question.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman I think does neither of us any favours by suggesting that we are engaged in a pugilist exchange. I do not understand how it is that he goes on television and talks liberally about welcoming his brother to politics, and when I welcome his brother to politics I am accused of hitting below the belt. The hon. Gentleman really needs to belt up.

Look, there is nothing to transpose in the United Nations Convention. He needs to understand that, and he has not understood it. Although I have been at pains and I have spoken slowly, he has not understood that the Convention is not about implementation of things or transposition of things. He has still got his old European lawyer hat on. Directives contain things which are transposed or which are implemented. The Conventions are different, the Conventions are about rights, and the things one has to do in one's national law are to ensure that the rights are protected, so that when the Convention bites, the things that have to ensure the mechanisms of the state and third parties are available to the people who have the right to have them available are there. That is the process we have been undergoing at greater speed and alacrity until 2020 and then, like everything else, it hits the buffer of the pandemic and that slows us down.

In order to understand this better, perhaps, Mr Speaker, what I would say to the hon. Gentleman is that instead of when he comes to doing the clock-watching I have asked him to do and ask us in every session of the House – subject to your consent because you would have to agree to that and the hon. Gentleman might have to rephrase the question a little every time to not offend the rule against asking the same question every six months ... The concept is not about transposition or implementation, it is about extension, and the best way to describe the Convention is as once it is extended, and if you are not in breach of it, it gives you the kite mark, if you can call it that, that your laws are in compliance with the Convention. So he can ask us about compliance with the Convention but there is nothing in the Convention to implement or transpose.

I hope that is clear and that the blow he says I dealt him did not reach any of his intellectual nether regions in a way that has prevented him from understanding what I said.

Mr Speaker: Next question.

Clerk: Question 26/2022 –

Mr Speaker: I think, with respect to the Leader of the Opposition, we have covered this particular subject to quite an in-depth degree. I do not think we should continue with this one.

Next question, please.

Q26/2022
Parental alienation –
Plans following public consultation

Clerk: Question 26/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, following its public consultation, what is the Government going to do in order to tackle parental alienation?

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 explained the last time that this was asked in Parliament, this was, unfortunately, unavoidably delayed due to the COVID-19 pandemic. Now that work has restarted,

it will be concluded in the coming months. Discussions have already been undertaken with the Care Agency, as social workers will deal with children and court welfare matters, as well as the court service as the principal stakeholders. It is also intended that guidance information will be prepared for court users and members of the public.

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Hon. D A Feetham: Mr Speaker, does the Government intend to change the law in order to deal with this issue of parental alienation?

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Hon. Miss S J Sacramento: Mr Speaker, at this stage I am advised that it is not necessarily a matter of legislation that needs to be changed but more in relation to guidance and advice and the way that people work with families. If at any point I feel that that changes and it requires a legislative amendment, then of course I will consider that, but at the moment that is not the advice that I am receiving.

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Hon. D A Feetham: Mr Speaker, as somebody who has sat in her chair and has attempted to deal with this issue, as indeed I did between 2007 and 2011, through guidance and through education, I am sceptical, I have to say. It is not a criticism of the Government, it is just an observation on the policy because that is what we did. I am sceptical about whether in fact education and information are going to solve this particular issue.

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Has she seriously considered changes of the law along the lines of other jurisdictions that have come to the same conclusion – in other words, that parental alienation needs to be dealt with through positive legislation change, rather than simply education and information?

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Hon. Miss S J Sacramento: Mr Speaker, I recently, beyond this consultation exercise of parental alienation as a specific area of concern in family legislation, commissioned a wholesale review of family law, family legislation and all proceedings. Under the new review there may be changes to the way we do things by operation, i.e. by way of order, by way of guidance, and the guidance can be statutory in terms of possibly either by way of court rules, which is of course a matter for the courts but not for us, or by way of secondary legislation as opposed to legislating in the way I think the hon. Gentleman is referring to. But I am, of course, open to it in the context of the way that things have to change.

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I understand what the hon. Gentleman did when he was Minister for Justice and it was something that was necessary at the time. In particular when it comes to family law, the dynamic of the world is changing, the way we have to deal with cases is changing and that is a reflection of the way that society is changing. This is something that we have to be alive to and this is something that we very much have under review.

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The position I have in terms of the representations that have been given to me and the advice that has been given to me is that it does not require legislative change, but it may well be that when we are looking at other potential legislative changes this may fall into that in a different way. It will be clearer when we issue the consultation on the broader consultation of the family law reform that I have recently embarked on – so it is not something that has been formally announced yet, Mr Speaker.

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Hon. E J Phillips: Mr Speaker, if I may, and I am grateful for your leave on this particular question, I have a strong interest in this area; the hon. Lady and I have discussed this on numerous occasions insofar as parental alienation syndrome.

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The hon. Lady will know, of course, that five years ago I was interviewed by the *Chronicle* in relation to this specific area and was calling on the Government at the time to deal with targeted training of the judiciary, lawyers and those involved in this issue so that we can provide better understanding. And whilst I support what my hon. and learned Friend on this side of the House says about legislation, has the Government ...? It was five years ago that we called for this and it was in response to Lady Justice Parker in the United Kingdom, when she said there needs to be a

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greater understanding of parental alienation. What has the Government done in the last five years to increase training for the judiciary, lawyers and those who are in family practice, so that we can better understand this phenomenon and the damage it does to families across the board?

Hon. Miss S J Sacramento: Mr Speaker, the hon. Gentleman will forgive me, I am not aware of ... whether it was a press release or an interview that he gave five years ago. Please forgive me, I am not aware of that, but in any event I was not the Minister –

Chief Minister (Hon. F R Picardo): [inaudible] assiduously read everything you say in the media.

Hon. Miss S J Sacramento: Exactly. Mr Speaker, I was not the Minister for Justice at the time but the general principle that if there are issues that arise that formal training may need to be required ... is very much part and parcel of the review that is being conducted in this regard, so while I am not familiar with that press interview that he is referring to, it is a recommendation but it is not a recommendation as a result of what the hon. Gentleman has said, not a recommendation in this respect but a recommendation generally.

Mr Speaker: Next question.

Q27/2022
HM Prison –
Mandatory drugs testing

Clerk: Question 27/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what progress has the Government made in relation to mandatory drugs testing at HM Prison?

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, you will recall that when this matter was previously raised in this Parliament I explained that it was an unfortunate side effect of the COVID-19 pandemic that our ability to progress this matter was limited. I am pleased to be able to state now that, since then, progress has been made to ensure that mandatory drugs testing of prisoners will be able to commence before the end of 2022.

The hon. Gentleman will recall from his last question that such testing was being undertaken in the UK. Since then, arrangements have been made for testing to now be undertaken at the GHA lab instead and that HM Prison Service has completed its review of the relevant policies and practices.

The final training for the MDT Co-ordinator/Trainer is due to be completed within the month and this will commence thereafter.

Q28/2022
***Lishman* case –**
Review of outcome

740 **Clerk:** Question 28/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, does the Government consider that any laws need changing following its review of the *Lishman* case outcome?

745 **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, this review is ongoing.

750 **Hon. D A Feetham:** Mr Speaker, can the Minister give an estimate as to how long she expects this review to continue?

755 **Hon. Miss S J Sacramento:** Mr Speaker, this review into very sad and regrettable circumstances is part of a wider piece of work that we are undertaking in relation to domestic abuse and there is a lot of work that is being undertaken in that respect with an insight into this particular case as part of that. As soon as that work is concluded – and it is incredibly advanced – I would be happy to inform the hon. Gentleman.

760 **Hon. D A Feetham:** Mr Speaker, can the Minister say who is conducting the review?

Hon. Miss S J Sacramento: Mr Speaker, it is a multi-agency review generally that we are doing, but it is led by the Ministry of Justice in their capacity, where the people who are dealing with it are neutral from the people who were involved in the details of this particular case.

765 **Hon. D A Feetham:** And is anybody with any legislative expertise involved in that review as part of that team?

Hon. Miss S J Sacramento: Mr Speaker, yes.

770 **Hon. K Azopardi:** Mr Speaker, can I just ask, following on from that, what is the scope of the review? Is the review looking at the criminal law or some aspects of the criminal law? Is it looking at sentencing issues? Is it looking at other aspects? Is it looking at departmental processes? Can the Minister perhaps give us an idea of precisely what is being looked at and perhaps the composition, if there is a committee dealing with it to discuss ...? If it is a wide remit and it is a committee, can she give us some idea of who is on the committee in terms of not specific names but perhaps which Departments they are drawn from?

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780 **Hon. S J Sacramento:** Mr Speaker, yes, all that the hon. Gentleman has mentioned are issues that are being looked at in this case and in the wider way in which we work, because of course fundamentally the objective of the exercise we are doing is to protect victims of abuse, victims of violence and victims of domestic abuse, so it is part of a wider group. It is led by the team within the Ministry for Justice and it is a fluid arrangement as opposed to a committee looking at these particular circumstances. There will be consultation with stakeholders internally and externally as well. By stakeholders I mean the normal stakeholders that one would expect, in terms of the Police
785 and prosecution and the process.

Hon. K Azopardi: Would the Minister keep in mind that obviously there was a big degree of public concern evidenced not least by the demonstration that was held just shortly after the outcome of that matter? And would the Minister keep in mind that degree of public debate that there was in terms of ensuring that ...? I am sure the Minister does realise that it is important for the review committee and that process to carry on its work to reach a comprehensive outcome, obviously, in terms of the results of its recommendations and to do its work properly, but of course to do so also in a way that is not too extended and that the outcomes of the investigation and review are done as quickly as possible so that if there are going to be improvements to processes or legislation that are the results of the inquiry, then clearly it should be done as soon as possible to deal with those matters.

Hon. Miss S J Sacramento: Mr Speaker, of course I am alive to representations that have been made.

What I can say in terms of comfort, if there can be some, is that the incident is historic in that it took place a number of years ago and there has been a lot of progress in that field and there has been a lot of development in that field since then.

Q29-30/2022

National Disability Strategy and Autism Pathway – Finalising and publication

Clerk: Question 29/2022. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, can the Government confirm when the National Disability Strategy will be finalised and whether this will be published?

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 30.

Clerk: Question 30/2022. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, can the Government confirm when the Autism Pathway will be finalised and whether this will be published?

Clerk: Answer, the Hon. the Minister for Justice, Equality and Standards.

Hon. Miss S J Sacramento: Mr Speaker, significant work has already been undertaken on progressing disability, and within that autism, at a strategic level. The strategy is delivered at operational level by the key stakeholder Departments. Learning disability and autism pathways have already been further developed under the National Mental Health strategy that was published last year. Work is also being undertaken to have documented strategies and these will be published when ready.

Hon. K Azopardi: Mr Speaker, so I am understanding the answer, is the Minister saying that there is going to be a National Disability Strategy under which there are different elements, one of which is the Autism 'Pathway', for want of a better word? That Autism Pathway – there is going to be an improved, republished version – is that what she is saying?

Hon. Miss S J Sacramento: Mr Speaker, when we talk about issues such as learning disabilities and autism, there is an overlap between the strategic way we deal with things and the operational way we deal with things, and there is a massive overlap with mental health.

835 The hon. Gentleman will be aware that last year I published a document which was the National Mental Health Strategy for Gibraltar. It looks something like this. If it helps the hon. Gentleman, I am happy to furnish him with a copy if he does not have one. Obviously, before this document we have had strategic documents and strategic working groups as we work on these things, but now we have this document. I am working on a document for disability which will be very similar to
840 this one, but of course it will have an overlap with health and with mental health, and for that reason a lot of this work is already undertaken under the auspices of this document and a lot of the workstreams and working groups are already formally established as part of the Gibraltar Mental Health Strategy because of the overlap, and then those are groups that already existed, some more informally than others, before this document was published.

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Hon. K Azopardi: I am grateful for that. The hon. Lady did give me a copy of the Mental Health Strategy last year, so she does not need to ... But I am not sure she answered my question. Maybe I should just put it again. My question was whether the Autism Pathway is going to be republished. That was my specific question.

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While I am on my feet, can she perhaps give us an indication of when she would expect the National Disability Strategy to be published, bearing in mind that, as I understand it, the Government first started work on this back in maybe 2014? There is a reference to an Autism Pathway in the 2014-15 Health Report, when the Hon. Prof. Cortes was the Minister involved, and so it has been, I suppose, a while in brewing, and my question is: assuming this is dovetailed with
855 the work on the National Disability Strategy, which again presumably is not an easy document to draft but has been worked on for some time, can she give us an idea of when it is likely that she thinks she will publish such a document?

Hon. Miss S J Sacramento: Mr Speaker, let me clarify. The hon. Gentleman has made reference
860 to a statement I made in 2014. I can assure him that the work on the strategic development when it comes to disability started very much in 2011, because that was obviously the ambition when we started, and a lot of work has gone into that already and strategies exist. The majority of the strategies that we have are, of course, internal, but they have always been applied. Strategies in this field obviously are very live, and as things develop and progress and we learn more, then we
865 work on what we have.

He is right that some years ago there was a specific focus on autism. The intention of that was because of the number of people who were affected by autism, and because it was such a large number it would have been part of the wider Disability Strategy. But things like introducing the Disability Act as part of the Disability Strategy, the improvements that we make in Departments,
870 in service delivery, in training, all that is part of the Disability Strategy.

What I want to do now is, having been very alive, I think, to the success of having a written National Mental Health Strategy in this document ... I am very happy with this document and the outcomes that we have had in the work that we have undertaken here since we published it. I want to do something very similar for disability.

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The Autism Pathway that he refers to will be developed under that strategy, but a lot of work when it comes to autism, particularly the mental health and the health aspects of autism, are captured by this. But not all the needs of people who are on the autism spectrum are health needs, there are also social needs, and that will be clearer in the new document. The document, of course, is multi-agency, and whereas the Disability Strategy will be centralised in the Ministry for
880 Equality – because that is the pivot for the Government, so that is where all disability roads lead to on a strategic basis and a policy development basis – obviously we will have a lot of interagency work in relation to that because we have to involve the Director of Public Health as well as the Health and Social Services providers of the strategy.

Mr Speaker: The Hon. Damon Bossino.

Hon. D J Bossino: I am grateful, Mr Speaker.

May I ask the Minister on an issue in terms of the administration of this strategy? (*Interjection by Hon. Miss S M Sacramento*) Sorry, how this is going to be administered. The basic question is: is it her office or is it – I want to get the name right – the National Special Needs and Disability ... No, sorry, excuse me, that is not the one ... the Special Needs Co-ordination and Liaison Office. As I understand it, that office – and I know the individual who leads it – works from No. 6, and in fact it was going to be done from No. 6. So is it No. 6 and that particular office, or is it her Department that is going to be leading on the Disability Strategy?

Hon. Miss S J Sacramento: Mr Speaker, I am, of course, the Minister with the constitutional responsibility for disability. When I undertake these functions, obviously I will consult with clinical professionals and there are also public servants who are engaged as part of the whole umbrella.

As the Minister for Disability, when it comes to this, it is my responsibility to discharge these functions and of course I will involve different people within the public sector as well as the private sector and the voluntary sector along the way. But as this is my responsibility as Minister for Equality, it will be delivered by the Ministry for Equality in the same way that when we delivered the Mental Health Strategy it was delivered at the time by the Minister for Health because it is a national strategy for the Government. The Government will, of course, consult anyone we need to consult as part of that, and different individuals will report to me along the way.

Hon. D J Bossino: With respect to that – maybe there has been a change, and if there has been a change I would ask her to confirm that position – the position in Government press releases was ... This was, I think, the first press release on the subject; there have been two, as far as I know. The first one was dated 6th September and it very clearly states ‘The Special Needs Co-ordination and Liaison Office is responsible for ...’ There are three bullet points and the first one says ‘developing and implementing a National Special Needs and Disability Strategy for Gibraltar’. Is she now saying that that has changed and it is her office that is now leading on this issue?

Chief Minister (Hon. F R Picardo): Mr Speaker, under the Constitution, when I have designated Ministers, all of the Ministers have the ability to run national programmes. National programmes are not just run by the Chief Minister, they are run by each Minister in their respective Departments. If the hon. Gentleman thinks that national programmes can only be run by the Chief Minister from No. 6 Convent Place, he has a misunderstanding of how the delegation of powers after the election happens in the way that Ministers take their powers from the Governor.

Mr Speaker: I think we need to move on.

Hon. D J Bossino: This is a very important point.

Mr Speaker: What point are you trying to make, please?

Hon. D J Bossino: It is simply whether there has been a change in the approach. It is very clearly stated that it is nothing to do with the Chief Minister and No. 6. It actually says there is a special office that has been set up. It so happens that it works from No. 6 Convent Place. It has a hifalutin name. It was said in the press release that this office, the Special Needs and Disability Co-ordination and Liaison Office, which operates from No. 6, was going to be leading on this strategy. We are now being told that it is now being led by the Minister and her office. All I am trying to establish is whether she admits and agrees that there has been a change in tack and policy.

935 A further question to that is: what is the remit of this office, which was set up in September, according to her press release? What is it going to be doing from now on? Is it now no longer going to be responsible for the launching, seeing-to and conclusion of this particular strategy?

I think it is an important issue of public ... and nothing to do with what the Hon. Chief Minister, with all due respect to him, has replied in answer to my point.

940 **Hon. Chief Minister:** Well, Mr Speaker, I think the hon. Gentleman has completely misunderstood that point, because it goes exactly to what he has asked.

No. 6 Convent Place is not my office, it is the place in which I am based. No. 6 Convent Place is a Government office. It is also the office of the Deputy Chief Minister. The Minister with responsibility for financial stability has officers there who work to him and work to me, and so the fact that an office is based in No. 6 does not mean that it is not answerable to the other Minister who is also based in No. 6, because the Hon. Miss Sacramento has responsibility for civil contingencies and Civil Contingencies occupy all of the bottom right hand floor, as you go in, of No. 6 Convent Place.

950 I really do not understand what it is that the hon. Gentleman is saying, because the fact that somebody is at No. 6 and running a national plan does not mean they are running it for me; they could be running it for him, for the Deputy Chief Minister, or they could be running it for her because she is the Minister for Civil Contingencies and is at No. 6.

Mr Speaker, the hon. Gentleman has asked a question and we have given him the answer. He has now asked it again: has there, therefore been a change of tack? Answer: no, this is the same tack in the same office in the same direction. I genuinely believe that he is really pressing us and splitting hairs on an issue on which we should all be agreed, which is that we have set up an office which is doing the right thing. It is doing it from the heart of Government, answerable to the Minister with responsibility for these things, who has offices there in that office as well. On the substance of the issue, where we should be spending time, he is not asking us anything; he is just asking us where is it based. (*Interjection*) It beggars belief, Mr Speaker.

965 **Hon. Miss S J Sacramento:** Mr Speaker, as the Chief Minister has just said, I do not understand the splitting of hairs because of one individual. As I think I said earlier, when it comes to disability, because of my ... Mr Speaker, if the hon. Gentleman wants to listen to what I am saying (*Interjection*) he may be able to get to the bottom of the question he is asking.

Hon. D J Bossino: [inaudible] to ask.

970 **Hon. Miss S J Sacramento:** Mr Speaker, I will answer to you, and if the hon. Gentleman wants to listen to my answer then I welcome that he does. As I said earlier, constitutionally – (*Interjection*) Mr Speaker, constitutionally the Chief Minister has appointed me as the Minister with responsibility for disability. In that respect, anything in relation to policy or strategy of disability will have to report to me. There are different people within the Government and within the public sector who report to me on disability and they will report to me through the Ministry for Equality. I hope that answers the hon. Gentleman's question.

Mr Speaker: Next question.

Q31/2022

**Development plans –
Lack of cycle lanes and charging points**

Clerk: Question 31/2022. The Hon. Ms M D Hassan Nahon.

980 **Hon. Ms M D Hassan Nahon:** Why are we continuing to develop without cycling lanes and charging points being embedded in our development plans?

Clerk: Answer, the Hon. the Minister for Justice, Equality and Standards.

985 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, the Gibraltar Development Plan contains a policy on cycling routes, which aims to encourage cycling as a means of transport in Gibraltar by encouraging the provision of safe routes and facilities and requiring that new developments take account of the requirements of cyclists.

990 Furthermore, both cycling and the use of electric vehicles as environmentally friendly modes of transport are very much the policy of this Government and widely encouraged in various ways. The Town Planning (Development Control) Regulations 2019 include requirements for applications for planning permission to include scheduled numbers of both active and passive electric vehicle charging points. These policies and provisions are continuously being applied in all
995 planning applications where redevelopment is proposed either through pre-submission consultations and included in the submitted plans and planning statement for approval, or as planning conditions.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for her answer but this question
1000 is one that I have myself observed has not been adhered to – in terms of when the Minister says that these are embedded in the plans, it does not appear to be. Can I ask if we saw this in the new schools or in the schools that are being built? Can I ask if we are seeing it in the new projects? I myself and representatives of the cycling community are not seeing it, so I would just like an affirmation from her that these are being implemented in the future developments, and I want to
1005 ask why I am not seeing them in the schools that have been built recently.

Hon. Miss S J Sacramento: Mr Speaker, there are questions specifically relating to cycling and schools on the Order Paper later on and, with your leave, I would suggest that it may be better placed for the hon. Gentleman the Minister for Education to deal with those.

1010 On the generic question, in terms of cycling and electric charging points, I do not know but I have never seen more provision being made for cycling in Gibraltar than I have seen in recent years. Never have I seen more people on bicycles in Gibraltar. It is as simple as that, Mr Speaker. It is just that –

1015 **Hon. Miss S J Sacramento:** Mr Speaker, we have never had a Minister with that responsibility who is more active (*Interjections*) or committed to promoting that himself. That sends a message which is visible and which speaks volumes. You just have to look around. When there is a cycle lane, people complain that there is a cycle lane. But now we are being asked that there are no cycling lanes.

1020 The general thrust of the supplementary is whether we are going to do more. Well, of course we are going to do more because it is clear that everybody on this side of the House is very committed to an environmentally friendly Gibraltar, a green Gibraltar and a healthier Gibraltar, and encouraging the use of cycling ticks all those boxes so the answer to that is yes.

DEPUTY CHIEF MINISTER

Q90/2022

Civil aviation –
Post-Brexit changes envisaged

Clerk: Question 90/2022. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state what changes, if any, are envisaged in relation to civil aviation in a post-Brexit world?

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

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Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, any changes to civil aviation in a post-Brexit world will depend on whether a treaty is concluded on Gibraltar's relations with the EU and, assuming a treaty is agreed, on the terms specific to civil aviation.

In essence, the information contained in Press Release 687/2020 and the supporting Technical Notice (4) 'Getting ready for the end of the Transition Period – Aviation' remains current today.

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Hon. E J Phillips: I am grateful for the answer from the Deputy Chief Minister. I just want to explore that slightly more because obviously yesterday we had ... I am not encouraging further debate on the subject, but yesterday we heard much about the work being done by the Tourism Minister in relation to encouraging European airlines at least to use Gibraltar as a potential place to land passengers. Therefore, if on one hand the Government is encouraging that throughput to our jurisdiction it must, of course, be reviewing what the position might be from a civil aviation perspective, and whilst I appreciate everything the Deputy Chief Minister has said about the post-Brexit work and where the treaty will end up, has the Government looked at that whilst planning its Tourism Strategy?

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Hon. Deputy Chief Minister: Mr Speaker, obviously I understand the two are connected because without the ability to have a legal framework to allow the flights to happen, the flights cannot happen, but as the hon. Member heard yesterday, the Government is relatively optimistic about looking at a treaty between the UK and the EU on the future relationship of Gibraltar.

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As we already said, for there to be a change, aviation needs to be a part of the treaty, presumably in the transport section, and that then would trigger flights being able to operate between Gibraltar and the European Union.

The position at present is that, as the hon. Member knows, Gibraltar operates under the framework provided by the Chicago Convention. That allows flights to and from Gibraltar to overfly other signatory countries – in our case, Belgium, France and Spain – and it also allows for diversions to those countries in the event of bad weather or emergencies. That is the position today.

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The position in the EU was obviously the EU legal framework, from which I have to say we were suspended on different occasions for different periods of time from different parts of that *acquis*. What applies today is the Convention on International Civil Aviation – the Chicago Convention – and that may change if there is a treaty. We have the Convention, but there would be a specific treaty regulating flights to and from the European Union.

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Q91/2022

**Former GBC premises site –
Update re development options**

Clerk: Question 91/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Further to Written Question 46/2021, can the Government state whether it is any closer to requesting expressions of interest in the former GBC premises site and what its own preferred options are for development in that area?

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, requests for expressions of interest in the site were published in February of this year after the answer to Written Question 46 but before this question was tabled. The Government is currently reviewing the four applications received.

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Proposed schemes must allow for a low-rise development and for a use compatible with the area, and include the provision for a minimum of 40 public car parking spaces and a green area.

Hon. D J Bossino: Mr Speaker, I am grateful for that answer. Is he able to advise of any progress since that expressions of interest was published?

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I do not know whether my hon. Friend here has a question in relation to the parking in the South Barrack Ramp areas and South Barracks, but is it the intention for those parking spaces that are going to be built – I know it is an issue for residents in the area – to replace those that are along that hill opposite GBC, if he knows what I mean? At the moment, there are seven parking spaces that have been lost as a result of, in effect, the pedestrianisation of South Barrack Ramp, and – this is my own calculation and my own counting, as I live in the area – there would be another loss of, depending how far it goes, between 24 and 31 car parking spaces. So are those 40 I think he mentioned meant to be replacing those, or will they be in addition to those parking spaces?

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I appreciate it is two questions I have asked him in this supplementary.

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Hon. Deputy Chief Minister: Mr Speaker, these are issues that I know my colleague the Minister for Transport, the Hon. Mr Balban, is looking at. They are not issues that I am directly concerned with in terms of the expression of interest and the use of the land. It is fair to say that no policy decision has been taken in that respect at the moment.

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Hon. D J Bossino: And in relation to the first supplementary I asked in that exchange, does he have an update as to how the expressions of interest are going and when he expects to be able to alight on a decision in relation to that?

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Hon. Deputy Chief Minister: Mr Speaker, there is not an immediate urgency. Let me explain why. First of all, because my understanding is that GBC still has some equipment in the area which they still use to relay the signal to different parts of Gibraltar; and secondly because there is also a Government tenant in one of the flats in that area who will move to one of the affordable homes when those homes are ready. So there is not an immediate urgency, but that aside, the Government has not had a chance yet to sit down and look at the different proposals that have been made.

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Hon. D J Bossino: He may not be in a position to tell me across the floor of the House, but do those proposals include, for example ...? I think one of the buildings – the brick building, as I call it – is listed, so it has to be protected, but I am not sure that the others are, so my question is... I know there is a 19th-century or perhaps early 20th-century building there. Is it proposed to

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sacrifice that building – the Minister for Heritage is shaking his head – as part of the construction and development of that area?

1115 **Hon. Deputy Chief Minister:** Mr Speaker, I think it is fair to say that these would be planning questions for the Development and Planning Commission to address from their own perspective. From the point of view of the Government, the advert makes it clear that planning and heritage considerations would need to be respected.

1120 In terms of the areas used for clubs and associations at the moment, which I think includes the area that he refers to, there is the option for developers to be able to relocate the entities that are there at the moment and fund their relocation, or to temporarily relocate them somewhere else and then bring them back to the area when the development is complete. So, in answer to the question, in short, it really would be a heritage and a planning issue [inaudible] in terms of what they seek to preserve or not preserve from that area.

1125 **Hon. D J Bossino:** By way of assistance, Mr Speaker, we may not be focusing on the same building. I am thinking more about ... If I can explain it better, it may actually be attached to what is currently the GBC building, so if you are on the road and looking ... Do hon. Members know which one I mean? It is stated on the archway. If you are looking at it, you have La Morna on the left and then the next one up is this one. I am not going to mention names of the neighbours I know who used to and I think still live there, but I think the hon. Member knows which building I am talking about. Is it the Government's policy to protect that building, or not? I know it is not protected by way of legislation.

1135 **Hon. Deputy Chief Minister:** Mr Speaker, my colleague the Minister for Heritage helpfully tells me those are known as recreation rooms.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): That is on the other side. I think he means up the hill from [inaudible].

1140 **Hon. Deputy Chief Minister:** Okay, above the [inaudible] In terms of what we preserve or do not preserve, I think fundamentally that would be a planning issue and really would be a matter for the Development and Planning Commission and the experts in the different areas that sit on that body.

1145 **Mr Speaker:** Next question.

Q92/2022
Gibraltar National Archives –
Update re new premises

Clerk: Question 92/2022. The Hon. D J Bossino.

1150 **Hon. D J Bossino:** Further to Written Question 47/2021, please provide an update with regard to the new premises for the housing of the Gibraltar National Archives.

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

1155 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the Government has earmarked Duke of Kent House as the new premises for the Gibraltar National Archives.

Hon. D J Bossino: Yes, Mr Speaker, in fact that was identified in their manifesto at the time as a possibility, so I am glad to hear that that has now been decided upon. I am sure the staff at the National Archives will be very happy with that announcement.

1160 When does he expect those premises are going to be kitted out, and when does he expect that the National Archives will be able to move in? I think in his answer he was talking about 'soon' as to an announcement. He is now making an announcement, but I would ask him, if I may, to state when he expects it will become a reality.

1165 **Hon. Deputy Chief Minister:** Mr Speaker, a preliminary feasibility study has already been carried out and concept designs have been produced. The next step will be to produce the detailed costings. Obviously, as with everything else, this will need to be fitted into the Government's budgets in any financial year. We will need to determine how to spread the cost of the funding of the project, but there is a feasibility study already produced, concept designs are produced and
1170 we are waiting for the detailed costings.

Hon. D J Bossino: Am I able to take from that reply that it is unlikely to be in this financial year or, indeed, on this side of a general election? Are we looking more into the future as to when he thinks that is going to materialise?

1175 **Hon. Deputy Chief Minister:** Mr Speaker, it is not possible, really, to say at this moment, but the hon. Member has an advance secret copy of the Estimates of Government Expenditure which may throw some light on that question.

1180 **Mr Speaker:** Next question.

Hon. K Azopardi: May I ask, please, just a quick supplementary on this? The Government is satisfied, I assume from the indication the Deputy Chief Minister has given us, that the building is big enough for the archives and that it will be secure enough. Obviously, at the moment they are
1185 within the courtyard of the Convent, therefore secure. Can he give us an insight on the kind of security the archives would have at Duke of Kent House, given the importance of the National Archives?

Hon. Deputy Chief Minister: Mr Speaker, the Government does not intend to move all the storage that the Archives have to the new premises. It would be a front-facing area for research, students, visitors and exhibitions, that kind of facility. Also, there is now a considerable amount of information that the Archives does put online automatically, which means that the original files
1190 no longer need to be on display for researchers to access – they can do so online.

1195 **Mr Speaker:** Next question.

Q93/2022
St Andrew's Church, Town Range –
Developments

Clerk: Question 93/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please state whether the Government is aware of any developments with regard to St Andrew's Church at Town Range; and, if so, what these are.

1200 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, no, neither the Office of the Deputy Chief Minister or the Lands Office are not aware of any developments with regard to St Andrew's Church at Town Range.

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Hon. D J Bossino: Mr Speaker, if it is of assistance, I am happy to speak to him later on, but I have heard ... I do not know whether he has – perhaps that is a formal answer – but I have heard that the Church of Scotland may be leaving that church. I think there is a formal process that would need to be undergone if that were to be case. I have that on relatively good authority, but he has answered the question.

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There is a relevant point that arises. As I understand it, but I stand to be corrected, that particular building is not a listed building in the ... It is? Okay, it is a listed building so that's the answer from my hon. Friend Mr Clinton. I had a quick look at the schedule and I did not see it, but at least it is going to be protected, so I have no questions, Mr Speaker, on that point. *(Interjection)* Well, he has heard what I have heard, that is all, but is it just his formal position or has he heard whether there is any intention to do away or deal with that building?

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Hon. Deputy Chief Minister: Mr Speaker, the hon. Member will know that we do not operate on rumours, certainly neither the Government nor myself do, so I really cannot answer the question except to say that my office is not aware of it. I do not know whether they have engaged with other parts of the Government, but after receiving the question and drafting the answer I also made a point of asking Land Property Services to see whether they had heard anything about it as the Government's land and property agents, and they too had not heard anything.

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Hon. K Azopardi: To the extent that it transpires that the presence of those people operating St Andrew's Church and administering it is diminished, does the Government accept that it is an important heritage asset and it would take an interest in ensuring that the property is preserved?

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Hon. Deputy Chief Minister: Mr Speaker, as the hon. Member will know, the question is hypothetical and there is really nothing more that we can say on this particular subject until something more concrete materialises.

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Q94/2022
Northern Defences –
Refurbishment programme and future management plans

Clerk: Question 94/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please provide an update with regard to the Northern Defences refurbishment programme, especially in regard to future management plans and likely private sector parties involved.

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, works at the Northern Defences have continued unabated with significant improvements to infrastructure by AquaGib being the focus this last year.

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With regard to future private sector management, Government has engaged with one of various companies that expressed an interest in providing and managing activities in the area and those discussions are now ongoing.

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Hon. D J Bossino: Mr Speaker, is this one of the three I think he mentioned in reply to my question on 30th October on the same subject? I ask him to confirm that. He is nodding his head. And can he give more detail in relation to that particular project and what it is likely to entail, and more particulars than he has just given us across the floor of the House?

Hon. Deputy Chief Minister: Mr Speaker, on the activities being looked at I will probably give more details at the time of the Budget debate, but at the moment it is things like rock climbing, abseiling, zip-lining and also historical heritage tours as a separate activity for those who are interested in undertaking it.

Q95/2022
Victualling Yard –
Number of expressions of interest received

Clerk: Question 95/2022. The Hon. K Azopardi.

Hon. K Azopardi: Mr Speaker, how many expressions of interest have been received in respect of the Victualling Yard?

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, there have been five expressions of interest received in respect of the Victualling Yard.

Hon. K Azopardi: Can the Minister give us an idea of the breadth of options that form part of the expression of interest process, the current consideration process and the likely timescale for the conclusion of that process?

Hon. Deputy Chief Minister: Mr Speaker, I am reluctant to give too much detail because Government has not yet considered the proposals in detail, but I can confirm that they are for different types of storage, and there are other more altruistically inclined uses proposed as well. The Government really has not had time to consider this in depth as yet.

Hon. K Azopardi: And the question I asked about the likely timescale for consideration?

Hon. Deputy Chief Minister: I think, Mr Speaker, we would be looking probably at some time after the summer. We expect that if there is a treaty between the UK and the EU on the future relationship with Gibraltar it would release a huge amount of time on the part of Government Ministers and officials, who will then have time to deal with other issues of this nature. We are trying to combine the two, but I would expect realistically it would be after the summer.

Mr Speaker: Mr Isola will commence with some –

Chief Minister (Hon. F R Picardo): Mr Speaker, I thought it might be a convenient moment, just before Mr Isola starts, to offer the whole House a short comfort break of 15 minutes, so that we could start at quarter to six.

Mr Speaker: The House will recess for 15 minutes and return at quarter to six.

The House recessed at 5.30 p.m. and resumed its sitting at 5.46 p.m.

Procedural

1290 **Mr Speaker:** Minister Isola will commence with some of his unanswered questions from the September meeting, starting with Question 232.

Whilst I say these few words, I would like to remind everybody that if any hon. Member wishes to speak he should signal this to the Speaker and we can go ahead and allow Ministers to speak or I will ask Members to speak.

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q232/2021

**PCC/GHA telephone appointment system –
Plans for overhaul**

1295 **Clerk:** Question 232/2021. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state what plans it has to overhaul the PCC/GHA telephone appointment system?

1300 **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 GHA is in the process of updating its telephone system by implementing an improved call flow process that will redirect callers to the exact service they require. This will cover not only appointments but also other publicly available services.

In addition to this, I am pleased to announce that we will shortly be introducing an online doctor appointment system, available through the Government's gov.gi portal. This new service will introduce various online GP consultations, including online repeat prescriptions. Access to the existing MyGHA automated telephone booking service will continue.

1310 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer. It is the one question, in my respectful view, the one issue in this community that has blocked every single one of my social media feeds. People in this community are deeply frustrated with it and I am sure the Minister understands that – he must receive numerous complaints about the system and how it works.

1315 Can he assure this House, and members of the public – who, on a daily basis, are either thrown of the line, cut off the line or have to wait for hours upon hours for appointments and contact just to see a doctor – that this new system that he speaks about today will solve the systemic problem with our appointment system?

1320 **Hon. A J Isola:** Mr Speaker, I agree and I think that one of the first things I did upon being given responsibility for the GHA was to engage with the Director General in considering options, although I had previously been instructed by the Chief Minister to begin work on an online booking system – which we are ready to go with – which would also provide some support to improving generally the appointment system, which I hope to deliver very shortly.

1325 I accept the hon. Member's comments and I agree with them, and I am doing as much as I possibly can to get it fixed as quickly as I possibly can.

Q233/2021

**Cancelled operations –
Categorised and reasons for cancellation**

Clerk: Question 233/2021. The Hon. E J Phillips.

1330 **Hon. E J Phillips:** Mr Speaker, can the Government state how many GHA and non-GHA operations have been cancelled over the last three months, broken into category and reasons for cancellation?

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

1335 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, at the time, the GHA had cancelled 27 operations in the previous three full months. The reasons for the cancellations included emergency surgeries taking priority and critical care beds not being available post operations due to COVID patients being admitted. Additionally, 27 have been cancelled as a result of patients not attending, patients being unwell on the day of the
1340 procedure, surgeon's clinical decision on the day, or as a result of having contracted or isolating due to COVID.

Hon. E J Phillips: I am grateful, Mr Speaker. I should say, and this is not a question but there are numerous questions that follow this for this session or this particular year that will update
1345 them. These figures relate from the date when I asked the question, so I do not think there is any purpose in me continuing to ask this line of question when there are other questions on the Order Paper that address these issues as well.

Mr Speaker: I am grateful for that.

Q234/2021

**Provision of MRI scanning services –
Location re incorporation of commercial entity**

1350 **Clerk:** Question 234/2021. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state that the commercial entity that applied to use premises at Europort for the purposes of providing MRI scanning services to the GHA is incorporated in Belize?
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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, there is no further information other than as provided in answer to
1360 Question 43/2021.

Hon. E J Phillips: Mr Speaker, as the Hon. Minister knows, the name of the commercial entity is, I believe, AC Ltd, which has applied for planning consent to use particular premises in the Europort complex and which might actually extend to Atlantic Suites, as far as I understand. It is understood that that application relates to the provision of MRI scanning services and we have
1365 debated in this House the extent to which the Government will either provide those services itself

through the GHA or whether this will be dealt with by someone with a commercial interest in providing those services.

1370 Does the Government know who this company is, given the fact that it will be offering a significant medical service to our community? And has the Government done the necessary due diligence to establish the status of this company and its experience in providing specialist MRI services?

1375 **Hon. A J Isola:** Mr Speaker, there are two other questions on the Order Paper today – this is actually one from last September – which deal with the same application.

The position is the same as the last time we discussed it because there is no discussion, no engagement, no agreement, no talk, not even a negotiation with this company in respect of MRI between the GHA and that firm.

1380 If there has been an application for planning, that is one thing. I can make an application to the DPC for planning to build a house on top of his house; it does not mean I have permission to do it from the landlord or the owner. This is exactly the same. If somebody submits a planning application ... They can submit a planning application for whatever they like, but they have not engaged with the GHA, there is no discussion, and I can tell the hon. Member that we are not talking to anyone about providing MRI services in Europort or Atlantic Suites. Does that help?

1385 **Hon. E J Phillips:** I am grateful for that answer and that is clear. So it does appear – and the first part of the question is – that this is purely a speculative application by a commercial entity that suggests that it might offer MRI services to the community at large, but what is clear from the answer is the GHA have not been engaged in discussions.

1390 Just one question I think the community committee would benefit from further learning on is whether or not the Government continues to be committed to providing that MRI service to our community, given the fact that over 3,000 scans are ordered through Spanish providers currently, and whether the Government is considering providing that service domestically rather than sending our patients over to Spain to have that service dealt with.

1395 **Hon. A J Isola:** Mr Speaker, anything that enables us to provide better services here for less money is absolutely on our list, as you will be hearing from answers to other questions later on in this session. You will hear about the GHA review to be conducted by the Director General, which is in process, and I certainly expect to see this as one of the key priorities in respect of having provision for that in Gibraltar, ideally with a private contractor providing it for us.

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Mr Speaker: Next question.

**Q235/2021 –
Provision of MRI scanning services –
Commercial rationale –
Question withdrawn**

1405 **Hon. E J Phillips:** Mr Speaker, I will withdraw that question because I think it has clearly been answered by the previous answer by the Minister. It explains the commercial rationale, so there is no point in asking it.

Q246-47/2021

**Suspended social workers –
Number suspended, whether paid, duration of and reasons for suspension**

Clerk: Question 246/2021. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Of the social workers currently suspended, how many of them are on full pay?

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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 will answer this question together with Question 247.

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Clerk: Question 247/2021. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Government provide a list of how many social workers are currently suspended, giving details of how long they have been suspended for and what the reason for their suspension is?

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

Hon. A J Isola: Mr Speaker, there is currently one senior social worker suspended on full pay since 14th May 2020, interdicted on allegations of malpractice.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I am glad to hear that there is only one, from his information, currently suspended, but should there be more? And even in the case of that one candidate who is suspended, how does the service act to mitigate the void they leave in terms of the continuity and effect it might have on the vulnerable and children? Does the service immediately employ a substitute, or are there gaps that then perhaps leave the service a little weaker?

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Hon. A J Isola: Mr Speaker, the managers obviously will cater for the person who is not there – with some difficulty, but they do – as they would if somebody is on leave or away from being able to carry out the work through illness or whatever. The service will certainly not suffer. There will be people covering, getting overtime and things like that, but the service will continue to be provided.

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

Can I just ask ...? It seems from the Minister's information that there is somebody who has been suspended for two years now on a senior scale. Obviously this is costing the taxpayer, and therefore I would like to ask what the prognosis is in terms of the suspension. Are we waiting for a tribunal or some kind of conflict resolution? How much more will it cost the taxpayer and for how long?

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Hon. A J Isola: Mr Speaker, the disciplinary procedure is being managed by the central Human Resources department. I do not have details of by when they will be finished. I understand there are lawyers involved and legal advice is being sought in respect of a particular matter, which may delay things, but I do not have any information other than that.

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Mr Speaker: The Hon. Elliott Phillips.

1455 **Hon. E J Phillips:** Mr Speaker, I am grateful for the ability to ask just one question on the hon. Lady's question. Just so that we are clear, this relates to suspension of this particular individual as of September 2021 when the question was put before the Minister. Does the Minister have any information relating to any ...? 2020, (*Interjection*) apologies. Insofar as the suspension as it currently stood, as of 2021 – I should probably correct that – does the Minister have any information as to whether that has moved on insofar as the number of social workers who might be currently suspended?

1460 **Hon. A J Isola:** No, Mr Speaker, the information will be accurate as at today, so it is the same person from 14th May 2020 who is still interdicted now.

Mr Speaker: Next question.

Q248/2021
Bruce's Farm –
Replacement of drug-addiction specialist doctors

1465 **Clerk:** Question 248/2021. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: When will the Care Agency be replacing the two doctors with drug addiction speciality who left Bruce's Farm in the last year?

1470 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

1475 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the Care Agency does not have, and never has had, doctors at Bruce's Farm. A doctor previously employed at the GHA as a GP took on a different role as the Head of Drugs Service, a policy role, so no longer a GP for the purposes of that job. Another GP was seconded from the GHA to Bruce's Farm.

Bruce's Farm is a therapeutic recovery facility and it does not require an onsite doctor. Medical and nursing support continues to be provided by the GHA in the same way as has been done previously.

1480 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Minister for his answer and I apologise for my mistake in terms of deeming them from the Care Agency when they are from the GHA, as indeed is correct, but I have to ask him why he believes that a drug rehabilitation centre does not need a specialist doctor to deal with the patients when it did until they left. I understand there were two. Why would they have been required then but they are not required now, when clearly I think any objective onlooker would think that a doctor with a speciality in this field would be very much needed and welcome in a rehab centre?

1490 **Hon. A J Isola:** Mr Speaker, if that is what the professionals tell us, then that would happen, but obviously it is not. The individual who was there, to be clear, was a doctor but went there to work not as a doctor but as a policy boss. That is what my answer says: 'A doctor previously employed at the GHA as a GP took on a different role as the Head of Drugs Service,' – so he was a doctor as the Head of Drugs Service – 'a policy role, so no longer a GP for the purposes of that job.' So he was not carrying out a job as a doctor at Bruce's Farm, even though he was a doctor.
1495 Does that make sense to you?

Hon. E J Phillips: Just to confirm, I believe this was Dr Taylor. Is that correct? My understanding was that the Government ... I see the hon. Gentleman is nodding his head. I just wondered because I think there was a doctor dedicated for a period of time at Bruce's Farm, as far as I understand.

Chief Minister (Hon. F R Picardo): Don't give his name.

Hon. E J Phillips: Oh, right, okay. Mr Speaker, I believe that there was a doctor at the time who was dedicated at least one day a week to Bruce's Farm for medical care, not in relation to policy. I think it was the decision of the Government at the time, to engage with a specialist addiction qualified GP to provide medical services one day a week at Bruce's Farm. Is it right, then, that that policy decision to engage a specialist addiction doctor for one day a week has now changed or reversed?

Hon. A J Isola: Mr Speaker, from the information I have in front of me there has been no change of policy, but there is nobody based there, which is what the question was asking. The GHA provides medical care at Bruce's Farm on a regular basis, yes, but there is nobody based there, which is where the original question came from. In fact, I said in my answer another GP was seconded from the GHA to provide that to Bruce's Farm.

Mr Speaker: Next question.

Q249/2021
Bruce's Farm –
Aftercare programme

Clerk: Question 249/2021. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What aftercare programme is available when patients leave Bruce's Farm?

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, all service users leaving Bruce's Farm residential services enter a community support based programme that is provided by the Care Agency to continue to assist them in maintaining sobriety. All service users are offered and subsequently provided with one-to-one individual appointments with the Care Agency's in-house Therapeutic Team counsellors. Community support sessions are then clinically monitored, based on each individual client assessment as per specific client needs, and continue to be offered until necessary. In addition, the Care Agency team also provides two weekly evening group support sessions, also held in the community, which clients are furthermore invited to attend as part of their continued support.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for his answer. I would just like to let him know that I get a lot of representations from ex-patients of Bruce's Farm who come telling me that they really do not feel like there is a system that cares for them or rehabilitates them after Bruce's Farm, so I would like to ask him whether perhaps he would value this point and maybe improve communications, or even the effort, to ensure that patients have a pathway to go on after Bruce's Farm. I can assure him that there are many who do not know where to go, so there must be some kind of gap in the system once they leave.

Hon. A J Isola: Mr Speaker, I would be happy to have that information, which I can pass on to ensure that there is no break in communication. The services are there, are being offered and are available and I would urge them to approach the Agency and ensure that they have access to them, as they should.

Hon. Ms M D Hassan Nahon: Mr Speaker, if I may, I have just been made aware of a *Gibraltar Chronicle* article from 31st May 2018 which advertises the doctor with specialism in addiction who had been recruited to help with recovery from substance and alcohol addiction, at Bruce's Farm. So I ask the Minister again whether we have, as he says, not lost a doctor as such in medical care but only in policy, when this article clearly states that a doctor was engaged in order to help with the medical side of rehabilitation at Bruce's Farm.

Hon. A J Isola: Mr Speaker, I have not seen that article of 2018. I do not even know if that job was filled – whether it was filled or not would be interesting – but also, of course, whether it was permanently based at Bruce's Farm or not, which is where the question was aimed. I am telling the hon. Lady that of course the services are provided to Bruce's Farm, even if they are not permanently there.

Hon. Ms M D Hassan Nahon: Mr Speaker, I never implied that any doctor was based, residing or engaged at Bruce's Farm. I was asking about an employee at Bruce's Farm dealing with the medical side of rehabilitating patients, for which, if I may correct him, I think I heard him say that I said there was an advert. It is not an advert, it is an article, a press conference by the GHA revealing the doctor who was engaged to be medically helping patients at Bruce's Farm as from 2018, so this is my question.

Hon. A J Isola: Mr Speaker, I think what the hon. Lady is saying and reporting from that article is precisely the answer I have given in my very first answer, which is that Bruce's Farm is cared for by the GHA and provided with all the medical services that Bruce's Farm needs from the GHA. That is precisely what my answer said and what she has confirmed through that article from 2018.

Hon. Ms M D Hassan Nahon: Mr Speaker, in the article it says:

Of course, as a community medical service we really need to concentrate on some perhaps in those sectors of our community that struggle to access our services more easily, or perhaps sections of our community who may just not seek the care of a GP, so this is where Dr [X] comes in.

Obviously the Government is hailing the speciality of a doctor who is not just a GP, which is why I questioned the Minister on having an expert with a speciality and not just a GP. I reiterate the question: are we going to replace the gap that we have now without this specialist doctor?

Hon. A J Isola: Mr Speaker, I think we are talking at cross-purposes, because we are both saying the same thing. What I have explained to the hon. Lady is that that specialist was engaged by the GHA with the skills set that he requires to be able to work at Bruce's Farm and provide the residents of Bruce's Farm with the care they need. That was the position then and it is the position today; there is no change.

Mr Speaker: Next question.

Q96/2022

**Special needs dental patients –
Allotted days in operating theatre**

Clerk: Question 96/2022. The Hon. E J Reyes.

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Hon. E J Reyes: Mr Speaker, is it Government's intention to set aside allotted days for dental interventions at an operating theatre for individuals with special needs who, for a variety of reasons, may require this to be done under general anaesthetic?

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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, there is no regular date/time allocated to special needs dental theatre sessions. The waiting list of 20 patients is the shortest of all patients requiring general anaesthetic. Theatre sessions are allocated according to workload. Since the end of March 2022, eight theatre sessions have been offered for this specific cohort of patients.

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

So, if, since March, eight have been attended to, how many are still waiting and for what length of time have they been waiting? Does the Minister have that data?

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Hon. A J Isola: Mr Speaker, I have the numbers that he has asked me for and not the numbers he has not asked me for, but I can tell him that it is the intention of the GHA to prioritise the allocation of these lists and create a waiting list – I cannot tell him the numbers on them – within the next three months.

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Hon. E J Reyes: And, if I am interpreting the Minister correctly, this will be done as they are able to slot them in according to demands on the theatre, rather than setting aside a particular day in the week or month, or whatever, just to tackle exclusively those with special needs?

1615

Hon. A J Isola: Mr Speaker, as I said in my answer, theatre sessions are allocated according to workload, so it is not that they set aside a morning every Wednesday or every Tuesday, it is dependent on workload whether they can fit them in and then make the arrangements, and then the theatre is made available with all the support.

1620

Hon. D J Bossino: Mr Speaker, he has explained what the current state of play is. Could I ask him to consider what my hon. Friend was suggesting, to do what currently is not done and have a dedicated window where special needs children in particular can be attended to? Some of them require fillings, for example. You and I can go without a problem and we do not need to go under a general anaesthetic, but these children need to go under a general anaesthetic and it becomes an issue and a problem if you have to wait two or three months for that particular molar to be attended to because obviously it is going to cause pain and discomfort for the child. For example, if you are within the spectrum and non-verbal, you cannot express what is wrong with you, you cannot even point out where you have pain, so if something like that could be looked at ... I would appreciate it if the Minister could attend to that and give a special window for these special needs children to be attended to.

1625

1630

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, if I may, this is precisely the kind of thing we are looking at as part of the Disability Strategy. Dentistry, which is something that affects children with learning disabilities, particularly if they are non-verbal, is something we are very alive to. In my capacity as

Minister for Equality these are discussions I have already had with the GHA and it is something we are actively working on already, so the hon. Gentleman can rest assured that this is being looked at.

1635

Mr Speaker: Next question.

Q97/2022

**Schoolchildren referred to Mental Health and Child Protection Services –
Numbers in current academic year**

Clerk: Question 97/2022. The Hon. E J Reyes.

1640 **Hon. E J Reyes:** Can Government provide statistics in respect of the number of schoolchildren, broken down by ages, who have been referred to (a) Mental Health Services and (b) Child Protection Services since the start of the present academic year?

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

1645 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, GHA records show that referrals to the Mental Health Services since the start of the present academic year are as follows: four to 12 years, 37 referrals; 13 to 18 years, 75 referrals.

Care Agency records show that referrals to Child Protection Services since the start of the present academic year are as follows: four to 12 years, 196 referrals; 13 to 18 years, 110 referrals.

1650

1655 **Hon. K Azopardi:** Mr Speaker, can the Minister help us by giving us a broad idea of the nature of the referrals, both in terms of Mental Health Services and Child Protection Services? For example, for mental health does he have a breakdown of things like depression or anxiety, or other issues that perhaps ... social media bullying, things like that? Is there some kind of similar breakdown in terms of Child Protection Services, in terms of generic type of referral; and, if not, could he obtain it perhaps?

1660 **Hon. A J Isola:** Mr Speaker, I do not, and I think, from looking at supplementary information being handed to me, it would be dangerous to seek to assimilate where the majorities are, because they are all very different and I would not be inclined to try to put them together and generalise in terms of what the main cause or the main reason is.

1665 **Hon. K Azopardi:** In terms of the numbers, can I just ask: has the Government been collating similar statistics going back a few years? If so, how does it compare? If not, at first sight of the numbers does the Minister agree that it looks like a significant number of referrals either before Mental Health or Child Protection? Is this something that perhaps the Government would want to take specialist advice on, to see whether there are issues in terms of dealing with it not just in terms of referral, because by the time there has been a referral for mental health or child protection there has been a consequence?

1670 There may be things that cannot be dealt with because they are the product of issues which cannot be prevented, but to the extent that there may be things on this list where the children might benefit from having more counselling services or more child psychology services or other expertise, would the Government, and the Minister in particular, want to discuss that, given the statistics he has talked about just now?

1675

Hon. A J Isola: Mr Speaker, in respect of the child protection, the average numbers in previous years are between 350 and 380 per academic year. I think we are up to 306 with a couple of months to go before the end of the year, so I do not think they are as high as they look at first blush – because I had the same inkling when I saw the numbers. In terms of the referrals from the GHA Mental Health Services, similarly I do not actually have the detail but they have mentioned that they are similar.

With respect to how we deal with this moving forward, as my hon. Friend has told me, this does form part of the Disability and Mental Health Strategy, which we will be focusing on as well to look at the numbers to see if there is any underlying cause or reason that should be addressed.

Hon. E J Phillips: Mr Speaker, I am grateful for the answer. I share the Leader of the Opposition's concern and I note that at first blush the concern was shared by the Minister as to the numbers, but we are talking about one child for every day of the school term who is referred for either child protection or mental health issues. I can understand that he says this is a similar pattern to previous years, but given the size of our population, doesn't that give him cause for concern as to the underlying issues and how we should be solving them? For me, the figure ... despite whether it has been the same in 2022 as 2019, there is clearly a serious issue that one child for every day of the academic year is referred for child protection or mental health issues. Would the Minister care to comment on that further?

Hon. A J Isola: Mr Speaker, yes, of course, whatever the number it would merit consideration and thought, and that is why I think the work of the Mental Health Strategy is important, because it does need to be looked at.

I did look at the numbers and I thought my gosh, those are high. I cannot compare it with any other jurisdiction or country because I have not seen the numbers broken down proportionally to the size of population, so I do not know if they are higher or lower than any other country or jurisdiction – but frankly, who cares? We need to look after our own and look at our own numbers. I am confident that that is happening and we will get to it to find what it is, and if we can do anything better to reduce that number, the more the better, obviously.

Mr Speaker: Next question.

Q98/2022
Street lights –
Why on in daytime

Clerk: Question 98/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, now for something completely different. Can the Government state why street lamps appear to remain on throughout the day?

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, GEA street lighting circuits are controlled by photocells. These photocells switch the street lighting circuits on as natural light starts to fade and turn them off during the day when natural light levels increase. If there are circuits which remain on, this is generally because there could be a failure of such photocells. Once the Electricity Authority is aware of such faults, these are actioned and the fault is duly rectified.

Q99/2022
Diesel skid generators –
Whether operational

1720 **Clerk:** Question 99/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state whether the diesel skid generators are still operational?

1725 **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 diesel skid generators are still providing operational support while the fine-tuning of the new power station continues. New power stations are complex projects and not off the shelf. They need to be adapted to the grid systems in which they operate. The GEA is, however,
1730 actively pursuing the reduction of these operations in the near future as the fine-tuning of the new engines progresses positively.

Hon. E J Phillips: Mr Speaker, obviously I ask this question because of the statements that have
1735 been made in this House previously about dirty, grimy stations and I think it is right to point out that we are still using an element of that for support, as the Minister has said. Is there a view by him as to when we will rely entirely on that post the operational support that is required by the dirty diesel?

1740 **Hon. A J Isola:** Mr Speaker, the hon. Member's supplementary is ... if I were to call it cheeky it would be very generous. These are generators that are on standby – not all of them, some of them – so they are not pumping out greasy –

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Grimy, smelly diesel.
1745

Hon. A J Isola: – grimy, smelly diesel, which is what the hon. Members opposite sought to put just opposite the mosque [inaudible] where now much more beautiful facilities are available for use by our community.

1750 These skid generators have a purpose. They are on standby if we have an issue. In most villages in every other part of the world they draw power from different stations, and so if one power station fails it automatically locks into power from another station. In Gibraltar we do not have that luxury; we have one power station and we require it to provide us with power all of the time. Consequently, when you get a completely new set of clean engines, as we have, it is cautious and
1755 appropriate to ensure that we have cover just in case it is needed. I am delighted to say it has not been needed very often, but it has been used, let's be clear.

Hon. E J Phillips: Just one supplementary. Whilst I do not associate myself with the comment of 'village' because I know the Chief Minister is very fond of describing our country as a nation,
1760 what I would say to him is that ... My question is: is it the case that these are on permanent standby for that purpose, rather than a future temporary measure? I just want to know about the permanency of these particular skid generators.

Hon. A J Isola: No, Mr Speaker, they are absolutely temporary and I am very hopeful of being
1765 able to terminate the arrangements for them shortly. They are literally on standby – some of them, not all of them – because of the lead time it takes to get them going in the event of a failure, but yes, absolutely temporary.

Q100/2022
Surgical and non-surgical backlogs –
Details for all disciplines

Clerk: Question 100/2022. The Hon. E J Phillips.

1770 **Hon. E J Phillips:** Mr Speaker, can the Government state the backlog for surgical and non-surgical interventions in respect to each and every discipline within the GHA?

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

1775 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Yes, Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand to him.

Answer to Q100/2022

Clinician/Speciality	Patients Awaiting Interventions
Cardiology	4
Dental Special Needs	20
Special Line Insertion	0
ENT (Chiti Batelli)	6
ENT (Danino)	38
ENT Spinou	33
ENT (Otology)	26
General Surgery (Colorectal)	11
General Surgery (Antequera)	47
General Surgery (Kovacs)	45
General Surgery (Salman)	136
General Surgery (Macano)	18
Urology	181
Gynaecology	98
Ophthalmology (main Theatres)	13
Ophthalmology (squints)	6
Ophthalmology (cataracts)	74
Maxfax	190
Orthopaedics (Baczynski)	69
Orthopaedics (Boerger)	77
Orthopaedics (Negru)	123
Orthopaedics (Chami)	144
Pain Clinic	50
Plastics (visiting)	91
Endoscopy	29
Dermatology (Dr Ferrera)	60

Answer to Q100/2022 cont.

Surgical

Clinician/Speciality	Patients Awaiting Interventions
Cardiology	4
Dental Special Needs	20
ENT	103
General Surgery (Colorectal)	11
General Surgery	228
General Surgery (Breast)	18
Urology	181
Gynaecology	98
Ophthalmology (main Theatres)	19
Ophthalmology (cataracts)	74
Maxfax	190
Orthopaedics - Hips & Knees	77
Orthopaedics - Upper Limb	123
Orthopaedics - Lower Limb	144
Orthopaedics - Spinal	69
Pain Clinic	50
Plastic Surgery	91
Dermatology	60

Non-Surgical

Endoscopy	29
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Mr Speaker: I believe the Chief Minister would like to adjourn the House.

1780

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir. The Annual General Meeting of the Gibraltar Socialist Labour Party is happening at seven o'clock this afternoon at the John Mackintosh Hall, and apart from the hiatus that we have suffered as a result of COVID here a demonstration once again in its 45th year of the best operating and real political party in Gibraltar.

1785

For that purpose – as it is my honour not just to be Chief Minister but to be Chief Minister because I am the leader of the Gibraltar Socialist Labour Party – it is my honour to now move the adjournment of the House until tomorrow at 3.30 p.m.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Wednesday, 18th May at 3.30.

1790

I now put the question, which is that this House do now adjourn to Wednesday, 18th May at 3.30. Those in favour? **(Members: Aye.)** Those against? Passed.

This House will now adjourn to Wednesday, 18th May at 3.30 p.m.

The House adjourned at 6.28 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.43 p.m. – 8.05 p.m.

Gibraltar, Wednesday, 18th May 2022

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The Gibraltar Parliament

The Parliament met at 3.43 p.m.

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

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

Questions for Oral Answer

Clerk: Meeting of Parliament, Wednesday, 18th May 2022.

We continue with Oral Answers to Questions. Question 101/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q100/2022

Surgical and non-surgical backlogs – Details for all disciplines – Supplementary questions

5 **Hon. K Azopardi:** Mr Speaker, before I ask that question – with your leave – I think we left it at the Hon. Minister having handed a schedule to my colleague as Shadow Minister for Health.

Mr Speaker: That is correct and he wanted to ask a number of supplementaries relating to the handouts, yes. That can proceed.

10

Hon. K Azopardi: So, if I may, can I just ask the Minister, on Question 100, which was about the backlog of surgical and non-surgical interventions ...? He handed us a schedule. May I just ask him a couple of questions?

15

 First of all, I am not really sure what Maxfax is. Perhaps he can tell us what that is. It is on the schedule, on both the surgical and non-surgical. I could not understand it. The others are a bit more obvious. It may be a department or it may be a specific thing, but I cannot tell from the abbreviation. Perhaps he can tell us.

20

 Secondly, from my calculation roughly, although I have not done the scientific calculation it seems to me that there are over 900 patients awaiting non-surgical interventions and over a thousand people awaiting surgical interventions. Can the Minister comment on what that translates into? Is that normal for the state of the Health Service at this time? Has it been impacted by other factors? Perhaps he can give us some idea of that. It seems like a very large number of people awaiting both things. There may be some cross-fertilisation, so there may be people awaiting surgical interventions and non-surgical interventions who might be the same people.

25

 Does he have visibility as to why that is and whether it is normal for the GHA at the moment?

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

Mr Speaker, I am afraid I cannot be much help or assistance to him in what Maxfax is, but I will certainly get that answer to him during the course of today's proceedings.

30 What I can tell him, and I am sure he can guess the reasoning for the extraordinarily long list of pending interventions is obviously COVID. The Hospital has been, in effect, shut for a very long period of time and I am told that the number of people on the waiting list equates to ... I will send the hon. Member the information ... is three times as long as you would normally expect it to be, and that is because the Hospital was obviously basically shut for a two-year period.

35 I can give the hon. Member some colour to that. A report in the *Sunday Times* mentioned that waiting lists in the UK are at over six million. One in nine people in the UK are awaiting some form of intervention with the United Kingdom NHS. I think that puts in perspective where we are: way too long, it needs to be tackled, and it is very much a work in progress to tackle it. We accept that it is very much longer than it normally is and should be but, based on the circumstances we have come through over the last two years, understandable. I hope that helps.

Hon. K Azopardi: Mr Speaker, yes, and it is understandable. I think we all accept that COVID has impacted on the provision of essential services in many different ways and the Hospital is one of them, but as we emerge – and indeed I think great strides have been taken to emerge from COVID; I think it is more under control, not least because of the vaccination programme and so on – can the Minister tell us how they envisage they will take steps towards cutting that backlog and how long he thinks, in his discussions with management, it will take for there to be a manageable waiting list for these important areas?

50 **Hon. A J Isola:** Mr Speaker, I cannot give him that sort of detail. What I can tell him is there are two things currently happening. The management is working with clinicians to expedite the reduction of the waiting times and, separate to that, there is another piece of work, which is the GHA strategy that we have worked on and which will be ready in a number of months, which will have a far more permanent approach to how we deal with interventions and waiting times.

55 So, at this moment in time I am afraid I cannot give him the kind of detail he is looking for, but I am sure I will be in a position to do that in future meetings.

Mr Speaker: Next question.

Q101 and Q144/2022

GHA medical practitioners in private practice – Government position

60 **Clerk:** Question 101/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state its position in relation to GHA medical practitioners pursuing parallel businesses in provision of private healthcare services?

65 **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 144.

70 **Clerk:** Question 144/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the policy on GHA orthopaedic surgeons in connection to their private practice work?

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

Hon. A J Isola: Mr Speaker, at the moment, if a doctor wishes to commence private practice it is a GHA requirement to submit a formal application to the Office of the Director General via the Office of the Medical Director for their consideration. This is valid for a period of one year –
80 12 months – and needs to be renewed on an annual basis. This is currently under review.

Hon. K Azopardi: Mr Speaker, does the Minister have any statistic on how many practitioners of different levels or speciality have submitted such a form asking for consent from the GHA so that they can undertake parallel private medical care?
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Hon. A J Isola: Mr Speaker, no I do not, but I will have shortly as I was in a meeting this morning where we have been through the specific questions and specific information, and so I would hope to have that available not just in terms of clinicians but in others areas where this happens – for example, physiotherapists who are working in particular clinics around Gibraltar. There are other
90 disciplines, not just clinicians, to whom this applies, but I will be able to answer that question more fully when I have that information in future sessions of this House.

Hon. K Azopardi: Mr Speaker, am I right in understanding that this is a procedure that has been set up so that the GHA has a supervisory role in how clinicians need to seek consent? I understood the process that the hon. Member was talking about, but am I right in thinking that those services themselves are not provided from GHA premises, or is it that the GHA seeks consent and then allows the services to be provided from the GHA?
95

Hon. A J Isola: Mr Speaker, the hon. Member is right, there is no service that can be provided from GHA premises; they have to be offsite. The process is to enable the GHA to ensure that none of those services being provided in a private capacity conflict with obligations to the GHA under their contracts of employment, and therefore the details required by the Director General are quite specific as to when, what and how; but none on GHA premises.
100

Hon. K Azopardi: My final supplementary, if I may. Does the GHA, in terms of the process and in terms of reviewing how this operates either now or in the future, take into consideration whether this method of regulation of private services in some way affects patient decisions in deciding whether to go public or private?
105

For example, is it that you are in the public track as a patient, seeing a particular doctor who you know will be running a private clinic from x clinic on Monday afternoons, you are faced with a long list of non-surgical or surgical interventions, for example, because of the reason that the hon. Member gave just a minute ago in relation to Question 100 – because of the backlog of COVID on the GHA – and the patient then, who is seeing that doctor under the guise of St Bernard's Hospital, decides 'I will go private because that doctor has a private clinic', and does that in some way operate a pressure on the patient? Does the GHA have an interest in that and will it consider those issues?
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Hon. A J Isola: Mr Speaker, the GHA of course has an issue with that, and that is why I said that the process and the practice are under review as to how we should move forward. As far as the GHA is concerned, if that sequence of events happens, in our view it would be an abuse and a breach of their contractual provisions and is totally unacceptable to Government and the GHA. And so when I say that the process is under review, that is one of the areas we specifically seek to
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tackle to ensure it does not happen. We will not have clinicians abusing the waiting lists for their personal benefit, absolutely not.

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, similarly to but just a little further than the Leader of the Opposition's supplementaries, my understanding is that the doctors have their off days and private work is being done on those off days, which are supposed to be part of the rota, while some constituents are having appointments cancelled during these working hours. Shouldn't we use these off days, which are meant to be part of the rota, to shorten waiting lists in-house, because hip replacements, for example, have a waiting list of two years?

If the Minister is undergoing a review, can we know when we will have an outcome of this review and when we can understand if there is indeed such abuse and if doctors are going to be told that they have to practise in a different manner?

Hon. A J Isola: Mr Speaker, I will report on the review when the review is complete. I cannot put a timeline on that because it is being conducted by the Director General and his team.

In respect of the use of rooms, I think that is specifically not allowed under the terms of the contracts that each of the members of the GHA have.

In respect of what each clinician, doctor or surgeon does during the day, that is all the subject of a job plan, which again is being reviewed by the Director General's team to ensure we have a far more efficient and far more effectively policed system of operation. If there is abuse, and the hon. Lady appears to have referred to some, I would be grateful to have that information.

Mr Speaker: Next question.

Q102/2022

Private sector aesthetic medicine – Regulation

Clerk: Question 102/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state whether it intends to ensure that provision of all forms of aesthetic medicine in the private sector is regulated in Gibraltar?

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 Gibraltar Medical Registration Board (GMRB) regulates the following professional groups: doctors, dentists, pharmacists and allied health professionals. Outside of the scope and remit is regulation of services.

The Board works closely with responsible officers of all doctors practising medicine in Gibraltar to ensure that the doctors are registered, licensed if required, and operating within their scope of practice.

Hon. K Azopardi: Mr Speaker, can I perhaps extrapolate from the answer that the hon. Member has given, and see if he agrees with me, that...? From the answer he has given I take it that the Government takes the view that aesthetic medicine is, therefore, regulated because the persons who are delivering it must be regulated under the GMRB.

Hon. A J Isola: Mr Speaker, there is an overlap, if I can call it that. As you know, the OFT regulates any business, any service, which is not regulated. As I mentioned in my answer, services themselves are not regulated, so a business that seeks to offer that service will require to be licensed by the OFT, and as part of that licensing process the GMRB is involved in whether that permission should be granted or not.

In respect of the individuals, those within the groups that I have mentioned do require to be licensed and registered with the GMRB as individuals.

Mr Speaker: Next question.

Q103/2022
Hepatitis in children –
Number over last two years

Clerk: Question 103/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state the number of reported cases of hepatitis in children in Gibraltar over the last two years?

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 has been one case of hepatitis in a child over the last two years.

Q104/2022
Allergies in 2-18-year-olds –
Number receiving treatment

Clerk: Question 104/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, from GHA data can the Government confirm how many children or young adults from two to 18 are suffering from and are being treated in relation to allergies?

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, according to data held on GHA systems, there are currently 884 patients between the ages of two and 18 receiving treatment in relation to allergies. This data has been compiled from clinical primary care records and reflects the number of people receiving at least three prescriptions for antihistamines over the last 24 months.

Hon. K Azopardi: Mr Speaker, does the Minister have information about the breadth or the type of allergies?

205 **Hon. A J Isola:** No, Mr Speaker, I do not. I am assuming it is quite wide, but again if he would write to me I would be happy to find further information.

Hon. K Azopardi: Perhaps when he does that can he consider with his officials whether that would be normal in comparison with, I guess, the geographical ...? Some of it must be
210 environmental factors ... whether that would be normal for the area, for the zone, the Mediterranean, or whether specialist advice can be sought in terms of the numbers?

Hon. A J Isola: Mr Speaker, I would not know, but I am very happy to see if we have that information available to us and share it with the hon. Member.

Q105/2022
Respiratory disease –
Number of patients receiving treatment

215 **Clerk:** Question 105/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state the number of patients being treated for any form of respiratory disease in the last 24 months?
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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 question is too broad to answer. There is a very wide range of respiratory
225 conditions, some of which are long-term diseases and some of which are transient and acute in nature. In order to answer this question, we would need to understand what the hon. Gentleman is trying to establish. If he can provide that clarification, we can look into the matter further.

Hon. K Azopardi: Mr Speaker, as this hon. Gentleman did not put the question, I am unable to
230 provide the clarification, but I am sure my hon. colleague will be happy to write to the Minister and then perhaps we can get to grips with the issues.

Q106/2022
Asthma in 2-18-year-olds –
Number of sufferers

Clerk: Question 106/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

235 **Hon. K Azopardi:** Mr Speaker, can the Government confirm how many children and young adults from age two to 18 are asthmatics?

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

240 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Mr Speaker, according to GHA records, approximately 790 children are asthmatic.

245 **Hon. K Azopardi:** Again, Mr Speaker, I am not sure if the hon. Member will have this, but does he have an idea whether that would be normal for a population of this size? Is it normal for a population in this area, given the environmental factors that would affect people who have asthma and breathing issues? Are those issues under consideration? If not, does he agree with me that it would be important for the GHA to do a bit more work in that area to understand whether the prevalence of asthma can be in some way assisted by any local action that may help?

250 **Hon. A J Isola:** Mr Speaker, obviously if the number is extraordinarily high, or higher than it should be, then I would certainly have expected the GHA to carry out the exercise that the hon. Member is referring to. I do not have that information available to me, but again I am happy to make enquiries from the operational management team and come back to the hon. Member with an answer.

Q107/2022
COVID vaccine –
Whether to be offered beyond June 2022

255 **Clerk:** Question 107/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state whether it will continue to offer the COVID vaccine beyond June 2022?

260 **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 Government will continue to offer COVID-19 vaccines beyond June 2022, providing we continue to have supplies that are within expiry date.

265 The UK Joint Committee for Vaccinations and Immunisations is currently reviewing the data and evidence regarding the benefits for future boosters in the autumn. Our Director of Public Health will review this and develop recommendations for our programme to offer further boosters in the autumn, if required.

270 **Hon. K Azopardi:** Do I take it from the hon. Member's answer that the jury is out on whether there will be further boosters in the future, firstly?

275 And secondly, I think the public information has been that the current batch expires at the end of June. To the extent that there may be returning students who want to have the COVID vaccine, is the Government, at least in the short term, arranging a small supply for anyone who might have been away from Gibraltar when the second booster was offered to people and had been unable to take it up?

280 **Hon. A J Isola:** Mr Speaker, first of all, the UK Joint Committee for Vaccinations is currently reviewing the position in respect of what the recommendations are going to be. That is in respect of the future and the use of boosters.

285 In respect of the current vaccines that we have, I mentioned that we will continue beyond June 2022. Why? Because the expiry dates in the UK have been extended, so the vaccines that we currently hold are now valid for longer than we were originally told they were, as a result of the UK reviewing the data in the first place with the work they have done. It is not June 2022, it is now actually September, so that would cover the period the hon. Member is asking about in respect

of students, and by that time obviously the UK will have reached a conclusion in terms of its thinking as to what it is going to recommend for future boosters and future vaccinations.

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Q108/2022
Long COVID –
Support for sufferers and future provision

Clerk: Question 108/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

295 **Hon. K Azopardi:** Mr Speaker, can the Government confirm what support is being offered to sufferers of long COVID and what future provision is being made beyond July 2022?

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

300 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, patients referred with long COVID symptoms are currently being seen in a general medical clinic run by one of our consultant physicians.

The additional clinical services provided by the GHA during the COVID-19 pandemic, including the long COVID clinic, are being regularly reviewed and scaled back as necessary and in line with
305 HMGOG's exit strategy. All long COVID patients will continue to receive the necessary clinical support and care.

Hon. K Azopardi: Mr Speaker, does the hon. Member have an idea of how many patients would classify as long COVID in Gibraltar, at least under GHA records?

310 I understand the motivation for the question put by my hon. colleague was because he has had discussions with some patients who feel that their needs are not properly understood. I can understand that if someone – just anecdotally reading the cases of long COVID that have been reported – who was fit and healthy is afflicted by this, they may not necessarily feel understood and will feel particularly frustrated, so does the Hon. Minister, in the consideration ...? When he
315 says that they are being scaled down in the context of the strategy, will he consider that there will be a group of patients here who will feel particularly frustrated and that indeed it is important to ensure their long-term needs are cared for?

Hon. A J Isola: Mr Speaker, as I said, all long COVID patients will continue to receive the
320 necessary clinical support and care. There is no time limit. The exit strategy will not conflict with the care that we provide to long COVID sufferers. That care is available and will continue to be available for as long as it is needed.

I do not have the number which the hon. Member asked me for – if I was aware of how many – but again I am happy to have my office dig that out and provide it to the Hon. Mr Phillips and
325 himself, but there can be no question ...

I think one of the issues with long COVID is, of course, that data is constantly under review. It is a new problem which we have all had to live with since COVID came across and therefore the data, the information, the research is ongoing. I know that the GHA are keeping a very close eye on what is coming out of the United Kingdom Health Service in order to ensure that we are at the
330 forefront of delivering that service to our patients in Gibraltar who suffer from long COVID.

Q109-10/2022

**GHA strategic objectives and Government Reset, Restart and Recover strategy –
Publication**

Clerk: Question 109/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

335 **Hon. K Azopardi:** Mr Speaker, can the Government confirm that it will publish the GHA's strategic objectives?

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

340 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I will answer this question together with Question 110.

Clerk: Question 110/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

345 **Hon. K Azopardi:** Mr Speaker, can the Government state whether it will publish its Reset, Restart and Recover Strategy?

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

350 **Hon. A J Isola:** Mr Speaker, this matter falls under the remit of the newly established GHA Board as well as the Director General. It is something that I have discussed myself with the Director General separately in our regular meetings and, as published in Press Release 892/2021, the strategic objectives are something that are being considered holistically to improve the GHA. Once the exercise is complete and I am advised accordingly, the strategic objectives will be published.

355 The Reset, Restart and Recover strategy will be an integral part of the overall GHA strategy and will also be published in due course.

360 **Hon. K Azopardi:** Mr Speaker, does the Minister have an idea of the timescale for the publication of these documents? Clearly, when the GHA set strategic objectives for the improvement of the Health Service, which affects us all, there will be a big public interest in that programme to see how the GHA sees the roadmap for the future. I am sure that there will be interest out there on this issue, so will the Minister perhaps give us some idea of when precisely that will happen?

365 **Hon. A J Isola:** Mr Speaker, as the hon. Member has suggested, it is an incredibly important piece of work and the last thing I would like the Director General to do is rush it. I am told that the review will be available for Government's consideration and review within a period of four to five months, so I expect it fairly shortly and I would expect to be able to ensure that it is published very shortly thereafter.

370 It is a comprehensive work that is ongoing. I know the Director General is putting a lot of effort and time into the entire strategic review as to where we see the GHA going in future years. It will be an important document. It will, without question, raise a lot of interest within our community and it is right that it should, and I expect a period for there to be feedback before the strategy is actually implemented.

375 I would hope that it can be done before then and I have some confidence that it will, but I do not want the hon. Member asking me every month how it is coming along, so if I put a bit of a longer date then I hope I can bring it to this Parliament before.

Q111/2022
GHA appointment line –
Free calls

Clerk: Question 111/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government confirm that all calls to the GHA telephone line remain free of charge?

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, I am pleased to confirm that calls to the GHA appointment line – 200 52441 – remain free of charge.

Q112/2022
GHA appointment line –
Waiting times and termination of calls

Clerk: Question 112/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, in relation to the GHA's appointment telephone service, can the Government state over the last 12 months: (i) how long callers are being made to wait until their call is substantively dealt with; (ii) how many calls are terminated or cut off and for what reasons; and (iii) of those calls terminated, the percentage which are attributable to patients given excessive waiting times?

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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, we discussed this same question yesterday and I think we agreed that the current system falls short of everyone's expectations and is actively being worked on.

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But in answer to the specific questions raised by the hon. Member, on average, the time taken for calls that are answered by a call handler in hours or the auto attendant out of hours is seven minutes. Post-pandemic at peak times, as the GHA have been catching up with backlog appointments, it can take a maximum of 53 minutes but this is very rare. Changes are currently being implemented with the telephone system, call handling and the option to book some types of appointments online to free up pressure on the system when there is a high volume of callers.

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The current telephone system does not allow the GHA to distinguish between terminated calls and out-of-hours callers where the system terminates the call after a message has been provided. However, the Authority is looking to upgrade the system in this coming year.

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Hon. K Azopardi: Mr Speaker, this is related to the question that was discussed yesterday and I am sure the hon. Member has the same data and feedback from the public that we get, which is that it is a mixed bag – sometimes you get through quickly, sometimes you are waiting and waiting on the line and then it is very difficult for people. It is a system which, as the hon. Member said quite candidly yesterday, just does not work – and is perhaps not fit for purpose, I would add.

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Those were not his words, but I add my words that the system is in need of overhaul, which I know he accepts.

420 Can he give us a bit more about when the GHA intends to roll out the new system at least on a pilot basis, on a trial basis? He should have information on that.

Hon. A J Isola: Mr Speaker, the problem is not the telephone system. I agree that the system that we have is not acceptable to the GHA in the delivery of services it would want to give to its
425 users, but the problem is not, by itself, the telephone system or any system. You can have the best system in the world, but if what is supplying it is not ready for what is coming – in other words, the queue of appointments [inaudible] – then no matter how good the system is, it ain't going to work. And so what we are doing is spending some time looking at how we can gradually introduce a new and improved system which will be partly online and partly with the telephone system,
430 ultimately moving to a fully online service with the telephone system being reserved for our senior citizens, which will be able to deal with the number of calls we get.

At the same time as we are doing that, we are also looking at how else we can service people without having to make appointments to go to the Primary Care Centre, and that is done by reaching out to the community, providing services around the community which we are currently
435 not doing today. So this is not as simple as a system. What we are looking at doing and delivering is a new way of dealing with appointments that people need to have, which they do and they continue to do, but also what else we can do to get out to people instead of asking them to come in.

So it is a combination of a number of factors. I am very hopeful that we will be able to begin that process very shortly – and by that I mean weeks, not months – and I hope that when we do
440 begin to do that, it will meet with your satisfaction and approval.

Hon. K Azopardi: My final supplementary, if I may. I understand what the hon. Member is doing and I think I agree with him part of the way in this sense, because I think I understand that what
445 he is trying to say is that it is about trying to shift some of the volume of the calls on to the online booking system so that there is less pressure on the telephone service, as I understood it. If I am wrong, perhaps he will clarify.

Where I do not think I share his view is that in some way public awareness might lessen the number of patient attendances or desire for appointments. Statistically, I imagine the patient
450 attendances at the Primary Care Centre must hover around 100,000 a year, and those are numbers that have been fairly level for many years, so it is about finding a system that works, and shifting the volume on to an online booking system might do part of the job. But whatever the GHA put in place, does he agree it has to be a system that is capable of dealing with customary volume that has been there for many years?

455 **Hon. A J Isola:** Mr Speaker, the problem is not just the system. What I am trying to explain is that whatever system you put in place, if you have all of the appointment seekers for a whole range of very different services coming through one telephone system, you are going to have a problem. So what I am suggesting is that if we look at it slightly differently and begin to offer a series of different services which people require and use very frequently and we take them off the
460 telephone booking system, then that would alleviate the telephone system to be able to deal with the volume of calls and appointments that are required for more specific issues.

I think as we begin to unroll and publish where we are going the hon. Member will have a much clearer idea of the issues we have today, because to put in an online booking system we can do it
465 tomorrow but it will have the same problem we have today and that is not dealing with the problem that we have. And so what we are seeking to do is see how can we reduce the number of people engaging through the funnel, provide them with the service in different ways and then leave ... for those who absolutely have to use it. I hope that is what we are going to get to within a relatively short period of time, and I know that if we do not he will be reminding me.

Q113/2022
GHA complaints –
Number received in last 12 months

470 **Clerk:** Question 113/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state the number of complaints the GHA has received in the last 12 months?

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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 GHA has received 40 complaints in the last 12 months.

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Hon. K Azopardi: Mr Speaker, may I just ask ...? I guess that spans a wide range of issues, because presumably it is all dependent on the unique circumstances of the patient, but is there any discernible pattern? For example, are patients generally complaining about a particular aspect of the service, or is it a mixed bag which covers all sorts of issues?

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Hon. A J Isola: Mr Speaker, on the one occasion that I have the information on statistical numbers for previous years he does not ask me! In respect of the information he is seeking, I am afraid I do not have that information. I have the numbers in respect of what similar years' complaints have been for 2018, 2019, 2020 and 2021, which I am happy to share with the hon. Member if he wishes. I do not have a breakdown of what the nature of the complaints related to, I am afraid.

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Hon. K Azopardi: Mr Speaker, so that officials who are listening do not feel that their work is wasted, can the Minister give us an idea of how it compares with previous years?

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Hon. A J Isola: Mr Speaker, officials who are listening will ensure that I have the information that the hon. Member is seeking available to me next time, as I wish I had had this time.

In respect of 2018 the number is 81; 2019, 94; 2020, 95; and 2021, 59. So up to date 40.

Q114-16/2022
Private care providers –
Number and nature of complaints received; standards; regulation and monitoring

500 **Clerk:** Question 114/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state how many complaints it has received about the conduct of private care providers and the nature of those complaints?

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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 will answer this question together with Questions 115 and 116.

510 **Clerk:** Question 115/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state what standards private care providers in Gibraltar are bound by?

515 **Clerk:** Question 116/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state how it regulates or monitors private carer provisions in Gibraltar?

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

Hon. A J Isola: Mr Speaker, in respect of Question 114, the Gibraltar Medical Registration Board (GMRB) regulates professionals and not service providers. Since the current Director of Public Health commenced as Chair of the GMRB in September 2021, two complaints have been received regarding private doctors working within a private sector provider. One related to issuing of exemption letters and one related to prescribing practice. No further action was required following engagement with respective responsible officers.

530 In respect of Question 115, the professional groups that work within the private sector are bound by and regulated by the GMRB. These providers need to meet the requirements as set by legislation and policies developed by the Board.

In respect of Question 116, as this question relates to regulation, the Ministry with responsibility for the Office of Fair Trading has advised that providers of private care services are required to obtain a business licence from the OFT as part of the application process. The OFT will carry out enhanced vetting of the applicants or its directors in line with the OFT's vetting policy. The OFT will also require applicants to produce a copy of their safeguarding policy. All licences granted have the following standard conditions: (1) an adequate vetting policy must be adopted and applied to all employees and all workers associated with the business; (2) an adequate safeguarding policy must be in place to protect the business's service users; and (3) all nurses working for the business are required to be registered with the Gibraltar Nurses Registration Board.

Hon. K Azopardi: Mr Speaker does the Hon. Member agree, in the same way as people can make complaints about service received in the GHA generally – they do not make complaints necessarily of a regulatory nature; regulatory issues are dealt with by the GMRB, but they can make a complaint about a particular aspect of a service in terms of its quality – does the hon. Member agree that that should also be the case in terms of private health services in Gibraltar, and if so, how does the Government think that would be achieved?

550 **Hon. A J Isola:** Mr Speaker, if any patient of any private clinic or private medical service is dissatisfied, they can always make a complaint to the appropriate regulatory authority, like they would in other instances. There is no ombudsman equivalent, if I can call it that, in terms of medical services.

555 I know from financial services and the gambling regulator that users make complaints to the regulators in respect of services they are not happy with or where they feel they have not been treated appropriately. I would see this as no different – complaints in respect of the individual as opposed to the clinic.

560 **Hon. K Azopardi:** And so – that is what I am asking – should there not be? Does he agree with me? Maybe he does not, but should there not be a wider ability of persons who are engaging with

private healthcare providers or carers in the private sector to report a lack of quality to a particular independent body – that is really what I am asking – which is not necessarily dealing solely with the registration of clinicians?

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Hon. A J Isola: Mr Speaker, clinicians have to comply with the conditions of their registration and if there is a particular practitioner who is constantly having complaints through a lack of care or a lack of service, I would have thought it was highly relevant to the regulatory authority and the registration board that is responsible for it, and I believe that that would be the most appropriate place for such a complaint to vest. I do not see any gain or benefit in having a separate body that would receive these complaints. I believe that the appropriate place would be the regulatory authority in respect of service that is falling below the standard. It is a very good red flag to any regulator to know of repeated infractions of service levels or the quality of service being provided by any particular licensed individual firm.

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Hon. K Azopardi: A final supplementary. But of course, Mr Speaker, if I may – if he permits me, the Hon. Minister – that is not what the GHA does. If I want to complain about something in the GHA I can go and see the complaints officer of the GHA. I may not necessarily be complaining about a specific doctor, I may be complaining about the communication in the Department or the quality of the service, but I can go. The GHA itself has set up an independent office – an office within it, not independent of the GHA, but still people you can complain to.

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What I am saying is in terms of the private healthcare service, which is growing and is getting larger, there is quite a lot of interface, not just in terms of primary care but also now secondary care services and indeed carers that are being provided to supplement what the state does in Gibraltar. Should there not be a body to which you can complain, not specifically about regulatory matters but about the quality of the service?

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Hon. A J Isola: Mr Speaker, no, I do not. I think it is actually right that the GHA should have its own complaints policy and complaints procedure in respect of the service that it provides, because it has over a thousand people working for it and therefore I think it is absolutely right and appropriate that the GHA should have its own system to deal with complaints. In the same way that I said before that I believe it is important for a regulator to know about individuals or firms that are not meeting the standards on a constant basis, it could be very interesting for the GHA to know of its own employees who may be repeatedly failing, so for that purpose I believe that we are doing it in the right way. Again, it is not dissimilar to how we deal in other areas outside the Health Service with regulated and Government ... Government has its own complaints process, quite rightly, through the ombudsman and other departments too. So I do not believe it is necessary or would benefit us to have a separate complaints process just for people working in the private sector.

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Mr Speaker: Next question.

Q117-21/2022

Complaints and legal claims against GHA –

Number and value; clinical negligence/misdiagnosis; settlements and sums paid; legal fees

Clerk: Question 117/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government state how many legal claims have been issued against the GHA in the last three years?

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):
610 Mr Speaker, I will answer this question together with Question 118 to 121.

Clerk: Question 118/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

615 **Hon. K Azopardi:** Mr Speaker, can the Government state: of the number and value of legal claims issued over the last three years, how many relate to clinical negligence and/or misdiagnosis?

Clerk: Question 119/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state how many complaints, as opposed to legal claims, have been received in relation to misdiagnosis?

625 **Clerk:** Question 120/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state how many GHA legal claims have been settled by payment of a sum to claimants in the last three years?

630 **Clerk:** Question 121/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state the total value of legal fees paid out to law firms on the GHA panel for legal services, broken down into law firms?

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

640 **Hon. A J Isola:** Mr Speaker, in respect of Questions 117 and 118 there have been 22 claims issued against the GHA in the field of clinical negligence in the last three years. Eight of these claims relate to misdiagnosis. The total value of moneys paid by the GHA in the last three years in relation to the 22 claims that have been issued against the GHA is approximately £764,143.50. The total value of moneys paid by the GHA in the last three years in relation to eight of the claims that have been issued against the GHA that pertain to misdiagnosis is approximately £337,965.50.

645 In respect of Question 119, since January 2021 we have received a total of three complaints relating to misdiagnosis.

In respect of Question 120, in the last three years 15 cases have been settled by payments of a sum to claimants.

650 In respect of Question 121, the GHA panel that specifically deals with medical negligence claims consists of the following firms: (1) Hassans, (2) Attias & Levy, and (3) Triay Stagnetto Neish. The total paid out is: financial year 2021-22, £606,827.69; and financial year 2022/23 to date, £132,153.

Hon. K Azopardi: Mr Speaker, the hon. Member was going a bit fast, so I am going to ask him ...
655 He may have given me the answer, but I just want to make sure that there is no overlap and there are no gaps to the information that we are seeking.

He gave a couple of big sums – £764,000 and about £337,000 – that I understood to be in answer to Question 118. I think that is right. Perhaps he can confirm.

660 In terms of Question 120, when he said there have been 15 legal claims settled by a sum to claimants is that the same figure he has given us, or is that a separate figure? In other words, is the total of £764,000 and £337,000 the same total that would be the settlement figure for Question 120?

665 **Hon. A J Isola:** Mr Speaker, I appreciate this question is not the hon. Member's and he is asking it on behalf of another hon. Member, but I think it would be perhaps appropriate for him to register an interest before I carry on – in terms of one of the three firms – for the record.

670 **Hon. K Azopardi:** Mr Speaker, I am happy to do so in terms of Question 121 and I was not intending to ask any supplementaries on it as a result of that. I am asking in terms of the settlement sums that have been paid to claimants.

Hon. A J Isola: I am grateful, Mr Speaker.

675 The first sum I mentioned was in respect of Question 118, which was £764,143.50, which is the total value of moneys paid by the GHA in the last three years in relation to the 22 claims that have been issued against the GHA. The total value of moneys paid by the GHA in the last three years in relation to eight of the claims in respect of misdiagnosis is £337,965. Those are the two numbers in respect of Questions 117 and 118.

I cannot recall the second question that he asked.

680 **Hon. K Azopardi:** The second question that I asked is: is the sum total of those – £764,000 plus £337,000 – the sum that has been paid under Question 120, or is it a different sum and are we talking about something else? If I can explain –

685 **Hon. A J Isola:** I am just trying to read.

Hon. K Azopardi: Yes. Question 118 asks about the value of legal claims –

Hon. D A Feetham: In the last three years.

690 **Hon. K Azopardi:** – in the last three years, and he has given a couple of figures in relation to clinical negligence and misdiagnosis. I am asking, really, have other claims, not clinical negligence and misdiagnosis ...? I cannot think what they would fall under, but is there a different figure in Question 120, or is it the same figure?

695 **Hon. A J Isola:** The total value of moneys paid by the GHA in the last three years for the whole of the claims relating to the five matters of misdiagnosis that have been settled amounts to approximately £245,546, which is a different number.

Mr Speaker: Next question.

Q122/2022

Local MRI scanner – Plans re procurement

700 **Clerk:** Question 122/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state the plans for the procurement and provision of a local MRI scanner?

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 Director General is considering options in relation to the provision of a local MRI scanner. Once these options are explored further, hon. Members will be updated accordingly.

Hon. K Azopardi: Mr Speaker, the information reaching us is that perhaps a charity may have made an offer to contribute to an MRI scanner. Is that the situation? Is that being considered by the Government?

Hon. A J Isola: Not as far as I am aware, Mr Speaker. It may well have been, but I am not aware of that. *(Interjection by Hon. Chief Minister)* My hon. and learned Friend the Chief Minister is confirming that such an offer has been made but has not yet been finalised, hence I am not aware of it yet.

Hon. K Azopardi: Is that being considered as part of the mix?

Chief Minister (Hon. F R Picardo): Mr Speaker, I do not think that the GHA is able to consider that at this stage because the offer has been made to my office and I will be meeting with the group that is formulating the offer. In order to enable them to put an offer to the GHA for consideration they require certain assistance from my office – which we will be providing them – in formulating the offer, and then they can go and make that offer to the GHA and the GHA can consider it from their point of view. They have done a considerable amount of work outside of Gibraltar in respect of how they will propose to deal with the issues that arise, but they need some input from my office before they are able to actually formulate the thing called an offer to put to the GHA.

Mr Speaker: Next question.

Q123-24/2022

AC Ltd –

Relationship with Government; connection with any Minister

Clerk: Question 123/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state its relationship with AC Ltd, a company incorporated in Belize which has applied for consent to provide MRI services from premises within the Atlantic Suites complex?

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 124.

Clerk: Question 124/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state whether any Government Minister has any connection whatsoever with the Belize company AC Ltd?

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

Hon. A J Isola: Mr Speaker, as per the answer given to Question 43 on 19th May 2021 by my predecessor, the answer remains the same. We discussed this yesterday. The GHA can therefore confirm that they have not entered into any contractual arrangements with any company for the local provision of MRI services.

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In respect of Question 124, no, sir.

Q125/2022

Surgimed Healthcare Ltd – Relationship with Government

Clerk: Question 125/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government state what relationship the GHA or the Government have with a Surgimed Healthcare Ltd, a company incorporated under the laws of England?

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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 GHA has no relationship with Surgimed Healthcare Ltd.

Q126, Q138 and Q153/2022

Director General of the GHA – Remuneration; nature and term of appointment; extended leave

Clerk: Question 126/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government state how much the Director General of the GHA is remunerated?

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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 will answer this question together with Questions 138 and 153.

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Clerk: Question 138/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, is the appointment of the Director General of the GHA a permanent appointment or a contractual appointment; and, if contractual, for how long?

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Clerk: Question 153/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Can the Health Minister explain the reasons for the extended leave of the new Director General given his short posting so far?

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

Hon. A J Isola: Mr Speaker, in respect of Question 126, the Director General of the GHA is remunerated £195,000 per annum.

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In respect of Question 138, his position is a contractual appointment. I cannot confirm the period because it is not here, but I know it was in the original press release when we appointed him, so it is in the public domain but I will confirm it to him later on today.

No extended leave has been granted.

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Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for his answer. When I referred to extended leave it seems that many constituents have tried to access the Director General to meet with him and he has been away quite often. Is this perhaps the best strategy to achieve the Restart, Reset and Recover programme? Was it known that the Director General would be entertaining seminars in Harvard and other such entities which may have little to do with the GHA? Is this something that the staff are okay with, given their own restrictions with the COVID pandemic that have been put in place?

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Hon. A J Isola: Mr Speaker, the Director General is a great catch for the GHA and for Gibraltar. I am not aware of any instance where he has not been available. He is available 24/7 to me and to the GHA. I do not know what ventures the hon. Lady is referring to, but from my experience in the last month since I have been here ... I have the dates he has been away, which is absolutely normal and I have absolutely no issue with it at all. I think you will find, when you allow him the time to deliver his vision for the GHA, which you will see in the strategy that he will prepare with us, you will be delighted with the work that he is doing.

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I very much hope the hon. Lady will welcome the excellent work that he is doing and will be doing in the future, rather than seek to find the first possible opportunity to have a go at an individual who is devoting his entire capacity, energy and skills to the improvement of the GHA and the services we provide to the people of Gibraltar.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I am sure the Minister knows deep down that nobody would want a Director General to fail, because if he fails then strategies fail and all our health is at risk, but obviously it is my duty to ask and hold the GHA – the Minister in this case – to account when multiple people and even members of staff are complaining that somebody under such a short posting is already not present at his office quite often. I am glad that he seems available for the Minister, but there are many who have not had the same experience.

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I would ask the Minister to perhaps find out whether this gentleman has been away more than he is aware, given his only recent posting as Health Minister.

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Hon. A J Isola: Mr Speaker, the role of any CEO or Director General of the Hospital, as the GHA is, is not there to meet with people as and when they wish to see him; his role is to devise, implement and execute a strategy that will improve and safeguard the important critical care that the GHA provides to our community. So I do not agree with the premise of the question in that he has to be sitting at his desk meeting people. I want him to be doing the very opposite. I want him to be understanding what it is and where it is that we are failing and how we can improve it to improve the quality of care, improve the service it provides, reduce the waiting lists.

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840 There are so many more things he needs to be doing than meeting with people, so I do not accept the hon. Lady's question and I believe that the Director General is doing and will be doing a very good job for us and for our community and should be welcomed.

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

845 **Hon. K Azopardi:** Mr Speaker, just a short supplementary, if I may, on the original question about the remuneration, which is tied up with my contractual term issue. He gave a figure of £195,000. Is that an all-in figure, or is that just salary? Does it include benefits? For example, does the GHA pay rent? Is there a rental arrangement? If there are other benefits, what is the all-inclusive value of the package?

850 **Hon. A J Isola:** Mr Speaker, I do not have that information available. I will certainly get it to him. I am not sure if there is rental support or any of that, but I will certainly get that information to the hon. Member today.

855 **Hon. K Azopardi:** Okay, so to be clear, the £195,000 is the salary?

Hon. A J Isola: To be clear, Mr Speaker, I do not know if there is anything else, but if there is I will tell him.

Q127/2022

LNG –

Purchases from 1st January to 31st March 2022

Clerk: Question 127/2022. The Hon. R M Clinton.

860 **Hon. R M Clinton:** Mr Speaker, can the Government provide a schedule of LNG purchases in the period from 1st January 2020 to 31st March 2022, including volume and price?

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

865 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I now hand over a schedule detailing LNG purchases, including volume and price, broken down by gas contract years, i.e. October to September, from October 2019 to date.

Answer to Q127/2020

Gas Contract Year 2019/2020

Delivery No.	Delivery Date	QTY Delivered	Total Amount Invoiced	£/MMBtu
#11/2019	13 October 2019	44,990.00	£ 454,610.45	10.10
#12/2019	28 October 2019	45,280.00	£ 457,540.82	10.10
#13/2019	05 November 2019	28,590.00	£ 269,603.70	9.43
#14/2019	20 November 2019	34,680.00	£ 327,032.40	9.43
#15/2019	29 November 2019	26,930.00	£ 253,949.90	9.43
#16/2019	14 December 2019	33,420.00	£ 321,804.53	9.43
#1/2020	03 January 2020	48,910.00	£ 467,305.71	9.55
#2/2020	18 January 2020	56,950.00	£ 544,123.08	9.55
#3/2020	24 January 2020	20,350.00	£ 194,432.04	9.55
#4/2020	02 March 2020	40,830.00	£ 394,466.80	9.66
#5/2020	15 March 2020	40,020.00	£ 386,641.23	9.66
#6/2020	18 February 2020	58,810.00	£ 573,350.46	9.75
#7/2020	27 March 2020	39,480.00	£ 381,424.18	9.66
#8/2020	16 April 2020	52,950.00	£ 458,907.06	8.67
#9/2020	25 April 2020	15,740.00	£ 136,415.44	8.67
#10/2020	11 May 2020	50,370.00	£ 342,767.85	6.81
#11/2020	30 May 2020	66,030.00	£ 449,334.15	6.81
#12/2020	31 May 2020	14,390.00	£ 97,923.95	6.81
#13/2020	20 June 2020	33,330.00	£ 194,783.83	5.84
#14/2020	29 June 2020	39,700.00	£ 232,010.77	5.84
#15/2020	11 July 2020	47,750.00	£ 296,718.50	6.21
#16/2020	01 August 2020	74,780.00	£ 502,327.18	6.72
#17/2020	19 August 2020	39,070.00	£ 262,448.82	6.72
#18/2020	26 August 2020	42,270.00	£ 283,944.50	6.72
#19/2020	06 September 2020	58,410.00	£ 421,317.20	7.21
#20/2020	22 September 2020	67,140.00	£ 484,287.55	7.21

Gas Contract Year 2020/2021

Delivery No.	Delivery Date	QTY Delivered	Total Amount Invoiced	£/MMBtu
#21/2020	11 October 2020	79,954.00	£ 600,328.29	7.55
#22/2020	19 October 2020	28,020.00	£ 211,534.19	7.55
#23/2020	31 October 2020	38,760.00	£ 292,614.75	7.55
#24/2020	13 November 2020	51,910.00	£ 381,548.90	7.35
#25/2020	21 November 2020	32,390.00	£ 238,072.98	7.35
#26/2020	02 December 2020	44,980.00	£ 317,972.62	7.07
#27/2020	09 December 2020	29,830.00	£ 210,874.24	7.07
#28/2020	22 December 2020	70,520.00	£ 498,520.00	7.07
#1/2021	05 January 2021	59,910.00	£ 433,143.31	7.23
#2/2021	09 January 2021	19,060.00	£ 137,801.90	7.23
#3/2021	19 January 2021	33,160.00	£ 239,743.50	7.23
#4/2021	01 February 2021	72,080.00	£ 555,679.14	7.71
#5/2021	18 February 2021	75,170.00	£ 579,500.60	7.71
#6/2021	09 March 2021	43,380.00	£ 359,555.13	8.29
#7/2021	15 March 2021	62,500.00	£ 518,031.25	8.29
#8/2021	22 March 2021	32,740.00	£ 271,365.49	8.29
#9/2021	27 March 2021	16,280.00	£ 134,936.80	8.29
#10/2021	12 April 2021	60,624.00	£ 538,931.14	8.95
#11/2021	20 April 2021	35,690.00	£ 319,297.02	8.95
#12/2021	01 May 2021	49,280.00	£ 453,203.52	9.20
#13/2021	14 May 2021	52,660.00	£ 484,287.69	9.20
#14/2021	25 May 2021	45,240.00	£ 416,049.66	9.20
#15/2021	09 June 2021	55,070.00	£ 508,973.47	9.24
#16/2021	23 June 2021	69,040.00	£ 638,088.40	9.24
#17/2021	27 June 2021	16,760.00	£ 154,900.95	9.24
#18/2021	02 July 2021	22,210.00	£ 216,043.43	9.73
#19/2021	15 July 2021	57,810.00	£ 562,335.22	9.73
#20/2021	27 July 2021	41,850.00	£ 406,698.42	9.73
#21/2021	11 August 2021	77,400.00	£ 774,588.24	10.01
#22/2021	19 August 2021	34,330.00	£ 343,560.91	10.01
#23/2021	02 September 2021	60,850.00	£ 621,631.43	10.22
#24/2021	08 September 2021	25,220.00	£ 257,642.48	10.22
#25/2021	16 September 2021	33,160.00	£ 338,755.93	10.22
#26/2021	23 September 2021	25,010.00	£ 255,497.16	10.22

Hon. R M Clinton: While I wait for the schedule, to have a glance through it, if I may ask the Minister: given the obvious pressures of international prices for energy, what, if any, measures have his Ministry been able to take to mitigate any price effects due to events in Russia and Ukraine affecting gas supplies?

Hon. A J Isola: Mr Speaker, as the hon. Member knows, the price of LNG gas has increased significantly as a result of the Ukraine crisis. I am pleased to report to this House that we have not been impacted by that increase because when the Financial Secretary negotiated the contract originally the price was, in a complicated way, linked to the cost of diesel as opposed to LNG and consequently, in the year 2021-22, if you were to look at the actual price and what we paid, the Government has enjoyed the benefit of a saving of over £8 million.

Q128/2022

**Patients subject to hospital orders –
Length of detention**

Clerk: Question 128/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many patients in Gibraltar are currently subject to hospital orders, providing particulars of when they were admitted and the length of time they have been detained?

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, we have three patients subject to hospital orders, one for five years and five months, one for two years and 10 months, and one for five years and six months.

Mr Speaker: Next question.

Q129/2022

**Mental Health Act –
Measures to ensure safeguards**

Clerk: Question 129/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what is the Government doing in order to ensure that the Lasting Powers of Attorney and Capacity Act is not used to circumvent the safeguards contained in the Mental Health Act in relation to oversight by the Mental Health Tribunal and the provision of second opinions?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, the Lasting Powers of Attorney and Mental Capacity Act (MCA) exists to provide care for patients who because of their cognitive impairment, usually due to dementia or intellectual disability, do not have capacity to consent to their treatment. For this group of patients we do not enforce treatment, we provide care.

The Mental Health Act provides for the compulsory detention and treatment of individuals with a serious mental illness. As these individuals receive compulsory treatment, there are additional safeguards – the tribunal system and a second opinion for treatment.

910 The MCA includes safeguards to ensure that the care delivered to patients is in their best interests, through a system of independent capacity assessments carried out by Independent Mental Capacity Advocates (IMCAs).

Hon. D A Feetham: Mr Speaker, the Hon. Minister, with respect, has given me an explanation, which I knew, of the differences between the Lasting Powers of Attorney and Capacity Act regime
915 and the Mental Health Act. The question I asked was what is the Government doing in order to ensure that the former is not used to circumvent the latter.

The Hon. Minister will appreciate that this is not a question I have just plucked out of the air. It is far too technical for that to be so. It is just not the type of political question that I would ask. This is based on information that I have received that this is actually happening. Therefore, can I
920 ask the Minister whether at least he made inquiries when he read this question, to ascertain whether in fact the sting underlying this question is true or not, that the former is being used to circumvent the safeguards in the latter?

Hon. A J Isola: Mr Speaker, the answer that I have provided is the safeguard of what provides
925 in both of these cases. If the hon. Member has information which suggests that something different than that is happening I would be very happy for him to share it with me on a confidential basis and I will certainly look into it. I am not aware of any information that suggests that we are not doing things in accordance with what both pieces of legislation require us to do, but if he shares it with me of course I will look into it.

930 **Hon. D A Feetham:** Mr Speaker, of course I will without divulging any sources. The point is that there are two separate regimes with their separate safeguards but one is intended to deal with a particular set of individuals and the other one is intended to deal with people with mental illness, essentially, and that contains its own safeguards. The information that I have is that one is being
935 used in order to circumvent the safeguards of the other because it is easier under the former than the latter.

I will talk to the Minister behind the Speaker's Chair. I apologise, Mr Speaker, that I have just given the Minister an explanation rather than ask a question, but it is an important issue and I will take the Minister up.

940 **Hon. A J Isola:** I would be grateful, Mr Speaker. I think it is not possible for me, however hard I try, to read the hon. Member's mind or try to ascertain the information that he has or guess what that information is. As he has kindly offered, I would be very happy to receive the specifics of the case. As he rightly says, they are very different Acts designed to deal with very different cases and
945 if these are not being met in any way I would be very happy to look into them for him.

Q130-31/2022

COVID boosters –

Number of first and second boosters

Clerk: Question 130/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, of the 38,037 COVID boosters administered to 5th May 2022, how many were first COVID boosters, i.e. a third dose of the COVID vaccine, broken down by
950 residents and non-residents?

Clerk: Answer, the Hon. 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 131.

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Clerk: Question 131/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, of the 38,037 COVID boosters administered to 5th May 2022, how many were second COVID boosters, i.e. a fourth dose of the COVID vaccine, broken down by residents and non-residents?

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

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Hon. A J Isola: Mr Speaker, out of 38,037 COVID boosters, 30,352 doses were third doses administered to 23,127 residents and 7,225 non-residents. The remaining 7,685 COVID boosters were fourth doses administered to 7,244 residents and 441 non-residents.

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Hon. K Azopardi: Mr Speaker, the total would be under 8,000 for the second booster, is that right? Does the Minister have a view in discussion with the GHA and so on? There is quite a remarkable difference between the 30,000 people who took up the COVID booster the first time round and only 8,000 – I say ‘only’ 8,000 – people have chosen to take up the booster the second time round. Does he have a view on that? Does the GHA have a view? Does the GHA have a recommendation for people, given the disparity in numbers?

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Hon. A J Isola: Mr Speaker, yes, the GHA mostly certainly would like people to get their fourth boosters and has said so publicly, repeatedly, and in many of their communications. I believe that there is a relaxation in people’s minds as to COVID and its possible effects and impact. People are much more relaxed about it in being able to travel more freely without wearing masks. There is a far lower degree of alertness, and that obviously is a risk.

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I think also an interesting contributing factor is when people had their third boosters. Those who had third boosters late ... People normally like to wait six or seven months from their third time to their fourth, and so there is an element of that as well. We will continue to recommend to people that they should have their fourth boosters, we will continue to provide the fourth boosters for as long as we have them available, and yes, it is absolutely the policy of the GHA that we encourage all Gibraltarians and others to get their fourth boosters.

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Q132-33/2022
COVID repeat positives –
Numbers and vaccination status

Clerk: Question 132/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, of the 17,996 confirmed COVID cases detected in Gibraltar to 5th May 2022, how many people have contracted COVID once and how many have contracted COVID more than once – repeat positives – with a breakdown of how many people have contracted it once, twice, three or more times?

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

995 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Mr Speaker, I will answer this question together with Question 133.

Clerk: Question 133/2022. The Hon. the Leader of the Opposition.

1000 **Hon. K Azopardi:** Mr Speaker, to the extent that of the 17,996 confirmed COVID cases detected in Gibraltar to 5th May 2022 there have been repeat positives – in other words, cases of people contracting COVID more than once – can Government provide a breakdown of these by vaccination status, namely how many of the repeat positives have been vaccinated or were unvaccinated against COVID at the time of contracting COVID for a second time?

1005 **Hon. A J Isola:** Mr Speaker, of the 17,996 confirmed cases a total of 16,016 persons have contracted COVID once, a total of 987 persons have contracted COVID twice and a total of two persons have contracted COVID three times. The above totals 17,996, as confirmed by the hon. Member.

1010 Out of 989 persons confirmed COVID-19 positive more than twice – two or three times – 728 were vaccinated and 261 were unvaccinated at the time of testing positive.

Q134/2022
GHA COVID app –
Non-recognition of QR codes

Clerk: Question 134/2022. The Hon. the Leader of the Opposition.

1015 **Hon. K Azopardi:** Mr Speaker, can the Government update the House in relation to the resolution of the issues concerning the non-recognition of the GHA COVID app?

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

1020 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Mr Speaker, the EU recently approved the commencement of technical works to enable our access to the EU COVID Passport Gateway, which will allow the recognition of our GHA COVID app QR codes. The EU are preparing the final decision and we hope to see it adopted and operational shortly.

1025 **Hon. K Azopardi:** Mr Speaker, that is welcome news for anyone who wants to travel on the basis of the COVID app until such time as it is no longer necessary to prove vaccination status – and who knows when that will be; different countries have different views of entry requirements right now.

1030 Can the Government perhaps give us a better idea in terms of the welcome news that there was an approval: when did that happen? Secondly, in terms of the entry into the technical works, how long is it expected that the technical works will take for there to be a recognition of our COVID app around the EU?

1035 **Hon. A J Isola:** Mr Speaker, indeed it is welcome news. It is something we have been working on, quite frustratingly, for months. The technical work has now commenced. When I say ‘shortly’ I mean shortly and I would expect that we will be able to make a positive statement before the next sitting of Parliament, so it is shortly – the next session of Parliament.

Q135-36/2022

**Operating department practitioners –
Total number; number working elsewhere in GHA**

Clerk: Question 135/2022. The Hon. the Leader of the Opposition.

1040 **Hon. K Azopardi:** Mr Speaker, how many operating department practitioners exist in the complement of the GHA and are there any vacancies at 9th May 2022?

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

1045 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I will answer this question together with Question 136.

Clerk: Question 136/2022. The Hon. the Leader of the Opposition.

1050 **Hon. K Azopardi:** Mr Speaker, how many persons currently in the employment of the GHA at 9th May 2022 are qualified operating department practitioners but work in other posts or capacities in the GHA?

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

1055 **Hon. A J Isola:** Mr Speaker, in respect of Question 135, there are 10 operating department practitioner (ODP) positions within the complement of the operating theatre department. Of these 10 ODPs, one position remains vacant.

1060 In respect of Question 136, all qualified operating department practitioners working for the GHA are working within the operating theatres department in the capacity of ODPs.

Hon. K Azopardi: Did I understand he said that all persons who are qualified work in the surgical team as ODPs? Is that what he said?

1065 **Hon. A J Isola:** I will read that answer again – my apologies. All qualified operating department practitioners working for the GHA are working within the operating theatres department in the capacity of ODPs. So they are all qualified.

1070 **Hon. K Azopardi:** Mr Speaker, I am not sure if we are talking about the same thing. First of all, he has given me the answer to how many there are in the complement and there is one vacancy, I understand that; but I also then asked how many are there who are qualified ODPs but work in other posts. My information is that there are some people who have been sent for training and are qualified ODPs but are not ODPs – in other words have not filled a vacancy because vacancies may not have arisen, so they are working in other capacities but may be called upon to be ODPs from time to time. Could he perhaps check on that information?

1075 **Hon. A J Isola:** Mr Speaker, I think the answer to the question is that all of the ones working in the theatre department are qualified ODPs. Two recently qualified ODPs are currently working within theatres backfilling pending vacancies. I think that is the information the hon. Member is referring to.

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Q137/2022
Operating department practitioners –
Amount spent on training

Clerk: Question 137/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how much money has the GHA spent on training in respect of operating department practitioners in the financial years 2019-20, 2020-21 and 2021-22, broken down by year?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, the information requested by the hon. Member is set out in the schedule that I now hand to him.

Answer to Q137/2022

2018-2019 Financial Year

OXFORD BROOKES UNIVERSITY (BSc Operating Department Practitioner programme)

Programme commenced 16/01/19

2018-2019 Financial year	
Flying Faculty Collaboration Set-up fee (03/01/19)	15,000.00
Flying Faculty Collaboration Year 1 January 2019 ODP Fee (16/01/19)	53,378.80
Association for Perioperative Practice AfPP Registration fee x 2 students	120.00
Bursary 1 student @ £650.00 per month x 3	1,635.48
2019-2021 Financial year - budget carried over due to Covid 19	
Association for Perioperative Practice AfPP Registration fee x 3 students	180.00
Flying Faculty Collaboration Year 1 June 2019 ODP Fee (04/06/19 sent 18/06/19)	26,689.40
Flying Faculty Collaboration Year 1 Dec 2019 ODP Fee (19/11/19)	26,689.40
Flying Faculty Collaboration Year 2 January 2020 ODP Fee (10/03/20)	55,711.69
Flying Faculty Collaboration Year 2 June 2020 ODP Fee (06/07/20)	27,855.55
Flying Faculty Collaboration Year 2 Dec 2020 ODP Fee (04/11/20)	27,855.85
Flying Faculty Collaboration Year 3 January 2021 ODP Fee (06/01/21)	53,513.51
Bursary 1 student @ £650.00 per month x 24	15,600.00
2021-2022 Financial year	
Flying Faculty Collaboration Year 3 June 2021 ODP Fee (10/05/21)	26,756.76
Flying Faculty Collaboration Year 3 Dec 2021 ODP Fee (25/11/21)	26,756.76
Bursary 1 student @ £650.00 per month x 12	7,674.19

Hon. K Azopardi: Mr Speaker, obviously there would need to be a calculation but this looks to me like a sum in excess of £250,000 – is that right, in total?

Hon. A J Isola: No, Mr Speaker. The number for 2019-21, which is two financial years rolled into one, is £234,000, the number in respect of 2018-19 is £70,000 and the number in the financial year 2021-22 is £61,000, so it is £316,000 total.

1100 **Hon. K Azopardi:** Mr Speaker, how many people qualified as a result of this process?

Hon. A J Isola: Mr Speaker, I do not have that information in respect of each of the years 2018-19, 2019-21 or 2021-22. I would need to refer back to my office to get that information.

1105 **Hon. K Azopardi:** The Hon. Minister just gave us the figures in relation to the other question ... that there are 10 ODP posts and there is one vacancy. (*Interjection by Hon. A J Isola*) I thought you said there is one vacancy.

Hon. A J Isola: I said in respect of his question ... [*Inaudible*]
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Hon. K Azopardi: Yes, but unless I am wrong, as part of the other question you said that there was one current vacancy. The hon. Member can check, perhaps, and see that we are not talking at cross-purposes, but as I understood his answer there are 10 people in the complement, there is currently one vacancy and there are also two people who are recently qualified, do not work as
1115 ODPs and presumably qualified as a result of this programme. (*Interjection*) Yes, correct. I am assuming also that not all of them have gone through this training programme, but it just seems like a very high figure for training if, in effect, as a result of that process you have had two or three people qualify. So can the Minister check how many people qualified as a result of this investment of training? That is what I am asking him to check.

1120 **Hon. A J Isola:** Yes, Mr Speaker, and that is the information I will provide to him once it is available to me.

Clerk: Question 139/2022 –
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Mr Speaker: Hold on a second. The Hon. Mr Reyes.

Hon. E J Reyes: Thank you, Mr Speaker.
Just a quick glance at the table the Minister has kindly provided, with an interest in education
1130 it struck my attention that under 2018-19 it says 'Bursary 1 student @ £650.00 per month x 3'. That should be £1,950 and we come up with a figure of £1,635.48. It does not tally. For 2019-21 £650 x 24 months is correct, £15,600. But again, for the financial year 2021-22, £650 for 12 months is £7,800. I do not quite understand how we get £7,674.19.

1135 I appreciate that the Minister can only provide us with information that he is provided with, but if he is going to review some further information, perhaps he would like to double check that. It does seem very basic mathematics ... that you end up with pence on something where you did not start with any pence but whole-pound figures.

Hon. A J Isola: Mr Speaker, I am grateful to the hon. Member for his keen eye. I had not noticed
1140 that and I will certainly revert and make sure that it is correct. I am grateful.

Hon. K Azopardi: May I ask just a final one, because staring at the schedule for the first time, as I do sitting here, I just wonder if perhaps part of the answer to what I was asking – which he is going to check, of course, because it may not be; we may not be making the right analysis ... I see
1145 from the breakdown by financial year that there is a payment of a professional association registration fee for students. There are two student registration fees paid for 2018-19 and there are three for 2019-21. I do not know how long this course is, so it is either five students or some of the students are registering in successive years because the course is longer than one or two years, but in any event, whether it is two or five students it seems like a relatively small number
1150 of people for whom there has been an outlay of training of £360,000, so perhaps the hon. Member

can check that and revert to us with precisely how many people qualified as a result of this investment.

1155 **Hon. A J Isola:** Mr Speaker, I do not know whether it is two, three or five and I would not want to guess which one of those or other numbers it could be. It could also be that these training programmes relate to conditional and continuing professional development for the existing members of staff. I do not know, so before I respond I would like to get the full information and not mislead the hon. Member or the House.

Q139/2022

Social workers –

Numbers re current employees, departures at end of contract and resignations

1160 **Clerk:** Question 139/2022. The Hon. Ms M D Hassan Nahon.

Hon. K Azopardi: How many social workers are there currently working within the Social Services system, how many in the last three years have left at the end of an 11-month contract and how many have resigned in the last two years?

1165 **Clerk:** Answer, the Hon. Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, at present there are 26 social workers working within the Social Services system. Seven social workers have left within the last three years at the end of an 11-month contract and
1170 in the last two years seven social workers have resigned.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for that answer. My question is: given the number of social workers who have left, which represents a fair portion of the number of social workers employed, can the Minister enlighten us on whether the Social Services system
1175 is looking into itself in order to find out why it is that there is such a quick turnover, how that might affect the end user, children and the vulnerable, and whether this represents a lack of continuity that might result in overall dissatisfaction or poor standards?

Hon. A J Isola: I said that there were 26 social workers working within the system at present. Seven have resigned over two years – I do not think that is a particularly high number – and seven
1180 have left at the end of their 11-month contracts.

As you know, the Government policy is that wherever there is a vacancy and a local resident can do the job that we require them to do, that is the preferred option of this Government and obviously that will deliver far better continuity of care than having people who come in and leave
1185 from other jurisdictions.

Hon. Ms M D Hassan Nahon: Mr Speaker, is the Minister saying that nationality trumps longevity when you have a short contract among people who may be forging connections, trust and bonds with the end user? Is it more important to ensure that the nationality of that worker is
1190 Gibraltarian over the longevity and the service that that worker might be giving and fulfilling in terms of his or her role to the end user?

Hon. A J Isola: Mr Speaker, if the hon. Lady listened to the answers I give she would not have to get up and ask these questions. I said local residents, nothing to do with nationality. The only
1195 person who has mentioned nationality is the lady herself: local residents.

Clerk: Question 140/2022 –

Mr Speaker: The Hon. Daniel Feetham would like to ask a question.

1200 **Hon. D A Feetham:** Thank you very much, Mr Speaker.

The Hon. Minister said seven had essentially done their 11 months and therefore had left. Presumably their contracts were not renewed or they had themselves decided to leave. He then referenced that with the statement about the Government's policy to fill vacancies with local residents, but have these seven that have left been filled by people who are residing in Gibraltar?

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Hon. A J Isola: Mr Speaker, my understanding is that of the people we need we have them in place, so if somebody was no longer required because an 11-month contract terminated or somebody resigned, then that position would be filled in order to ensure that we have the complement that we need to provide the service that we give. I am not able to say to the hon. Member these four will be replaced. What I am saying is that I am not aware of any that have not.

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Hon. D A Feetham: I ask the question because of course when answering the question from the hon. Lady to my left the implication in the answer appeared to be, 'We have not renewed these seven but the Government has a policy of filling these vacancies with locals.' That appeared to be the reason why and that is the reason why I am asking.

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Mr Speaker, I will come back next time round – or somebody from this side of the House perhaps – to probe the Government further in relation to some of these. Apologies, Mr Speaker, I just wanted to explain that.

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Hon. Ms M D Hassan Nahon: Mr Speaker, can I just ask one more supplementary? I think if I did not make myself clear to the Minister, what my question was angling to was does the Government find it acceptable to have a revolving-door policy perhaps once you take a long term view over a few years of this 11-month contracting of staff in a sector where the users need the continuity?

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Hon. A J Isola: Mr Speaker, the policy and the process of having people covering for each other is probably best known in the medical services area. Locums are brought in every day of the week in every hospital across the entire world to continue to provide services to patients when there is not sufficient resource from within. What we are seeking to do, and I think the hon. Members opposite will agree but the Hon. Mr Feetham has indicated he will come back with further questions and we will answer those when they come ... but if we have local residents we are paying to train who we know are coming back, it does not seem to be sensible, having funded their training, to then say when they come back 'no jobs' because all the jobs have been taken by non-residents. That is the issue.

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If the hon. Lady is suggesting that by having locums we are not providing continuity of care, then I would not agree with the hon. Lady for the reasons I have already given.

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Hon. Ms M D Hassan Nahon: Mr Speaker, can I just pick up something that the Minister just raised? I would like to make him aware – or ask in the form of a question – that there is a cohort of graduates in social care work, which ex-Minister Costa funded and there was a lot of press about it at the time, who are currently sitting without jobs or any opportunities. I asked this question some time ago and was told that there simply are not any, so I would like to ask the Minister where this funding has gone to, considering that I have spoken to a few of them and they are very frustrated that they are not being called upon to the system.

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Hon. A J Isola: Mr Speaker, I am not sure if the hon. Lady is telling us that we should not give 11-month contracts so that we can provide continuity of care – with which we do not agree – and

on the other hand saying we have local cohorts looking for a job and they cannot get into the service. It is one or the other because they diametrically conflict with each other. Either you support the notion that we should have 11-month contracts for non-residents in order to enable the local residents to have those jobs as and when they are trained and ready for those jobs, or not. What you cannot do is in one supplementary ask in one direction and then ask in exactly the contradictory manner the same question.

Hon. Ms M D Hassan Nahon: Mr Speaker, it is exactly the opposite of what I have done. There is an issue where seven social workers have left the system after 11 months and you have a Minister telling me that it is because they want to have a different policy, have residents, and then you have residents who are sitting there without being called up for a job when they have been funded by the same system that is not employing them. The contradictions are not on my side; I am just here to ask questions on the contradictions coming from the Government side and the spending which apparently is not going anywhere in our system.

Hon. A J Isola: Mr Speaker, no, the hon. Lady's first supplementary question was complaining that the granting of 11-month contracts deprives the users of continuity of care, so she was saying that it is wrong to give 11-month contracts. The last question she has asked why aren't we employing the locals who we paid to train and are back.

If we do what she said in the first supplementary question, which is stop the 11-month contracts and employ everyone indefinitely, then there is no chance of them coming back. It has to be one or the other, and that is the answer I have given. As far as we are concerned, we prefer to have locally resident people providing continuity of care within the Health Service, but when we cannot we issue shorter-term contracts.

Hon. Ms M D Hassan Nahon: But, Mr Speaker, that is my question –

Mr Speaker: This is the final supplementary.

Hon. Ms M D Hassan Nahon: Yes. That is my question. How can the Minister say that we cannot when we have people sitting there who have been funded by the taxpayer, who can? It is simple and I do not understand what is not comprehensible about it.

Hon. A J Isola: Mr Speaker, if the people the hon. Lady is referring to are qualified for the vacancies we have, then of course they will be considered. That is exactly what we are trying to do.

Chief Minister (Hon. F R Picardo): Mr Speaker, may I make a point about this matter, because it has arisen on a number of occasions in different guises in this House? It is only a very short point that I think all hon. Members should consider and it is that in relation to these contracts that we sometimes talk about of different longevity or whether or not they become indefinite, the liability is always on the part of the Government. People always seem to ignore in the debate that the employee may decide to go at any time, and then they are not criticised because they may have decided to go to another job which might be in Gibraltar or elsewhere at higher pay or because they simply got fed up with the sector. It is always when the Government says 'you have reached the end of your term of employment period' etc. that there is criticism, but these are contracts which require two parties to them and very often it is the other party that decides not to continue, and that should also be borne in mind.

Q140-43/2022
Dementia sufferers –
Numbers, residence, domiciliary care

Clerk: Question 140/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many people have been diagnosed with dementia, and of those diagnosed (a) how many are men and how many are women, and (b) how many men and how many women of those diagnosed with dementia are under 65 years of age?

Clerk: Answer, the Hon. 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 Questions 141 to 143.

Clerk: Question 141/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many of those individuals diagnosed with dementia are at ERS facilities and how many are in the community, living at home?

Clerk: Question 142/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Of those Individuals living with dementia in the community, how many are receiving domiciliary care?

Clerk: Question 143/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many people with dementia waiting for a bed at ERS are there (a) living at home, (b) at St Bernard's Hospital and (c) at Ocean Views.

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

Hon. A J Isola: Mr Speaker, there are 180 people diagnosed with dementia, of whom 105 are female and 75 are male. Of those diagnosed, there are two females and two males under the age of 65.

There are 141 people diagnosed with dementia residing at ERS facilities. ERS also supports 39 people living with dementia in the community. There will be a number of people living with dementia in the community who are not necessarily receiving support through ERS, i.e. only receiving domiciliary care.

Of the individuals living with dementia in the community, 134 are receiving domiciliary care.

Out of the people living with dementia who are waiting for a bed at ERS, there are four living at home, 13 at St Bernard's Hospital and four at Ocean Views.

Hon. Ms M D Hassan Nahon: Mr Speaker, when we talk about domiciliary care, is the Minister looking to increase the possibilities of that bracket of domiciliary care for patients who are living at home? Does he consider it satisfactory? From my understanding and my experience of people living with dementia, they have concerns and reservations – their families – that the domiciliary care is just a little bit less than they would need, or maybe more than a little bit less. So I would like to know if the Government is reviewing any more domiciliary care for dementia sufferers.

Hon. A J Isola: Mr Speaker, in short, no, I am not aware of the instance that the hon. Lady refers to. I think that the services review each and every case individually and provide the care that they

believe is necessary to support that person with the care that they need. I am not aware of that issue.

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Just in relation to the statistics that he has provided in answer to Question 140 – that is the 180 people who have been diagnosed with dementia – I have noticed that there is a considerable disparity here between female and male: 105 females and 75 males. Is that within international norms? Is that something that the Minister is in a position to answer, whether these statistics are within international norms? There just seems, to me, to be a considerable disparity between the number of females and the number of males suffering from dementia.

Hon. A J Isola: Mr Speaker, I would not be able to comment on that observation. I agree with the observation he has made. I am assuming there will be some reason for it – I will certainly ask – but I do not know the answer to that question.

Mr Speaker: The Hon. Damon Bossino.

Hon. D J Bossino: Mr Speaker, in terms of the numbers, I am not sure if the categorisation is correct, or I may be misunderstanding it. The total number is 180 in response to Question 140, and then the numbers in relation to Question 141 add up ... I think it is 141 – I may not have taken an accurate note – plus 39. But then, with Question 142, the answer for domiciliary care is 134. I am not sure how those numbers correlate. Do you add the 134 to the 141? I am not too sure, because it seems like a bigger ... if you add them all up. I may be misunderstanding how the categorisations work.

Mr Speaker: The Hon. Edwin Reyes.

Hon. E J Reyes: Perhaps if I put the question this way to the Minister: from Question 141 the Minister has told us that there are 39 individuals diagnosed with dementia who are living at home, and then for Question 142 – of those individuals living with dementia in the community how many are receiving domiciliary care – it is 134. If 134 with dementia are receiving domiciliary care, is it correct to assume that they are living at home? So then it does not tally with the answer to Question 141, where there were 39 living at home. That is where the confusion arises for non-mathematicians, like myself, Mr Speaker.

Hon. A J Isola: Mr Speaker, I will happily review the numbers. These are the numbers I have been provided with. I would just say that it also says at the end of the answer to Question 141: 'There will be a number of people living with dementia in the community who are not necessarily receiving support through ERS, i.e. only receiving domiciliary care.' I agree the 134 is larger than I would have expected to have seen and so I am happy to review that and come back.

Hon. D J Bossino: The issue here is that it may have an impact on the overall number. So it may be, indeed, higher than 180, or maybe not, but I think it is a justified question in the circumstances.

Mr Speaker: The Hon. Marlene Hassan Nahon.

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

I do not know if the Minister is aware that the latest figures in 2019 are that there were 449 people in Gibraltar with dementia. How on earth can we now assume that that figure has gone down by more than double? Does that sound about right, Mr Speaker?

Hon. A J Isola: Mr Speaker, I do not know if that sounds about right but I will go back and have a look at the 2019 numbers and see how they compare to what we have today and why there has been any change as suggested by the lady, or at all. It may or may not be right.

1400 **Mr Speaker:** Next question.

Q145/2022

Waiting lists –

Plans to improve waiting times and reduce backlogs

Clerk: Question 145/2022. The Hon. Ms M D Hassan Nahon.

1405 **Hon. Ms M D Hassan Nahon:** Has the new Health Minister got any waiting list incentives to improve waiting times and the general backlog stemming from the COVID pandemic; and, if so, can he expand on these?

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

1410 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the Director General has launched a review of all waiting times post COVID and will work with clinical colleagues in taking appropriate action. We will continue to discuss these issues in our regular meetings with a view to improving waiting times and backlogs moving forward.

1415 **Hon. Ms M D Hassan Nahon:** Mr Speaker, will these initiatives revolve around the GHA, or will we be seeing more of an outsource strategy, paying extra in order to reduce these waiting lists?

1420 **Hon. A J Isola:** Mr Speaker, there is a review ongoing, as I have said. I would expect the review, once it is completed, to cover whatever is the most efficient way of dealing with the backlog as quickly as we possibly can.

There is, at the moment, for example in the area of dental care, a tender out to private practice to help us to reduce the dental waiting list as quickly as we possibly can and as efficiently as we possibly can, so I suspect that once the review is complete it will be a mixture of how we can reduce this number in the shortest time.

Q146/2022

Urology –

Number of specialists and on-call duties

1425 **Clerk:** Question 146/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How many specialist urologists are there in the Health Service and how often are they on call?

1430 **Clerk:** Answer, the Hon. Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, there are two consultant urologists in the GHA. At present they are covering the service between them on a one-in-two on-call basis.

Hon. Ms M D Hassan Nahon: Mr Speaker, if we are being covered as a one in two, I believe that poses a risk. Would there not be a better strategy to ensure that urology – emergency urology and on-call urology – is covered all the time and not 50% of the time?

Hon. A J Isola: Mr Speaker, the professionals engaged with providing the quality of care that we require of them have advised that this is adequate and working. The urologists have agreed to continue covering on this basis until the job plan is agreed, which, as I mentioned earlier, is ongoing.

Hon. Ms M D Hassan Nahon: Mr Speaker, I genuinely do not understand. I know that the other side like to say that I do not understand things a lot of the time, but this is one of the times when I do not.

I would like the Minister to answer how a healthcare professional can state that the emergency cover is only ever needing to be available 50% of the time. How can they predict that the other 50% of the time there might not be a terrible emergency and that they know best, that the other 50% of the time it is not necessary to cover? Is the Minister saying that these urologists stare into a crystal ball and they know that on Monday, Wednesday and Friday there is going to be an emergency but on Thursday, Tuesday and Sunday they can be off? How exactly does that work?

Hon. A J Isola: Mr Speaker, I think the characterisation that the hon. Lady has made of the role that these professionals play is inaccurate. If somebody has an emergency, where do they go? They do not go looking for a urologist, they go to A&E, where they get seen by a doctor who deals with the emergency.

The person who is the specialist is on call. The on-call urologist will be much closer to the hospital here than in most parts of the world, so in terms of delivering the service that we believe we require, I think that the professionals advising us have come to the right decision. The hon. Lady is not right in her assessment of giving emergency service: we give it.

Hon. Ms M D Hassan Nahon: Mr Speaker, I really am trying to understand this. If there is a patient, for example, who turns up at A&E with testicular torsion and needs an emergency urologist and there is no emergency cover because it is one in two, and that night, when this patient is dying of testicular torsion, there is no specialist, is the Minister telling me that an A&E doctor will do, that they will scramble for the urologist who is not meant to be on call because, as he says, it is only one in two and that night it is not the one in two?

Hon. A J Isola: Mr Speaker, I do not believe the hon. Lady is qualified to make any assessment of what clinical needs the GHA may or may not have. The professionals have advised us that this works, it works for the community and provides the quality of care that we want for our people, which is the best available.

As I have already said to the hon. Lady, on-call urologists are available to the GHA and somebody who is in an emergency will be dealt with, as everyone else is dealt with, at A&E and a urologist will be made – on call – available for that patient to be dealt with quicker than most hospitals in the world are able to get them, because of the size and geography of our wonderful homeland.

Mr Speaker: Next question.

Mr Speaker: The Hon. Daniel Feetham.

Hon. D A Feetham: Thank you, may I ask ...? Perhaps he does not know the answer to this, but how does this two to one compare to, for example, the United Kingdom or other jurisdictions?

1485 Presumably, in making that decision you have looked at what they do in other jurisdictions and made the decision as to whether this is adequate or inadequate.

1490 **Hon. A J Isola:** Mr Speaker, I have not made any decision, as I have been at pains to stress to the hon. Lady in my answers. The professionals have made the decision. The professionals have given the advice and the professionals who are responsible for all operational aspects of the GHA have made that decision. I do not know, but I am sure they do, what the position is in other countries. I am sure that forms part of their assessment as to what they believe the GHA requires in order to provide the quality of care that we require of them.

1495 **Hon. D A Feetham:** Mr Speaker, bearing in mind that the hon. Lady has brought it to the House, there is obviously a concern about that. Ultimately I understand that he does not make the decisions personally, that of course it is the GHA that is making the decisions based on advice that is provided by the professionals, but I would have thought that if something has been brought to this House the Hon. Minister would be interested in at least ascertaining whether this is comparable favourably to other jurisdictions. Will he undertake to go back and ask that question of the professionals concerned?

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Hon. A J Isola: *[Inaudible]* ... that it is good enough and I think there is really nothing more to talk about. To have a urologist on call in Gibraltar for the provision of care to our patients I believe to be absolutely reasonable and I am very grateful to the professionals who have given us the advice to be able to do that.

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Mr Speaker: I think we need to move on now.

Q147/2022
Tubal ligation –
Current policy re women under 30

Clerk: Question 147/2022. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: What is the current policy on what is commonly known as ‘tube tying’ for women under 30 years of age at the GHA?

Clerk: Answer, the Hon. 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, the GHA provides access to sterilisation procedures where, in the opinion of the consultant, there is a clinical indication to do so and where tubal ligation is considered the best clinical option for sterilisation.

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Hon. Ms M D Hassan Nahon: Mr Speaker, can I ask the Minister, given that there are so many reviews going on since the community legalised abortion – and I think, whatever side of the argument one is on, we all want to keep them safe and rare – would the Minister be persuaded or is he at all having any discussions about making this more of a widely available option for women who want to be sterilised and not have to face the potential eventuality of going for an abortion instead?

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Hon. A J Isola: Mr Speaker, of course I am interested in anything that can deliver better care to our people. What I would say to the hon. Lady is that I have no doubt that this and everything

1530 else will form part of the review that is being carried out. Whether it is deemed to be okay or needs change or improvement in one way or another is yet to be seen, but I would tell the hon. Lady that there are three patients under the age of 30 in the last year who have had this, all for clinical reasons.

1535 **Mr Speaker:** Next question.

Q148/2022
Defibrillators –
Maintenance

Clerk: Question 148/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the GHA policy on maintenance of defibrillators around the city?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, by way of background the GHA has advised that defibrillators were very kindly fundraised and purchased by the Gibraltar Cardiac Association.

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The advice of the ambulance staff was obtained in connection to the placing of the defibrillators around Gibraltar. GHA ambulance staff do review defibrillators as and when required. However, this is being looked into with a view to having a more formal arrangement being implemented as to their maintenance.

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Hon. Ms M D Hassan Nahon: Mr Speaker, it is my understanding that several of them are not working properly. I would ask the Minister in good faith to perhaps find out whether this is indeed the case, to ensure that they might work better and potentially help to save a life.

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Hon. A J Isola: Mr Speaker, if the hon. Lady lets me have that information, I will ensure that they are checked and are working as they should be.

Q149/2022
Ambulances –
Supply and management

Clerk: Question 149/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is Government satisfied with the supply and management of our emergency and transport ambulances?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, although the GHA has not had issues in the past with the sourcing and supply of emergency and transport ambulances, the GHA is not satisfied and is disappointed with the delays with the recent purchase. The GHA, however, recognises that the delays have been due to the

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conversion of the vehicles and the required microchips, of which there have been shortages due to the pandemic. These issues have not only affected Gibraltar but worldwide. Two new ambulances are expected to arrive in September of this year.

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

I have had several representations, which I would happily share with the Minister behind the Speaker's Chair just to show him the veracity of these representations; these have been life-or-death situations.

Given that he has generously explained that they are waiting for more vehicles in order to improve the service, I would like to ask him how are incidents documented, if at all? How are they reported and fed back to the service so that he can understand the data which is out there of failings that are affecting people in our community?

Hon. A J Isola: Mr Speaker, the Director General is very much on the case in respect of ambulances. They form an important part of his review and he has some interesting ideas as to the way forward for our community to get better care quicker when ambulances are needed.

I think that the data available is now being considered and reviewed, and the extent of the data available is improving, which will help him in that assessment to ensure that the kind of incidences that the hon. Lady refers to do not happen in the future. If she has examples, I would be happy to receive them. All I will do is pass them on to ensure that that data is already with them; if not, it will be helpful for them to have it.

Q150/2022
Mortuary –
Location and plans

Clerk: Question 150/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What is the current status of the location where the mortuary has always been, and what are the plans for the mortuary now that the pandemic has eased?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, this is currently under review.

Hon. Ms M D Hassan Nahon: Mr Speaker, so many reviews going on. I would like to know a little bit more about perhaps how long this review in particular might take, because of course Gibraltar being such a close-knit community, I know from many people I speak to that they really miss having a location to grieve the recently passed when it does happen, and there are many in our community feeling quite aggrieved by the current practices which are perhaps what we see in other countries but not what we are used to in this community.

I would appreciate it if the Minister could give us some kind of timeline as to when this mortuary status of limbo will be illuminated upon the community, because this is a very sensitive issue that people want to understand what to do with when the inevitable happens.

Hon. A J Isola: Mr Speaker, I accept that and I think that it is important in our community to be able to grieve with families in the way that the hon. Lady has described.

As the hon. Lady will know, during COVID the whole place was just shut off, for obvious reasons, and as a result of that it has led to a rethink. This is a cross-department rethink as to what we should do and how we should do it.

1615 I am afraid I am not able to give much more detail than I did in respect of the general review that is being carried out, which will be completed in the coming months. In terms of timetable I cannot be more specific than that because this service and many of the other services that we hope to bring back faster and better post COVID are all forming part of the one review of the global services the GHA provides, so I would ask the hon. Lady to be a little patient and give us some time to come back with some thinking on that.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Minister for his answer. I just want to ask if at all the Health Ministry is considering outsourcing this service to another location outside of the Hospital, as we see in nearby La Linea, for example, or if the system will stay within our GHA.

1625 **Hon. A J Isola:** Mr Speaker, I would not wish to pre-empt the review, but I am sure the review will consider all options and report back to us.

Q151/2022

GHA staff professional development – Support re secondment

Clerk: Question 151/2022. The Hon. Ms M D Hassan Nahon.

1630 **Hon. Ms M D Hassan Nahon:** Is the Health Minister satisfied with his Ministry's level of support towards its staff with reference to professional development in the form of secondment for those within the organisation?

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

1635 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I am unsure as to what the hon. Lady is referring to in her question.

As from 10th January 2022 the Ministry of Health – my predecessor's team – was seconded to the offices of the Director General.

1640 **Hon. Ms M D Hassan Nahon:** No, Mr Speaker, I do not think that the Minister has – Sorry, did you finish? I do not think he understood my question in terms of what I was getting at. If I can just explain, I have received some representations that the GHA is no longer supporting staff in expanding their professional development in the form of secondment.

1645 In terms of the representations I have had from a few enrolled nurses who have reported that they were told that they could do their third-year top-up at Gibraltar University, they were told that they could apply after working for two years, which would then make them registered general nurses. They started this process and within a week they were cut off with the excuse of no funding available. Apparently there is only a two-year bracket in which to do this, so if they do not do it after the two years they have to start from scratch for the three years of university all over again, even though they have already banked two, as such. This cut means that none of these individuals can continue their development to further their careers and raise standards, effectively, for the GHA and for all of us. I know that this has led to a certain level of demotivation for these nurses who really want to expand their careers.

1655 Would the Minister be willing for me to perhaps explain this to him in detail behind the Speaker's Chair and perhaps find out whether there is any possibility of allowing these nurses,

who want to continue their development, to find a place in which to do it in the correct timeframe?

1660 **Hon. A J Isola:** Mr Speaker, yes, and my apologies because we have completely misunderstood the question that the hon. Lady was asking. If the hon. Lady were to detail that to me I would be very happy to pass it on and get a response for her in terms of what the issues are, if there are any – because I am not familiar with the issue that the hon. Lady has raised – and then come back to her. So, yes, I would very much welcome that.

Q152/2022
GHA executive board –
Selection of members

1665 **Clerk:** Question 152/2022. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How were the new GHA executive board members selected?

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

1670 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, there are six executive directors on the GHA board. The appointments were made as follows: Director General appointed by the GHA Chairperson; Medical Director appointed by the GHA Chairperson; Director of Nursing appointed by the GHA Chairperson; Executive Head of ERS appointed by the GHA Chairperson; Executive Head of Workforce appointed by the GHA
1675 Chairperson; and Director of Finance, currently vacant, appointed by the Chairperson as and when that person is appointed.

Hon. Ms M D Hassan Nahon: Mr Speaker, can I just confirm that these are remunerated positions?
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Hon. A J Isola: Mr Speaker, these are all professionals within the GHA.

Mr Speaker: The Hon. Roy Clinton.

1685 **Hon. R M Clinton:** Mr Speaker, I do not know if I understood the Minister correctly. He just said they are all GHA personnel, yes?

Hon. A J Isola: Professionals.

1690 **Hon. R M Clinton:** I was looking through the press release and the non-executive directors of the board. Certainly there is an accountant who is not a health professional there.

Hon. A J Isola: Mr Speaker, the question was how were the new GHA *executive* board members selected, and that is the answer I have given. They are all executives within the GHA, the Director General, the Medical Director, the Director of Nursing, etc.
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Hon. R M Clinton: Sorry, I understand now.

Mr Speaker: There is a further supplementary coming from the Hon. Roy Clinton.
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Hon. R M Clinton: Thank you, Mr Speaker.

In terms of remuneration, are the non-executive directors receiving any fees?

Hon. A J Isola: No, Mr Speaker, it is entirely honorary.

Chief Minister (Hon. F R Picardo): Mr Speaker, would this be a convenient moment for the House to recess for 15 minutes before we continue with questions on the environment?

Mr Speaker: The House will recess for 15 minutes and we will return at 6.25.

The House recessed at 6.07 p.m. and resumed at 6.27 p.m.

Procedural

Mr Speaker: The Hon. Prof. John Cortes would like to say a few words before we start the session.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Thank you. Mr Speaker, as I explained to you earlier, I have been suffering from a cough for a few days. I have been tested for COVID and I am negative – it is probably a bad cold or an allergy – so I am going to try to work my way through all the answers. It is possible that I will get a coughing fit and I will have to leave without being able to excuse myself, so I am excusing myself now. My hon. Friend Minister Linares will read any answers and I will come back after a few minutes and deal with the supplementaries.

The Opposition can, of course, withdraw all their questions and save me the trouble, but as I guess they are not going to, with your leave and the understanding of the House I will try to soldier through.

Thank you, Mr Speaker.

Clerk: Question 51/2022. The Hon. E J Reyes.

Mr Speaker: Before we continue, because some of these answers are quite lengthy why don't we allow Minister Linares to answer the questions and you can reserve yourself for the supplementaries? That might be the way forward, but it is entirely up to you.

Hon. Prof. J E Cortes: I am grateful to you, Mr Speaker, but I would like to give it a go. I am a little bit better than I have been over the last few days. If I find that I am struggling then I will take you up on your kind offer. Thank you.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q51/2022

Gibraltar Young Minds – Update

Clerk: Question 51/2022. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can the Minister for Education provide an update in respect of the set-up known as Gibraltar Young Minds, which is, or was, run by a GHA employee seconded to the Department of Education?

1740 **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, Gibraltar Young Minds is a specialist mental health service for children and young adults which was set up internally by the GHA on the arrival of new members to the clinical psychology team, with input from the consultant psychiatrist with responsibility for these service users. The Department of Education, which had conducted a comprehensive review of mental health, social and emotional needs in schools and the College in Gibraltar through a GHA employee seconded to Education, collaborated from an education perspective but was not leading or running this GHA service.

1750 The seconded individual together with the Educational Adviser for Child Welfare actively engaged with GHA and Care Agency colleagues to share outputs from the phased review and plan the development of referral pathways between organisations, and in particular those specific to school counsellors recently appointed. The Department of Education is a signatory to a memorandum of understanding with the GHA and the Care Agency which identifies priorities that all three agencies will work together to address in respect of children's mental health.

1755 The employee mentioned continues to work with the Director of Education, the Adviser for Child Welfare, Adviser for Special Educational Needs, educational psychologists and school counsellors along with staff across the service to continue to enhance and develop the education mental health strategy.

1760 I am informed that the GHA service is fully up and running.

Hon. E J Reyes: Thank you, Mr Speaker. Within all the information the Minister has given me, is he aware if the GHA employee is still seconded on a full-time basis at the Department of Education, or is it as and when he can be released from other GHA duties?

1765 **Hon. Prof. J E Cortes:** Mr Speaker, he is seconded on a full-time basis.

Q52-53/2022
Counsellors and educational psychologists –
Numbers available

Clerk: Question 52/2022. The Hon. E J Reyes.

1770 **Hon. E J Reyes:** Can the Minister for Education confirm that there are now six counsellors readily available in schools as per Government's election manifesto?

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

1775 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 53.

Clerk: Question 53/2022. The Hon. E J Reyes.

1780 **Hon. E J Reyes:** How many educational psychologists are currently employed at the Department of Education to serve all schools?

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

Hon. Prof. J E Cortes: Mr Speaker, there are currently four school counsellors employed. Recruitment will continue for additional counsellors during the lifetime of this Parliament.

1785 There are currently two educational psychologists employed at the Department of Education.

Hon. E J Reyes: Mr Speaker, since there are two questions, I have two minor supplementaries.

1790 The counsellors are still four in number, although I gather that it is the intention to aim to have six. Does the Minister have an indication by when he hopes the selection process will be complete?

In respect of Question 53 the Minister has confirmed there are two educational psychologists, but it is my understanding that we used to have three, so is the other one a vacancy that they are in the process of filling or has it been decided to cut down the number of educational psychologists?

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Hon. Prof. J E Cortes: Mr Speaker, I cannot tell the hon. Member when the recruitment will be completed. Clearly recruitment has been stalled as a result of the pandemic, but obviously it is still an aim; they are important posts and the Government still believes that they are important posts.

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In the case of educational psychologists, that is not quite correct. The number has been two substantive ... There has been one trainee who has been able to deal with some sessions, but because one of the former educational psychologists was promoted to education adviser, the trainee then slotted into that post and we are now looking at the possibility of engaging another trainee to understudy. So there have not been three. The fact is there have been three people but one of them has been a trainee.

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

Can I refer him back to the counsellors, the four that are available for schools? Is the Minister aware, because the secondary schools tend to be large in size, if these counsellors are in situ on a school-organised basis, or are they based elsewhere and have to be called in by the school and wait for them to be able to come down? I am pointing that question toward the advantage of having a counsellor readily available with immediate effect, if need be, in schools with a thousand pupils each.

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Hon. Prof. J E Cortes: It does not usually work like that. The counsellors do not normally deal with a critical case; they deal with referrals through educational psychologists or from the school teams.

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The counsellors were new. They were added by this administration around the time of the new comprehensives, the new secondary schools, and they are based there, but obviously they are available to all the schools.

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Mr Speaker: Next question.

Q54/2022

Educational psychologists and the GHA – Evidence of multi-disciplinary approach

Clerk: Question 54/2022. The Hon. E J Reyes.

1825 **Hon. E J Reyes:** Can Government provide details of any multi-disciplinary approach currently in place for the benefit of pupils between the Department of Education's educational psychologists and the Gibraltar Health Authority?

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 two educational psychologists currently employed at the Department of Education are involved in a number of multi-disciplinary workstreams with staff from the Gibraltar Health Authority and indeed other agencies.

1835 The educational psychologists attend paediatric multi-disciplinary reviews when invited to attend these by GHA staff. The educational psychologists liaise with relevant staff – primarily paediatric therapists and consultant paediatricians – from the GHA when they have shared cases of children and young people in common. They also attend educational multi-disciplinary reviews for pupils attending Government schools and other educational settings, and relevant GHA staff, primarily paediatric therapists and consultant paediatricians, are invited to attend when they are supporting the children and young people who are being reviewed. They form part of joint workstreams and work alongside relevant staff from the GHA and other agencies providing strategic liaison on pathways and policies pertinent to children and young people with additional needs – for example, the ASD pathway. The educational psychologists work closely with relevant staff from the GHA and other agencies to support pupils, particularly at times of transition across schools and across sectors, to ensure as smooth a transition as possible for the children and young people. They form part of the gazetted Special Educational Needs Assessment Panel, which also consists of GHA staff and Care Agency staff, to ensure children and young people's educational needs are met. They form part of the Disability Panel, which also consists of GHA staff and Care Agency staff, to discuss the needs of children and young people with disabilities in our community.

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Mr Speaker: Next question.

Q55/2022

Special needs learning support assistants – Number available in primary schools

Clerk: Question 55/2022. The Hon. E J Reyes.

1855 **Hon. E J Reyes:** Can the Minister for Education provide details of how many special needs learning support assistants are presently available in primary schools?

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

1860 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, there are currently 122½ – clearly there is one part-timer – special needs learning support assistants (SNLSAs) assigned to support children in Government primary schools. In addition, there are currently a total of 51 such assistants assigned to support children in St Martin's School. Please note that St Martin's School caters for children and young people across the compulsory school years, which includes children of primary school age and children beyond primary or secondary school age.

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It is important to note that the assigning of SNLSAs to educational settings is entirely needs dependent. That is to say that the allocation of SNLSAs to educational settings is dependent on the particular needs of the children who attend those settings at that specific time. Each

1870 educational setting's requirements are subject to change as pupils' needs change, pupils develop, emerging needs are identified or pupils transition to a different educational setting. The number of SNLSAs assigned to each educational setting is dependent on the specific needs of each cohort of children each academic year.

1875 **Hon. E J Reyes:** Thank you, Mr Speaker. I think the Minister has clarified some things there for me. Am I correct in deducing that because it is demand led, the 122½ in the primary schools which is lower and upper primary ... you could have a case that comes in September, the numbers in the lower primary could be lowered because as a pupil moves into upper primary the individual pupil takes it with him, and then there will be the whole process of the new reception year kicking in, 1880 the cohort? Is that a correct assumption, so that I know for future reference?

Hon. Prof. J E Cortes: Yes, Mr Speaker, that is correct.

Q56/2022

**Bayside and Westside Schools –
Use of workshops designated for vocational courses**

Clerk: Question 56/2022. The Hon. E J Reyes.

1885 **Hon. E J Reyes:** Can the Minister for Education provide details of what usage is being made of the workshops situated on the ground floors of both Bayside and Westside Schools which were purposely designated for vocational courses and trades such as mechanics and wet trades?

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

1890 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, some of these areas are currently being used to support the learning and teaching of existing curriculum subjects. This is the case for the engineering workshop. The garage and wet trade areas are currently not in use.

1895 **Hon. E J Reyes:** Mr Speaker, if the garage and wet trades areas are currently not in use, is it that we are waiting for these particular courses to kick in, or is it that we have now abandoned, for example, the wet trade courses and therefore management would have to rethink their usage?

1900 **Hon. Prof. J E Cortes:** No, Mr Speaker, the courses have abandoned us. City and Guilds, quite unfortunately, discontinued a number of courses from 1st August 2021: Level 2 Technical Engineering vehicle, Technology, Design and Planning in the Built Environment, and Cookery and Service for the Hospitality Industry. They are carrying out a whole review and they were the courses that we were going to offer, so unfortunately they are not available. The Department of 1905 Education is, however, in contact with other authorities with a view to being accepted as a location for these courses, and obviously as soon as we are able to start those courses we have the facilities available. Unfortunately it was completely beyond our control and the courses that we were going to offer have ceased to be offered by City and Guilds.

Q57/2022

**Vocational training –
Details of courses delivered in secondary schools**

Clerk: Question 57/2022. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide details of vocational courses being delivered at our secondary schools for the academic year 2021-22 together with details of numbers of students following these courses, the educational establishment delivering the courses, the completion date of the courses and the qualifications obtainable upon successful completion of said courses?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, there are a total of 18 students who will complete their Level 2 Hair and Beauty course delivered at Westside and Bayside Schools in salons that were created. Unfortunately those courses were not discontinued and they will be completing this academic year. An additional nine from Bayside School and seven from Westside School are expected to complete the same Hair and Beauty course next year.

We have 78 students at Bayside and 23 students at Westside who will complete their Level 2 Digital Technologies qualification at the end of this academic year. A further 24 students from Bayside and 12 from Westside are expected to complete their Level 2 Digital Technologies qualification in 2023.

We must not forget that we also have 125 students at our secondary schools and 286 at the Gibraltar College who are following courses which are vocationally assessed. That is they are in subject areas not traditionally considered as vocational subjects but are being assessed in a vocational manner. This includes the four students who are now working towards the new Music Performance qualification which has been introduced this year. This number does not include the students who at some points in the journey complete ASDAN qualifications, which are vocationally assessed at Levels 1 and 2 at our secondary schools.

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

The Minister went on to save me the trouble of having to specifically go on to something ... He has given us the example of the music courses and so on. Can he confirm that these would end up leading to a Level 1 or Level 2 qualification and, the same as before, an estimated completion date when they are bound to finish this current examination period, or is there still another year to go?

Hon. Prof. J E Cortes: Mr Speaker, the Music Performance course is a two-year course, so it is due to finish next year and it is an A-level equivalent. *(Interjection)* Yes. The Music Performance course which is being offered by the College in association with the Academy of Music and Performing Arts is A-level equivalent.

Hon. E J Reyes: Thank you that's helpful Level 3, rather than a Level 3, Am I correct?

Hon. Prof. J E Cortes: Yes, Mr Speaker, but it has the same value for university purposes.

Hon. E J Reyes: I know there is a Minister on that side of the House as well with that sort of educational experience.

The Level 2 is considered more or less equivalent to a GCSE, or it should be accepted internationally as that, and therefore the Level 3 is an A-Level; and the Level 1 – which unfortunately in some private sector markets is not given as much credit but from an educational point of view is also worthwhile – is equivalent to a foundation and almost quasi-GCSE?

Hon. Prof. J E Cortes: Yes, absolutely, Mr Speaker, and this actually opens up an opportunity for young people who may not have wanted or may not have been able to follow a more strictly academic route, to gain qualifications which will serve them well in future life.

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Q58/2022
School leaving age –
Update re possible changes

Clerk: Question 58/2022. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Education provide updated details in respect of any possible changes it hopes to introduce in respect of the school leaving age, so as to bring this into line with the United Kingdom?

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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, the Government is considering increasing the school leaving age to 16 in its current review of the Education Act.

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

We have spoken about this in the past, so it is still a work in progress, but looking further into the details of the United Kingdom, it is not as simple as saying the school leaving age is 16. The student may leave school at 16 if up to the age of 18 they are enrolled in a type of apprenticeship or employment programme that would teach them some skills and gain experience. Is the Minister inclined to hope that Gibraltar will follow a bit more that route? In other words, it is not a question of simply reaching a given birthday, like 16, and then saying the individual can stay at home and roam the streets, but rather that they be engaged in a recognised type of programme, as seems to be the case in the United Kingdom?

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Hon. Prof. J E Cortes: Mr Speaker, I personally would not be inclined to be so prescriptive. I am not sure that that may not be the outcome, but certainly that is not the way we are going at the moment. But as I said, this is currently under consideration in a wide review of the legislation and is something that clearly is under discussion. My personal view is that we should not be so prescriptive.

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Q59/2022
Scholarship contracts –
Total amount outstanding re courses not completed and action taken

Clerk: Question 59/2022. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can Government provide updated details of the grand total debt outstanding from students who have not successfully completed any courses for which they were granted scholarships, together with details of what actions are being taken against debtors who are failing to make repayments as required by their scholarship 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 grand total debt outstanding as at 6th May 2022, when the answer was compiled, amounts to £1,107,436.20. Debtors who fail to honour repayments despite several written reminders are referred to the Central Arrears Unit.

Hon. E J Reyes: Mr Speaker, I am glad to know that the Minister has done a good job: he has reduced by £199,000 the debt as of when he answered my Question 544.

Just a small point of clarification. In the past the Minister has answered and given me a footnote saying that those students who have not been referred to the Central Arrears Unit have been chased up by the Department of Education, and in today's answer he has made, again, a reference to the Central Arrears Unit. Is it a question of the Department of Education having first tried to contact these people trying to deal with them and all the pending cases now pass fully to the Central Arrears Unit so that the Department of Education per se has done its job and it is now all centralised at the Central Arrears Unit?

Hon. Prof. J E Cortes: Yes, the Department of Education tries to assist, in a friendly manner, families who are facing the obligation to pay a debt which they would rather not pay. We are sensitive about it and the Department talks to the families and writes to them. On occasion, they reach a payment agreement, depending on means and so on, but clearly there are times when the Department is unsuccessful and it is those cases that are referred to the Central Arrears Unit. I believe that most of the older cases are now with them, but clearly these things happen all the time so it is quite dynamic. There will be new cases that maybe have happened a week or two ago and one or two that are coming in a week or two's time.

It is unfortunate. It has to be dealt with. The Department is as sensitive and understanding as possible, but the debt is there and they will try to recover it.

Hon. E J Reyes: Thank you, Mr Speaker. I tend to concur with the Minister that one has to approach sensitively those students who may have entered into difficulties and may not be able to complete their courses.

Given that we are now towards the end of an academic year, would the Minister accept ... 'advice' may be the wrong word ... a proposal from me that as some students now approach their final exams, if for medical or other genuine reasons they are unable to complete those studies, rather than become a debtor the Department of Education has an information leaflet giving them in bullet points what course of action the individual may take? For example, that individual could re-enrol next September at the university and sit any pending exams they have. Therefore, they comply with the requirement of having successfully completed their course, they do not become debtors to the Department of Education and all it requires is a small investment from their family for an extra term, or whatever the individual [inaudible] Would the Minister for Education take on board perhaps having a little information booklet or sheet with bullet points, or whatever, to assist students through these difficulties and thus enable them not to become debtors and eventually be referred to the Central Arrears Unit?

Hon. Prof. J E Cortes: Mr Speaker, the information is provided when young people and families come. Whether it is in the form of a booklet ... It is more likely in the form of a pdf or an email. There are meetings held.

Obviously there are situations where, for example, it is for medical reasons that can be confirmed as genuine medical reasons. Obviously these are situations that could be abused. I think that is relatively rare but it is possible, so we have to be absolutely certain that the reasons are legitimate and there is a sympathetic interchange.

Quite the format of the information I am not absolutely aware of, but I am sure that the Department shares and assists as much as possible.

Mr Speaker: Next question.

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Q60/2022

**Vaping within school precincts–
Confirmation of reports received**

Clerk: Question 60/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government state whether reports have been received by the Department of Education as to the prevalence of children vaping in and within the school precincts?

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, there have been some reports of vaping coming from parents, other pupils and external agencies such as Public Health, but the secondary schools had already identified the issue within their own institutions.

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The issue is being addressed in various ways including multi-agency collaboration, education on the dangers of vaping via sharing information on Google Classroom and school Twitter accounts, education on the dangers of vaping through the curriculum and sharing of resources via Public Health and PSHE working parties, identification of areas in school premises that are being used to vape and monitoring of these areas, liaison with parents/carers of pupils identified as vaping on school premises, liaison with RGP, parents/carers and students found vaping, and communication with RGP as regards concerns over illegal purchasing of vaping apparatus.

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In most cases the school has identified the specific vaping behaviour and contacted the parents. School staff have found that children who would prefer not to come to school have used vaping by other students as an excuse and have painted a more negative picture than what is happening in reality. For example, a child with friendship issues who did not want to come to school said he had not gone to school because this was happening.

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School staff have found that some of the reports of vaping have not resulted from first-hand observations of young people vaping. School staff feel that the vaping behaviour is one that only a small minority of young people engage in, and whilst they of course want to raise awareness as to the dangers, curb the behaviour and prevent others from following suit, they are not of the opinion that this is a widespread issue of significant concern.

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Hon. K Azopardi: Mr Speaker, can the Minister help us by telling us whether he has any information on the numbers of children who have been observed first hand and – because he made a distinction in his answer about the first hand observation and then the second-hand reports – the number of second-hand reports?

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Hon. Prof. J E Cortes: Mr Speaker, I have not been provided with those figures in the answer, but I am happy to chase them up and share them with the Hon. Leader of the Opposition and the Hon. Mr Phillips. I will do that very soon.

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Hon. K Azopardi: Finally on that, he has spoken about awareness and so on, but to the extent that there has been first-hand observation, what kind of action are teachers recommended to take?

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Hon. Prof. J E Cortes: I tried to summarise some of them, but they are spoken to, their parents are spoken to; if it is something that is getting out of hand then there might be police intervention, but normally, as the Hon. the Leader of the Opposition knows, the school will try to deal with it internally, try to give advice and try to stop the behaviour. It is challenging, of course. Smoking ...
2100 it is another version of that, but the school tries to control it as best it can.

Q61-62/2022

Used motor vehicles –

Intentions re banning non-hybrid/electric vehicles and promoting electric vehicles

Clerk: Question 61/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state its position on the importance of gas-guzzling used motor vehicles and confirm whether it intends to ban the importation of non-hybrid/electric motor vehicles?
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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 will answer this question with Question 62.
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Clerk: Question 62/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.
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Hon. K Azopardi: Mr Speaker, can the Government confirm what steps it is taking to encourage and promote electrification of motor vehicles in order to further the decarbonisation agenda?

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

Hon. Prof. J E Cortes: Mr Speaker, electrification of the vehicle fleet is one of the principal ways in which we will be decarbonising transport.
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Import duty for electric vehicles is zero and cashback incentives are available of £250 for a hybrid vehicle and £2,500 for a full electric vehicle.

For the past three years any individual tax payer installing an electric vehicle charging point has been able to deduct the first £2,000 of the costs against their tax liabilities and we are considering extending this scheme due to increased interest. A cashback incentive of £150 is available for fully electric motorbikes and £200 for electric bicycles.
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By 1st July 2030 every vehicle registered in Gibraltar will have to be at least a hybrid. This applies to new and second-hand vehicles being registered for the first time in Gibraltar as from the 1st July 2030.
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As from 1st July 2035 Gibraltar will only allow the registration of fully electric vehicles where the propulsion of the vehicle does not in any way rely on the internal combustion engine, whether fuelled by diesel or unleaded petrol.

The Ministry of Transport is also working on the rollout of further public electric vehicle charging points in addition to those already available at Midtown car park.
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Government has committed, within the Climate Change Strategy, to purchase only electric or at minimum hybrid vehicles as of next year. The Government's position on combustion engine motor vehicles is clearly and comprehensively laid out in the Gibraltar Climate Change Strategy, which includes a roadmap for the decarbonisation of the transport sector. A ban on the
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importation of petrol and diesel mopeds will be introduced as from 2023. In addition, and in order to prevent the market from continuing to be filled with older, more polluting vehicles, the Government will also ban the importation of used passenger cars and light commercial vehicles with combustion engines in 2023. As part of its medium-term roadmap to net zero, the Government will introduce an outright ban on the sale and importation of new conventional petrol and diesel cars, vans and motorbikes as from 2026. Moreover, no vehicles fuelled by petrol will be allowed to be registered by 2030.

Hon. K Azopardi: Mr Speaker, I welcome the hon. Member's answer on all those fronts.

It struck me, listening to him, that I guess the success of that agenda must presumably depend to some extent on the number of electric charging points there are around Gibraltar. Does he have an idea of how many there are now – I do not, but he might – and how many he thinks are needed for a successful strategy, given the clear schedule of timescales of the banning of certain vehicles that he has rolled out? Does he have an idea, in the strategy that has been carved out, how many charging points are required? And then thirdly – I will just ask the question so I do not have to get up again – the kind of investment that he thinks needs to be made in terms of providing charging points?

Hon. Prof. J E Cortes: Mr Speaker, I do not have the figures. I would say that at the moment we certainly do not have enough and there is pressure from vehicle purchasers for more.

I can say that we are in discussion with industry and they are working together with us to try and develop ... They themselves are having to respond to the move towards electric vehicles from manufacturers, so it is something that we are working together on because this is happening around the world. Again, this is something that we are working with industry on to determine how many we would need.

There are cities in other parts of the world that are developing electric vehicle charging hubs, very much like a petrol station but multi-layered for that purpose. It is a challenge that we will be facing like the rest of the world will be facing. I suppose it is not really more of a challenge than when people used to drive horse-driven carts and said, when they heard about petrol, 'How on earth are we ever going to have stations to fill up with petrol all around the country?'

So it is a challenge that is coming, but I am confident that, working within Government Departments and very closely with industry, we will be able to have a roadmap for that process which will be superimposed on the aims that I have described today.

Hon. K Azopardi: I hear what the hon. Member says, but given that the Government has quite clearly set out a roadmap of dates would it not be also sensible to have collated statistics on the number of charging points there are? From my own limited research on it, it is not the same as filling up a car with petrol, which may take three or four minutes. I understand the charging process is, in some cases, quite lengthy. To fully charge a car it could take a much more significant period of time.

It may be that there needs to be a better-planned roll-out in terms of things like ... For example, if a development is going to be done, for some decades we have had requirements for parking spaces per development ... those parking spaces should come with a certain number of electric charging points – things like that, which I am sure the hon. Member might have in mind in terms of new things, but of course that does not cater for existing developments or indeed the vast number of vehicles in Gibraltar and so on.

So, if they are going to take that brave decision of a clear roadmap on dates, I encourage the hon. Member ... Does he agree that there should be a collation of statistics and a well-planned-out strategy on charging points?

Hon. K Azopardi: Yes, Mr Speaker, absolutely, and not just on this point, on a whole range of issues that have been identified in the Climate Change Strategy. In fact, we are working

interdepartmentally on setting up net zero delivery bodies and working groups to focus on each individual aspect and to come up with exactly this kind of roadmap.

2195 Already, as the Hon. Leader of the Opposition has stated, there is a requirement in every new development. It used to be 20%. Now the Development and Planning Commission is asking usually for at least 40% and I suspect that in future developments they will be required to ask for 100%. That is future-retro-fitting, will clearly be an issue, and this is what these working groups will focus on because we have to have a roadmap in order to achieve it, but I can assure the Hon. Leader of the Opposition that work is in hand to produce exactly that.

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Chief Minister (F R Picardo): Mr Speaker, if it is helpful, because I think we need to also just bear in mind one thing, there is no such thing as an electrical charging point for a vehicle of one type, there are many different types, and so we have to be careful that we do not think that there is one way to charge an electric vehicle which works for every electric vehicle.

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You can set up a thousand electrical charging points and find that they only charge 20% of the electric vehicles that you have in Gibraltar. There is not, at the moment, a standard, and one of the things that we have been very keen to do is not to do more until there is a standard because the industry is expecting to come up with an industry standard that will charge all vehicles, existing electrical and future electrical vehicles, and it therefore would be a problem now to choose one type of electrical charger and roll it out across the board. That is one of the reasons we have not done more yet.

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As the owner, through HM Government of Gibraltar, of one of the first electric vehicles there was in Gibraltar – which we chose in place of the gas-guzzling Jaguar that hon. Members used to have their leader conveyed in, which used to cost between £85 and £120 to fill with petrol and which we have replaced with a Tesla that costs 85 pence to charge – we are very pleased to see the conversion to electric and hybrid on the other side.

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Hon. Prof. J E Cortes: I thank the Chief Minister for that very helpful contribution in support of this discussion.

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If I may add a couple of things, one is that there are faster chargers and slower chargers; that, I think, is covered by the Hon. Chief Minister's contribution. The other things is that I would not be true to the aims of my friend and colleague the Hon. Paul Balban, who also reminds us that we have to reduce the use of cars as part of achieving this decarbonisation, and also that other technologies are coming on board.

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There is a lot of movement now internationally – and I saw this in COP26 when I was in Glasgow at the end of last year – towards hydrogen as a fuel alternative, particularly for larger vehicles which might struggle ... the electric engine might struggle for heavier goods vehicles. The indication is that these will turn to hydrogen and that is something that we also have to be open to. When hydrogen is burnt in oxygen it produces water, so it is non-polluting.

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All these things have to be kept constantly under review and we have to wait for the industry to lead on this as well.

Q63/2022
No-idling legislation –
Update

Clerk: Question 63/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government confirm that, despite previous questions in this House, nothing is done to strengthen anti-idling laws or prevent further damage to young lungs and our air quality?

2240 **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 no-idling legislation is in near-final draft form. We expect to publish it in coming months. The Environmental Agency will be enforcing this legislation with assistance from other relevant bodies such as the Royal Gibraltar Police, as needed.

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Q64-70/2022

Air quality –

Rational re location of mesh pods; monitor upgrades, periods offline, additional monitors to improve coverage; compliance with WHO recommendations; actions to improve

Clerk: Question 64/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state the rationale for the positioning of the current AQ mesh monitors?

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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 will answer this question together with Questions 65 to 70.

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Clerk: Question 65/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state what upgrades have been made to the current AQ monitors over the last two years?

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Clerk: Question 66/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government confirm how many occasions the AQ monitors have been offline over the last two years and for what duration?

Clerk: Question 67/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government state that it is in full compliance with WHO revised air quality recommendations?

Clerk: Question 68/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government state why it appears that levels of nitrogen dioxide at Harbour Views Road are 15 times greater than the level of the WHO annual mean limit of nitrogen dioxide?

Clerk: Question 69/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government set out what it has done to better improve our air quality over the last two years?

Clerk: Question 70/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government confirm that it will roll out further AQ monitors to cover more areas of Gibraltar?

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

Hon. Prof. J E Cortes: Mr Speaker, the Environmental Agency has three air quality (AQ) mesh pods currently positioned at Rosia Road by the clock tower, Devil's Tower Road and Harbour Views Road. These locations were identified in consultation with Ricardo, our consultants in the UK. The rationale for the positioning of these mesh pods at each location is as follows. Rosia Road is located specifically to investigate complaints of emissions from the dockyard. Devil's Tower Road is located to provide baseline data prior to the opening of the Airport tunnel road; it is anticipated that the increase in traffic will impact the concentrations measured on Devil's Tower Road. Harbour Views Road is located to investigate concentrations resulting from emissions from the cruise liner terminal and the Port.

The Government has placed an order for replacement of eight of the fixed real-time analysers used within the monitoring network. These will be installed in the near future. They were going to be installed last week but they were not able to come over in the end. There have been some breakdowns of the equipment. The length of time of these breakdowns ranges from a couple of days to several months. The Environmental Agency can solve some of the minor issues but not most of the major fixes, which must be done by the company that installed the equipment, Ricardo. The ones that stayed unfixed for a number of months coincided with COVID, so they had problems visiting Gibraltar during the pandemic, but now they are due to catch up and all the monitors will be upgraded, repaired and fully functional.

The World Health Organization revised their air quality recommendations in 2021 – they moved the goalposts – just as, for the first time ever, Gibraltar happened to have achieved compliance with the former PM2.5 levels. We are now not yet in full compliance with the revised WHO air quality recommendations. These are much more stringent than the legislative objectives that have governed air quality strategies both in Gibraltar and across Europe since 2000. For example, the annual mean World Health Organization guideline of 10ug/m3 is 25% of the corresponding EU limit value of 40 for nitrogen dioxide, and that sadly continues to be widely exceeded all across all of Europe. We continue to aspire to this but it is unrealistic to be immediately compliant with these revisions, which are focused, and rightly so, on health outcomes and not on achievability. The revised WHO PM2.5 guidelines, for example, could potentially be exceeded just by natural sources outside the control of governing bodies, such as Sahara dust or sea salt. Pollutants such as nitrogen dioxide are more controllable and we will continue to try to achieve the new standards.

A quick analysis, for the site referenced in Question 68, of provisional data for 2022 – there still have not been the quality assurance and quality control applications, which will then modify the data – shows an average of around 43 ug/m3, and I stress the word 'average', which is consistent

2330 with roadside concentrations across other parts of Gibraltar and across the UK. This is an exceedance of the World Health Organization guideline but it is about four times the revised guideline, not 15 times. It is possible that the Hon. Mr Phillips has confused hourly and annual data here and is comparing one peak hourly value with an annual mean guideline. You cannot do that. When you have a graph like I have here, Mr Speaker, you cannot compare the peak with the average, and this may be what Mr Phillips has done in preparing his question. It is worth mentioning that these data have yet to be ratified; I have just said that. There is currently no modelled evidence to suggest a source, and source apportionment at this location is difficult, but it is possible that contributions from port activities combined with road traffic are causing this.

2340 The Government has undertaken several projects to improve air quality in Gibraltar over the last few years. We have had the commissioning of the power station and LNG terminal, along with the decommissioning of the old power stations. The Environmental Agency has also increased its presence at all construction sites around Gibraltar with the aim of reducing dust being produced from these sites. Furthermore, as I previously stated, we now have new equipment on order which will allow us to capture better and more air quality data. In my answer to an earlier Question I also detailed measures in relation to traffic, to supplement those of my hon. Friend the Minister for Transport.

In answer to Question 70, the Environmental Agency has placed orders for two additional AQ mesh pod monitors, which will be located one in the Port and another in the City Centre.

2350 **Hon. K Azopardi:** Mr Speaker, quite a lot there, so I will just try to ask a couple of questions, if I may.

First of all, I am glad that they are going to purchase more monitors to do things, to use the Chief Minister's new slogan, better and faster – and hopefully also cheaper. He did not mention cheaper, but hopefully it will also be cheaper. *(Interjection by Hon. Chief Minister)* Well, it is your suggested slogan for us, but I thought you had adopted it quite successfully for yourself. *(Interjection by Hon. Chief Minister)*

2360 Mr Speaker, can I just ask, in terms of the upgrade, can he give us a bit more information? He has spoken about the three points where they have installed these air quality monitors. Is there a plan to install more of those types of monitors around Gibraltar? If so, why? If not, why not? He has explained the rationale of why those are there, but I guess you could construct a rationale for monitoring air quality in other parts of Gibraltar for different reasons. He is well versed in the area, so is there a plan to do that, given the desire to do more comprehensive air pollution monitoring?

2365 In terms of Question 68 on Harbour Views, he says that the average is four times higher than, I assume, the new level that he is talking about, and that the average is not 15, it is four. He showed us the graph, which viewers could not see, obviously, because it was facing us, but helpful in any event. The average may be four, but from the graph it did look like there were moments where it was significantly higher than four at moments of the day. Does he think that that is a worrying thing? Is there something that he thinks could be done to address issues like that, so that we all enjoy better air quality?

2370 **Hon. Prof. J E Cortes:** Mr Speaker, I am grateful to the Leader of the Opposition for giving me the opportunity to talk a little bit more about this.

2375 We already have more air monitoring equipment for a place our size than the EU requires. I know we are not in the EU, but we have said many a time that we wish to maintain EU standards. It is in Gibraltar's interests for many reasons that we should be seen to be environmentally up there with the EU, if not better.

2380 The additional mesh pods are less expensive, actually, than the large monitoring stations, and we have deployed, as I explained, in a number of areas. The two additional ones that are coming ... and of course you could put them everywhere. There are less accurate diffusion tubes all over the place, which are also published regularly, but these are a little bit more detailed. At the two places where these are going to go, one is in the Port area, where we realise there is industrial activity,

and the other one is in the city centre. We are moving the large monitoring point from Witham's Road, which has served its purpose. It was there to monitor how we could improve the poor air quality as a result of the temporary power stations that were there. That has now been totally resolved. That is now moving to Devil's Tower Road, where we will capture any changes as a result of the tunnel. The other one, therefore, is going in the city centre, where we also are aware that there is a lot of traffic and we want to capture that. So those are the two. If we could have more we would put more in, but there is also the possibility of overkill. We know we have to work on air quality; I do not have to see a graph to tell me.

On the graph in particular, the World Health Organization is stricter. The EU requires a reading of 40 ug/m3. This one is averaging at 43, so we are a little bit over. We would not like to be that much over. Perhaps this could be one of the first Parliaments to allow Ministers to put up power points on the screen, and then everybody would see it. Clearly, peaks are not things that we would like to see, but if you have a monitor and there is a vehicle passing by, then it is going to pick up more; but the average is what counts, particularly when these standards are set internationally by organisations such as the World Health Organization.

I think I have answered most of the points. If I have not, I am happy to do so now if my voice – which is holding up – permits, or subsequently in another question or behind the Speaker's Chair.

Q71/2022
Elliott Hotel –
Fumes from vents at rear

Clerk: Question 71/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state what measures the Government has taken in relation to the vents pouring fumes at the back of the Elliott Hotel on to Canon Lane?

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 Environmental Agency has had communication with the Elliott Hotel regarding smells starting in June 2020 and then again in June 2021. These smells have never been witnessed or verified from a complainant's home. The smells have been brought to the Environmental Agency's attention by pedestrians and passers-by. The Agency's involvement has been purely from a smells nuisance point of view. The complaints arose because the boilers were due to be serviced at the end of July. The complaints ceased on both occasions once the boilers had been serviced.

In 2021 a similar issue was brought to the Agency's attention, this time due to the lack of maintenance on the burners, which are components of the boilers. The UK company could not fly to Gibraltar to service the equipment, due to COVID restrictions. The burners were serviced by August 2021 and the Environmental Agency has not received any complaints since June 2021.

Q72/2022

**EcoWave Power energy project –
Government position**

2420 **Clerk:** Question 72/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state its position in relation to the wave energy project?

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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, as we have informed this House in the past, the EcoWave energy project was undertaken as a pilot project by a private entity to demonstrate that the technology can be directly connected to an electricity grid.

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The pilot was built and originally supposed to operate for two years with the purpose of proving that wave energy can safely connect to the grid and withstand the Gibraltar storms using its storm-protection mechanism. However, the company decided to keep the pilot station operational for a longer time, as it was used as a real-conditions R&D facility for the company.

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After six years of successful testing operations in Gibraltar – three times the original period – the company, EcoWave Power, that owns and operated the floaters decided to remove them and relocate them to the Port of Los Angeles for testing in a different maritime environment. Government remains open to the possibility of installing further wave power in Gibraltar if suitable locations can be found.

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Hon. K Azopardi: Mr Speaker, this is my colleague's question so he might have been more sighted on the detail than I am, but may I just ask the Minister: given that there was a long testing period, presumably that data was shared with Government – is that right? – and, if so, did the Government reach any conclusions in terms of the possible use of wave energy as an alternative?

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Hon. Prof. J E Cortes: Mr Speaker, we have not specifically requested the information because this is information in developing a technology that we were not going to be carrying out ourselves. This was for them to develop their technology. If we were to feel that any of the information was useful to us, I am absolutely sure that it would be shared with us.

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The plant was not big enough to provide substantial amounts of energy, but the purpose was to prove that it did produce some energy and that it could be safely linked to a grid. The plants that they are installing elsewhere in the world are considerably larger. They have more space and more coastline, and therefore I am hoping, certainly, because this is good for the environment globally, that the lessons they have learnt in Gibraltar will serve them well, but at this point in time, as I said at the end of my answer, we will be happy to consider it if we can find suitable locations.

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Hon. K Azopardi: Mr Speaker, given that presumably it was at no cost to the Government that they were here and they tested for a longer period than they originally had envisaged, wouldn't it have made sense and wouldn't it make sense now to ask the company to share its data and its conclusions with the Government, so that you can then, as part of a wider strategy, decide whether or not that kind of project would be even useful to look at for consideration? It may be that the statistics do not justify even it, but if it does then at least you have a bank of information.

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Hon. Prof. J E Cortes: Mr Speaker, we have information from the point of view of the hours they operated, how much energy they produced and so on. The technical specification as to

perhaps the angle of the floater or how to connect the floater to land is something that is important if you are developing a wave energy product, which we are not. We would buy the energy or we would commission the product, but we are not in the business of building wave energy plants. If we were to be in that business, then I am absolutely sure that they would share the data, but that is not the businesses we are in; we are interested in the output.

Hon. K Azopardi: Mr Speaker, finally, I understood that we are interested in the output, but ultimately if we are interested in considering the alternative and a possible investment into the area, we would need to be satisfied that it works. There are waves all around us. It may or may not work – it may simply not work, but I just thought it would be a useful exchange of information given our location and our geographical reality. That is why I asked the hon. Member.

Hon. Prof. J E Cortes: Mr Speaker, if it would assist, I am very happy to ask them for the information and then I will judge whether I think it is useful and I will let the Hon. Leader of the Opposition know. I do not think there is anything there for us, but let's have a go.

Q73/2022
Dog fouling –
Number of fines imposed

Clerk: Question 73/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government provide details as to the number of fines imposed by the pertinent authority in respect of dog fouling offences?

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 Environmental Agency has issued 21 fines in 2022.

Hon. K Azopardi: Mr Speaker, of those fines does he know how many were DNA-tested origin fines?

Hon. Prof. J E Cortes: Mr Speaker, I could not confirm exactly how many are of DNA origin. I will find out, but if I interpret the figures that I have as my supplementary I think that of those 21 at least 12 are from DNA, but I need to confirm that.

Hon. K Azopardi: Mr Speaker, does the Minister have any information as to the DNA testing methodology? The information reaching us is that DNA testing is only done on one day of the week and in certain areas only. Is that true? Does the Hon. Minister know whether DNA testing is, as a matter of course, done every day and in respect of all areas? And if it is a much more constrained methodology, why is that, and doesn't that really not deal with the issue?

Hon. Prof. J E Cortes: Mr Speaker, the testing itself, the analysing, is done in a laboratory outside Gibraltar. I believe it is in Germany – subject to confirmation, so if it is not please do not feel that I am misleading the House. I believe it is in Germany.

What I think the hon. Member is referring to is the collection of DNA samples. There is a weekly foray by Environmental Agency officers to collect samples of dog poop and they will go to different areas; if they have received reports of problems in particular areas then they will target those

areas. I think there are other things that the Environmental Agency officers also need to do, so having them full-time collecting samples I do not think is correct. I think the balance of one day a week is actually suitable and good, and I am satisfied that the operation is handled correctly.

There are other types of dog patrols, which are done partly by the Environmental Agency, sometimes with the support of the Royal Gibraltar Police and very often by the Environmental Protection and Research Unit, which approach dog owners and confirm that they have the proper licences and so on. There have been 12 fines on that specifically in 2022. In fact, only today, just outside here there was an event in which there was an educational initiative with representatives of the Environmental Agency, the Department of the Environment, the Environmental Protection Unit and the Royal Gibraltar Police, making people aware of these issues and going for responsible dog ownership.

I am satisfied there is a lot more being done now than there has been before. Some members of the public have approached us and have been very proactive in working together on this. I must mention one particular member of the public, Mrs Julie Gonzales, who is very committed to this and she has assisted us and has been part of a group working on a strategy.

I think that we are working well on this. Clearly there will always be people who allow their dogs to foul; it is the owner's fault, not the dog's fault, clearly.

Hon. K Azopardi: Thank you. Yes, absolutely – to the last comment.

Does it really need to go to Germany? Is there no better way of doing it, if it cannot be done locally, across the border somewhere closer?

Hon. Prof. J E Cortes: Mr Speaker, the first lab that was being used was in Spain; I think it was Seville. We were not satisfied with the timescale in getting results back and there was a time when we were struggling with getting satisfaction – this is now some years ago – so we identified another lab, which is much more efficient and much more effective.

Hon. K Azopardi: Mr Speaker, a final one. Does the Minister know how much these tests cost?

Hon. Prof. J E Cortes: The Minister knew. I am going into my memory now – I think it is about £12, something like that. It is not massive and it is certainly less than people out there say about Government spending masses on so-and-so. It is not expensive.

Hon. D A Feetham: Could I ask you to give way?

Hon. Prof. J E Cortes: Yes.

Hon. D A Feetham: I am grateful – so that I do not have to rise again. Per test presumably he means, and given that they do a weekly collection, does he know broadly how many tests are done a week?

Hon. Prof. J E Cortes: Mr Speaker, can I have notice of the detail? They are kept in fridges and sent over in batches in order to reduce transport costs, but if he wants more specific details I will have to have notice.

Q74/2022

**Cleanliness of streets –
Complaints and engagement with Britannia**

Clerk: Question 74/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government state how many complaints it has received in relation the cleanliness of our streets and on how many occasions it has had to engage with Britannia to voice those complaints?

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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, for the year 2021, 42 complaints were received, of which 14 were engaged with Britannia. Up to 10th May 2022, 11 complaints have been received, of which six have been passed on to Britannia. These include, apart from general cleanliness, reports on accumulations, dog fouling, indiscriminate placing of refuse by neighbours and contractors – and lack of weeding in some areas has just come into my mind. Environmental monitors and litter wardens investigate such complaints to identify the culprits, who, if found, are told to remove them.

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Other complaints come from private areas which do not come under the remit of Britannia to clean, hence the difference between the number of complaints received and those passed on to Britannia specifically to act upon.

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Hon. K Azopardi: Mr Speaker, is the Government satisfied with how its engagement with Britannia is working and their dealing with these complaints?

Hon. Prof. J E Cortes: Yes, Mr Speaker, the Government is satisfied that when complaints are received by Britannia they are acted upon.

Q75/2022

**Bin sheds –
Lack of maintenance**

Clerk: Question 75/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, can the Government state why bin sheds across Gibraltar have not been maintained?

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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, all Government refuse cubicles or bin holding areas are cleaned on a daily basis from Monday to Saturday. All litter bins within are sanitised once a week. All refuse cubicles across Gibraltar are maintained. Reports are sent in by refuse collectors, Britannia and the public in relation to any issues related to the bin holding areas such as broken doors, lighting, unblocking of gullies and vandalism, and these are tackled by the Environmental Monitoring Unit, who in themselves also regularly review and monitor the condition of all refuse cubicles across Gibraltar.

If the hon. Member or indeed the Hon. Mr Phillips have received complaints of a bin store not being maintained, we would be grateful to receive it in order to check and action as appropriate.

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Hon. K Azopardi: Mr Speaker, if my hon. colleague who placed the question has any specific information, then of course I will encourage him to pass it on to the Hon. Minister, but anecdotally, when you drive around you do sometimes see bin sheds that are not in as desirable a state as possible, so I would encourage – and would the Minister agree? – that whatever efforts are being made to maintain the bin sheds obviously need to be maintained throughout the year, especially during the summer periods.

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Hon. Prof. J E Cortes: Mr Speaker, there are one or two that are quite old and need considerable work, and we are planning on renovating some of these during the course of the next financial year.

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Q76-77/2022

Beaches –

Cleaning regime and ensuring standards are met

Clerk: Question 76/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

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Hon. K Azopardi: Mr Speaker, now that the weather has improved, can the Government state how it will ensure beach cleaning standards are met given the increased building activity at both Eastern Beach and Caleta?

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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 will answer this question together with Question 77.

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Clerk: Question 77/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government set out the beach cleaning regime?

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

Hon. Prof. J E Cortes: Yes, Mr Speaker. The environmental monitors, as well as lifeguard supervisors during the beach season, monitor the beaches to ensure that cleaning standards are met. This will continue.

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The information specifically on the cleaning regime is provided in the schedule that I now hand over.

Answer to Question 77/2022

All beaches (Camp Bay, Catalan Bay, Eastern Beach, Little Bay, Sandy Bay and Western Beach)

From June – September – General beach cleaning, Monday to Sunday (Late evening)

Major cleaning operation including use of mechanic beach cleaning machine and power hosing where applicable, Monday to Sunday (Early morning)

From October – March – Major cleaning operation including the use of mechanic and power hosing, where applicable, once a week.

April and May – General beach cleaning Saturdays and Sundays

Major cleaning operation including use of mechanical beach cleaning machine and power hosing Saturdays and Sundays.

All inclusive of bank/public holidays.

The servicing of litter and recycling bins at beaches

April to September – Emptying of bins Monday – Sunday three times daily or as required

Cleansing and sanitising once a week or any ad-hoc extra as required.

October to March – Camp Bay, Eastern Beach (North), Little Bay and Sandy Bay – as required.

Refuse Collection at Western Beach – Monday to Sunday, once a day all year round except 25th December and 1st January.

The Management of Public Toilets, Changing Rooms and other facilities

June to September – All facilities open daily from 09:30 to 21:00hrs with the exception of Catalan Bay (North), Catalan Bay (South), Sandy Bay and Western Beach, close at 20:30hrs.

Cleaning and sanitising as required throughout the day.

A major clean-up operation of all the toilets and other facilities are carried out at least once a week.

All the above, inclusive of bank/public holidays.

April and May Cleansing is done by Upper Rock and Beaches Maintenance Team and not Britannia.

Answer to Question 77/2022 cont.

All facilities except Eastern Beach (North) and Catalan Bay (South) are open from midday to 20:00hrs Monday to Friday

Weekends and Public Holidays from 10:00 to 20:00hrs

All toilets cleaned and sanitised as required throughout the day.

October to March cleansing is done by Upper Rock and Beaches Maintenance Team and not Britannia.

Eastern Beach (South), Catalan Bay (North), Little Bay and Camp Bay are open from midday to sundown daily.

These are opened during these months because of their proximity to recreational areas.

These are cleaned and sanitised as required throughout the day.

2640 **Hon. K Azopardi:** Mr Speaker, I am just glancing through the schedule, which has quite a bit of information, but can I ask the broad question ...? Am I right in thinking that the major cleaning happens after April? It looks like that from the schedule. It may be that it is accurate, but I just put it to the hon. Member – given that he is more familiar with the schedule than I am, he can answer it more quickly – that the information we were getting was that from recent times, and I cannot give you a specific moment as to when that happened, the beaches were not being cleaned in winter at all, whereas before they were, although on a light basis. Is that true or not true? It may be that the information we are getting is inaccurate.

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Hon. Prof. J E Cortes: Mr Speaker, this is not in recent times. The beaches have never had the regular cleaning schedule in the winter – there is relatively little use and often the weather does its own cleaning – but there is refuse collection. As you can see, from October to March there is collection of refuse and if there are any accumulations they will be picked up. When there is a

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storm that instead of cleaning the beach may have delivered litter – as often happens when we have material coming down rivers from up the coast – which often ends up in Eastern Beach, then clearly there will be a cleaning operation, but there does not have to be and it would be wasteful of manpower and financial resources to have a regular beach cleaning process on all our beaches throughout the winter. It just would not make sense.

Hon. K Azopardi: So as I understand, the hon. Member is saying that this practice of doing lighter cleaning in winter goes back a long way – that is not a recent thing?

Hon. Prof. J E Cortes: Mr Speaker, it certainly goes back for as long as I have been responsible for the beaches, which is now probably six, seven or eight years – probably six or seven – and I suspect it predates certainly our administration.

A Member: Yes, it does.

Q78/2022
Sewage plant –
Update re timing

Clerk: Question 78/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government update the House of the timing for the sewage plant?

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 Government is in the process of closing the old sewage treatment plant tender which saw the appointment of a preferred bidder, being the joint venture between Northumbrian Water and Modern Water. This process is being initiated as a direct result of Modern Water going into liquidation; I have said this here before. The Government is already engaged in providing technical information to a number of new potential bidders.

Hon. K Azopardi: Mr Speaker, on that process can I just get a bit more information? When he says that they are engaged with new potential bidders, is the Government envisaging a new application process or is it that these are bidders that came through the old process and they are still expressing an interest?

Secondly, if it is a new process, do you have a view on timescale? If it is not a new process, do you have a view on timescale? Can you give the House and the public out there more information on that?

Hon. Prof. J E Cortes: Mr Speaker, this has been an unfortunate and legally complex situation already. The House is aware that there had been a pre-works contract given to that entity and works had started – the design had been taken all the way to planning and then one of the partners went bankrupt – so there has been a whole legal process, which is now culminating in a formal closure of that tender.

We are still in the process of legal advice on how to take this further, but in order not to waste time we have been approached by a number of credible entities who have sought technical information, which is critical in this project. Fortunately, because a lot of the technical information

had already been garnered and put together for the previous project, it is readily available, so we are now providing this technical information for a small number of serious potential bidders, and when we have legal clarity on the next steps following this removal of cancellation of the old sewage plant then we will announce how we are going to take it forward.

I am very confident that we are coming up with a number of very viable potential solutions.

Hon. K Azopardi: It was two entities and one went bankrupt, as the hon. Member says: is it a question of finding a new partner for the one that did not go bankrupt, or are you looking at a new process, a new invitation, a new opportunity to see whether there is a replacement entity or parties that want to do this?

Hon. Prof. J E Cortes: While we are awaiting the final legal advice, I would rather not go into any detail, other than to say that the situation is not as he described. It is not a question of looking for another partner to the other entity.

Q79-83/2022

Upper Rock –

Thinning/clearance of vegetation; feral cats; diversification and protection of trees

Clerk: Question 79/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can I declare that I of course live in the Upper Rock? These are questions about the Upper Rock. It is a matter of formality – everybody knows, but I just set it out for the record.

Is there any programme designed to thin out vegetation in the Upper Rock, allowing better habitats for birds and animals?

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 Questions 80 to 83.

Clerk: Question 80/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what is the Government doing in order to limit the damage caused by feral cats to wildlife in the Upper Rock?

Clerk: Question 81/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what programmes are in place in order to introduce different species of trees in the Upper Rock?

Clerk: Question 82/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what programmes are in place in order to ensure trees are not choked by overgrown vegetation in the Upper Rock?

Clerk: Question 83/2022. The Hon. the Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, is it the intention of the Government to create more firebreaks in the Upper Rock by clearing areas of some of its vegetation?

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

Hon. Prof. J E Cortes: Mr Speaker, while I do not have the good fortune of living in the Upper Rock, I declare the interest that I absolutely love it. It is looking beautiful this year. The flowering is ... Sadly, for those of us who seem to be suffering from allergies that is not so good, but it is looking absolutely beautiful and the wildlife appreciates it. Apologies for digressing, Mr Speaker, but I could not resist because it really is beautiful up there at the moment.

The Gibraltar Nature Reserve maintenance team have a regular programme whereby dense low-lying vegetation is cleared in dense woodland areas precisely to create better habitats for birds and other animals. This has been ongoing for 10 years and will continue. Similarly, this work ensures that trees are not choked, as the hon. Member suggests, by overgrown vegetation.

The Department regularly assesses the impacts of feral cats in the reserve. When cats are identified and located, they are trapped when possible and taken to the veterinarian. If the animal is identified as having an owner, it is returned and the owner is spoken to, to ensure that cat owners are informed that cats should not be allowed to wander into the reserve. If the animal is identified as a stray, the animal is kept until it can be rehomed. If it cannot be rehomed, it is passed on to one of the cat charities for them to attempt to rehome the animal or look after it on a permanent basis.

The trees in the nature reserve are those which are representative of vegetation in the region and will survive naturally without human assistance in our climate. There is an argument for the reintroduction of tree species formerly part of the vegetation of the Upper Rock, such as the round-leaved oak, and this is being considered.

In relation to fire breaks, the Department also assesses these regularly and ensures they are maintained on a yearly basis. That said, we are indeed looking at creating further fire breaks in specific areas of the reserve or increasing the size of some of the existing ones.

Hon. D A Feetham: Mr Speaker, just dealing with the question of cats first, and then we will move on to some of the other questions that the Hon. Minister has answered, is part of the problem with feral cats that the charities that the hon. Gentleman has mentioned are in fact ...? One of them, at least, that feeds cats is very near the Upper Rock Nature Reserve – in fact, it is on the boundary of the Upper Rock Nature Reserve – and therefore it is very difficult in those circumstances to prevent those feral cats from actually going into the nature reserve and then causing damage to wildlife birds in particular.

Hon. Prof. J E Cortes: I am not aware of that. I have visited those premises and they are enclosed; the cats are kept enclosed. I know that the cat charities actually do great work in neutering cats in built-up areas, so much so – and I have this directly from the vet and from them – that the population of feral cats in urban areas is decreasing humanely because they are not producing kittens. I do not think they are the problem. There are feral cats on the Upper Rock. They do not really belong there and the cat welfare societies understand the pressures that feral cats put on wildlife and migrating birds as well, and that is being tackled in the way that I have explained. I do not think that those premises are an actual problem. I may be wrong, but I have no evidence to suggest they are.

Hon. D A Feetham: And in relation to neutering of cats – because at the end of the day, short of euthanising cats, and nobody is suggesting that that ought to happen, that is the only way really to control the population of cats – does he have any figures in terms of how many feral cats have been neutered and how perhaps the neutering of feral cats is having an effect on the overall population of feral cats?

Hon. Prof. J E Cortes: Mr Speaker, let me repeat that if a cat as identified in the Upper Rock, the exercise is not to neuter and release, it is to remove, as I have explained.

2795 In urban areas, the cat welfare societies do their work with the support and assistance of the Department of the Environment. I do not have statistics – I am sure my Department has and I am happy to ask for it – but I do have anecdotal evidence from the vet particularly, with whom I meet on a regular basis, that the number of stray kittens being brought in has decreased tremendously. He feels, and I agree, that it is directly thanks to the success of the work of the cat welfare societies, who want cats to be well looked after; they do not want them to increase, but they have a view as to how to deal with that.

Hon. D A Feetham: Thank you, Mr Speaker, and, in fact, as somebody who owns two cats myself, it is not that I am anti-cat or anything like that, it is that feral cats do cause damage to wildlife. I have to say that I accept, as I live up there, that the problem has been more acute in the past – they nearly wiped out the Barbary partridge – than perhaps at present, although I am told, and I do see them, that it is still a problem.

2805 Just turning to the question of the thinning-out of vegetation and the choking of trees, one of the things that strikes me – and I am talking here from my own personal experience but also from talking to other residents in the area, because of course there is a small community there – is that it is just a shame to see so many trees that are being choked by, in particular, the vines with the spines; I think they are called *smilax*, or something like that. This is not a criticism of the Government. We all want the Upper Rock to look at its best. It is a jewel in the crown and we want it to improve – that is why I am asking these questions – but it just seems that perhaps more could be done in order to thin out that that vegetation. It was not when he was a Government Minister, but it was in another incarnation that the hon. Gentleman had prior to becoming involved in politics ... there was talk of the introduction of the Iberian ibex, for example, which of course would have allowed the thinning-out of that vegetation because it would be beaten by the Iberian ibex. Aren't there any imaginative ways of basically thinning out that vegetation and allowing those trees greater space to grow?

Hon. Prof. J E Cortes: Mr Speaker, once again I welcome the opportunity to talk about an area in which I am very comfortable. Thinning of vegetation is continuous, it is labour intensive, so we have to be specific on when we do it. If you do it, you have to do it again probably in five or six years' time, but it does happen. *Smilax* is interesting. It does choke trees but it provides great cover for small birds and it also provides fruiting berries on which they feed, so you do not want to wipe it all out, but those are the plants that we would target in those areas that we are clearing up. One of the areas cleared, for example, is on the way down from the City under Siege exhibition above the Moorish Castle. That is much clearer than it used to be, and that is one of the areas. Certainly there is more to be done, and we will do as time and resources allow.

2830 The Iberian ibex is a project that I was very keen on, but in looking at it further and on seeking advice, because of the proximity of our cliffs to roads and living areas, these animals would go up and down the cliffs like they were completely at home and that could destabilise and cause rock falls. This is why a decision was taken by my Department, with my support, not to progress.

2835 There are other herbivores, but they would have to be semi-domestic. We could have a herd of goats if we had a goatherd looking after the fire breaks. That is actually a genuine possibility, and if anyone wants to offer that it is something that could certainly be looked at. There is one plan which may come to fruition, and we are talking about it, which is to introduce the roe deer – which is a little deer – into Gibraltar. The habitat is right. They would not have a big effect on reducing vegetation but they would have some effect on reducing vegetation. So these are things that are being discussed and I am happy to discuss them further, either here or outside the House.

Hon. D A Feetham: I know it is getting late and this is now a conversation between my friend and I in relation to the Upper Rock, but –

2845 **Chief Minister (Hon. F R Picardo):** [inaudible] an adviser and you can [inaudible] (*Laughter*)

Hon. D A Feetham: Yes. But what we do see a lot of in the Upper Rock, and of course it is going to be native, because ... Wild olive trees – which I have to say I am extremely allergic to; that is why I have also had the same problem that the hon. Gentleman has – whilst native to the Upper Rock, appear to have taken over completely in the Upper Rock, hence my question about the introducing of other trees. He knows that I myself have introduced Holm oaks and cork oaks. Cork oaks do not survive in the Upper Rock; in fact, I have lost four or five. He did mention that there was a species of oak that he was looking to introduce. Where are these going to be introduced, because of course it is very difficult, bearing in mind that the whole area has been taken over by these wild olive trees?

Hon. Prof. J E Cortes: Mr Speaker, I am going to be brief – I could speak on this for hours, and give me the opportunity and I am going to, absolutely. So, very briefly, round-leaf oak is a variety of the Holm oak. It is a new name, probably, for the species you have. The problem is that you need to water them through the first summer – maybe you will offer to do so and we can do it – so we have to find an area where watering is not a problem, but it is certainly something that we are contemplating.

Mr Speaker: Next question.

Chief Minister: Mr Speaker, perhaps that actually might be a convenient moment, given that we have talked about the jewel in the crown which is the Upper Rock in the jewel in the crown which is Gibraltar, which is the pearl of the Mediterranean, to such an extent and determined that we are not going to have ibex on the Upper Rock that might fall into the hon. Gentleman's pool, (*Laughter*) and with an assurance from me, as an early-morning Upper Rock cyclist, that there are plenty of partridge in the Upper Rock and they are often almost run over by me, can I move that the House should now adjourn until tomorrow at 3.30 in the afternoon, when we shall start with questions to the incumbent Chief Minister?

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 19th May at 3.30.

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

The House will now adjourn to Thursday, 19th May at 3.30.

The House adjourned at 8.05 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.38 p.m. – 8.05 p.m.

Gibraltar, Thursday, 19th May 2022

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The Gibraltar Parliament

The Parliament met at 3.38 p.m.

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

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

Questions for Oral Answer

Procedural

Clerk: Meeting of Parliament, Thursday, 19th May 2022. We continue with Answers to Questions.

The Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, just to give the House an indication that the magnificent parliamentary team at No. 6 is having a little bit of a printer issue this afternoon. I expect that all of my questions, with the voluminous amount of disclosure and the exercise of transparency that the Government is about to engage upon, is coming towards us. As soon as they arrive on the station – as GBC used to say in the old days, for those of us who remember that far back – we will be ready to start with my questions, but I am conscious that the Hon. the Minister for the Environment still has one or two to go, so we might continue with him before then.

10

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q84/2022

Skywalk essential maintenance – Details of cost and company carrying out work

Clerk: Question 84/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Please provide details of the cost of the essential maintenance carried out at the Skywalk site resulting in its temporary closure from 18th to 25th February, together with details of the company that carried it out and the nature of the maintenance.

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

20

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the annual maintenance works were done at a cost of £5,230 by Integral Gibraltar Solutions. This consisted of an inspection of the entire metallic structure and anchor points and protective painting of the entire structure. Extra works to the flooring were done at a cost of £14,431.42 by the same company.

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Hon. D J Bossino: Thank you. As a point of detail, can the hon. Member give me the full name of the company so I can carry out a search if I decide to do so? I think he said Integral Gibraltar Solutions. That may be the business name; if he has the full name of the company, I would appreciate that.

30 Also, the nature of the contract that the Government has with this company, was this a one-off, or is this the company that is assigned to maintain the Skywalk? And does it do other works for the Government, in particular in the Upper Rock?

Hon. Prof. J E Cortes: Mr Speaker, the name I have given is the name that I have. If it has
35 another expanded name I would need to find out. I am told they are called Integral Gibraltar Solutions. This work was put out to a number of quotes and they were the only company in Gibraltar who offered to do it, in the sense that it is a very specialist type of work and they were the only people who were able to do it. I believe, subject to confirmation, that it was a one-off, but if they remain the only company able to do that specialised work on that location then I
40 suspect they may get to do it again, but I would need to seek further information on that.

Hon. D J Bossino: Yes, simply to find out whether it just has 'Ltd' at the end, or it may have a fuller name – perhaps he can give me that information later on. I will send him a message and if he can deal with it on that basis ... Presumably he does not have the details of the shareholders and directors with him. I assume it is a Gibraltar company. The hon. Member does not know?
45

Hon. Prof. J E Cortes: Mr Speaker, yes, it would be a Gibraltar company, and I do not know the details of those involved in the company.

50 **Hon. D J Bossino:** Mr Speaker, if I may?

Mr Speaker: One final one.

Hon. D J Bossino: There is quite a bit of information there, and –
55

Mr Speaker: You are asking two supplementaries every time you ask a question, which is fine but let's not extend it beyond what is reasonable.

Hon. D J Bossino: Mr Speaker, the issue here is that whilst I understand that you want brevity
60 and you want the process to move swiftly, this is relevant information which one needs to determine, depending on the answer, so it is very difficult to be beholden to two or three questions.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):
65 But it is the same question each time.

Hon. D J Bossino: It is not the same question each time.
If I may, in relation –

70 **Mr Speaker:** Just ask a question and then we will see how far we go.

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

The other bit of information which the Minister kindly provided related to ... He split it into two. One, I think, was general maintenance – presumably a review – of the site. But then there
75 was another one which dealt with flooring, which is quite a high number, certainly relative to the first tranche – £14,431.47 I think was the precise answer. Can he give us more details in relation

to that? Does he have any more particulars as to what was wrong with the flooring that resulted in what is a relatively high number?

80 **Hon. Prof. J E Cortes:** Yes, Mr Speaker. There were some issues with the flooring, including some of the seals between the two laminies of the glass. It is sealed, and if you are not careful with the sealing then you can get humidity and mould in between, and obviously the transparency – which is what one wants to have in a skywalk – is compromised. It was that kind of fairly complex technical work.

85 I believe there was some damage also that had to be resolved, and some of the flooring –not the glass flooring but the other pathway – was also damaged. Remember this is a very exposed site. It is at the top of the Rock – Levanter, gales, what have you – so that needed work and it was identified and done quickly because otherwise it would have deteriorated further.

90 **Hon. D J Bossino:** Mr Speaker, the hon. Member talked about going out for quotes, I think he said. Did it formally go out to tender? Was there a formal tender process in relation to this?

Hon. Prof. J E Cortes: Mr Speaker, even with the additional relatively small amount, practice is that you go to a minimum of three quotes and you work on that basis, and that is what happened
95 on this occasion.

Mr Speaker: Next question.

Q85/2022

Solar panels abandoned at Mid Harbours – Plans for removal and details of cost of purchase

Clerk: Question 85/2022. The Hon. D J Bossino.

100 **Hon. D J Bossino:** Please provide details as to when the stacks of unused solar panels are going to be removed or otherwise installed, which now lay abandoned at the Mid Harbours Estate, together with the costs of the panels and from which company they were purchased.

105 **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 panels in question do not belong to the Government. Therefore, the Government is not aware of the cost, nor is it responsible for their installation.

110 **Hon. D J Bossino:** Mr Speaker, these panels are in the Government estate. I am surprised by the answer. The information I have from the tenants is that they were advised that actually it already belongs to the Government.

Just to understand a bit more what is going on here, I understand it is an issue because where they are situated ... I am told they have already moved once. I think they were underneath one of the blocks and they had to be moved because – they are quite high; the stacks are about two and
115 a half metres high – they caused an issue with one of the flats because anybody could have accessed or burgled the flats. That is why they moved them to where they are now, and where they are now presents an issue because a decision, I understand, has been made to remove the current children's playground and put it very close to where the stacks are now. This is what was
120 explained to me when I visited the area.

In that context, does the Government have an intention to deal with this in any way? Particularly I think what is of interest to the tenants is to have the stacks removed as soon as possible.

125 With the Speaker's permission, if I may, by way of a further supplementary ...? He says that the stacks do not belong to the Government. Is that because they have not purchased them yet but there is an intention to purchase? He says he is going to explain that point – I would be grateful for that reply.

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):
130 Mr Speaker, just in order to help the hon. Member, he is absolutely right, the park has to be moved for the simple reason –

Hon. D J Bossino: It is not safe.

135 **Hon. S E Linares:** No, it is not because it is not safe, it is because it creates water ingress down below to the car park because it was not done properly initially and we are putting right what was wrong. So the park is going to be moved where the hon. Member says and we are in the process of doing that.

The hon. Member will explain more about the solar panels but I can confirm that the park will
140 be placed down below, yes, for that reason.

Hon. Prof. J E Cortes: I am grateful to my hon. Friend for contributing that explanation.

Yes, the panels will not be there forever. As I said, it is a private company that owns them, but this is in relation to a power purchase agreement, so the panels belong to them. When they are
145 installed, the Electricity Authority will purchase the power, as has happened, for example, in the Europa Business Centre, which is currently producing solar power successfully. There have been a number of delays due to technical issues, but I am informed – because I wanted to have the information before answering this question – that these are now resolved and that the work on placing the panels is imminent. Therefore, hopefully they will not be there in order to conflict with
150 the playground, as my hon. Friend has explained.

Hon. D J Bossino: Mr Speaker, can he say – if he has not already, and I do not think he has – which company owns the panels? And, secondly, where is it intended to install them? I imagine it is in the estates, but he has not clarified the position.
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Hon. Prof. J E Cortes: I hesitate to give the name of the company that I have in front of me because the hon. Member is going to ask me for the name, like he did earlier, but I would rather just double-check and let him know.

These panels will go on the roof of the estate.
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Hon. D J Bossino: He is more than welcome to provide any information he has and then he can back it up with further details, if required.

Hon. Prof. J E Cortes: The name I have in my notes here is Park Solar One.

Q86/2022
Dog parks –
Progress and locations

165 **Clerk:** Question 86/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, can the Government update the House on the progress of the development plans for proposed dog parks and their works and locations?

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 Government was looking at options for dog parks when the pandemic hit. We have, as yet, not revisited these but hope to do so in the near future. Dog parks are important but providing them comes at a cost, and as a result, although we continue committed to the provision of the planned dog parks, other areas of public finance must take priority.

Hon. K Azopardi: Mr Speaker, that is understood, of course, by Members on this side. I was just asking does it remain the intention of the Government within the life of the Parliament to try to progress those ideas?

Hon. Prof. J E Cortes: Mr Speaker, it remains the intention, yes, but qualified by what I have just said.

CHIEF MINISTER

Q168/2022

Air traffic control services –

Reason for absence and lack of contingencies on 24th April 2022

Clerk: Question 168/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state why Gibraltar was left without air traffic control support on Sunday, 24th April 2022 and why no contingencies were in place to respond to this situation?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, Her Majesty's Government of Gibraltar does not provide air traffic control services at Gibraltar Airport. These services are provided by the UK Ministry of Defence, who contract NATS Ltd, through Aquila Air Traffic Management Services, to meet the requirement. The Government is therefore not formally answerable in this House for any matters relating to air traffic control, as this is not our area of ministerial responsibility.

Hon. E J Phillips: Mr Speaker, I think everyone in this House appreciates the answer provided by the Hon. Chief Minister, but I think it is a matter of public interest that visitors to our shores and residents returning to Gibraltar who have difficulties in landing ... and the excuse that is provided, or the reason that is being provided, that it is in relation to a lack of air traffic support ... that it is incumbent on the Government to reassure the public that insofar as civil aviation is concerned ... and commercial airlines coming to our jurisdiction are not affected by these difficulties.

Whilst I understand that it is not within the Government's remit, it would be helpful if the Government could reassure the public at least that these difficulties will not happen again and that there are contingencies outside the control of the Government that assist in this matter moving forward.

Hon. Chief Minister: Mr Speaker, there is a boring issue of procedure in play, and that is that this is Question Time. The hon. Gentleman has not brought a motion about this subject, and perhaps he would not want to because he did not feel it was an issue that should be dealt with in that way, but there were press releases on the subject, I think from his colleague Mr Bossino, which were answered by the Government. I fully recognise that this is a matter of public interest, but this is not Question Time about matters of public interest, this is Question Time about matters which are the ministerial responsibility of the Government.

I have information which the Government garnered about that incident, because of course the Government is very concerned about it and wanted to ensure that the MoD is doing everything possible to ensure for itself that the provision of air traffic control services was uninterrupted in the hours of the commercial operation of the airfield. Of course, Mr Speaker, I would like to share with the House the information that I have, which is, I think, not too dissimilar to the information that was shared publicly already about the events of 24th April, but I think it is important that we recognise, for the purposes of giving business efficacy to the way that we do our work in this House, that at Question Time the Government answers questions about the things that we are ministerially responsible for, and formally we do not have ministerial responsibility for the provision of air traffic control services.

We have an agreement with the Ministry of Defence for the operation of the airfield and we expect, under that service level agreement with the MoD, that they provide the service. I think the MoD were very candid and very open – at least they were with us, Mr Speaker – that they felt very let down by the circumstances of that day and that they are putting in place arrangements with their provider to ensure that this does not happen again. It is the least that we would expect. It is what this community would expect. It is what this community would expect the Government to be doing to follow up in this instance in an area which is not an area of ministerial responsibility but which is an area of public interest.

I am just concerned, Mr Speaker, that in terms of questions we have to be careful that I am not pretending that we have taken on a new area of ministerial responsibility, because we have not and we do not provide air traffic control services.

Hon. K Azopardi: Mr Speaker, I address this point just to clarify, because the way we see it perhaps ... We can disagree on it, but the way we see it, Members opposite... in particular, the Chief Minister is responsible for civil aviation. I believe he has that responsibility, or one of his Ministers is responsible for civil aviation; I cannot remember which one it is.

This is a question put to the Government, *qua* its responsibility for civil aviation, as to whether they have information that they can provide to the Opposition and to the public. It is no more than that. We are not trying to get into a spat with the hon. Member opposite as to who manages the airfield. We accept what he has said at the beginning, but we do think it is a proper question to put. Mr Speaker, respectfully, we do think it is a proper question to put, in terms of responsibilities that Members have opposite for civil aviation, to garner that information and indeed to share it with the public and the Members on this side of the House.

Hon. Chief Minister: Mr Speaker, I am grateful for the hon. Gentleman's clarification. I was not challenging that it was a proper question. If I had felt it was not a proper question, I would have asked Mr Speaker to rule it out of order and I would not have provided the answer.

I was at pains to point out that what I am saying is that we are not acquiring ministerial responsibility for air traffic control by giving the answer with the information that we have provided, which was not an answer to a question that sought information, as the hon. Gentleman suggested in his intervention when I gave way, because the question actually asked us *why* Gibraltar was left without air traffic control support and why no contingencies were in place to respond. So the hon. Gentleman will forgive me for thinking that it was a question that appeared to seek to assign responsibility on the Government side for this, and for that reason I gave the

260 answer in the way that I have given it, but I think that there is broad agreement across the floor of the House given what the hon. Gentleman has said.

The other information that I have is that as a result of the events of the day in question, one aircraft was delayed by 37 minutes and a second aircraft was delayed by six minutes.

265 I understand that the issue arose as a result of illness and therefore ... In every organisation, however well prepared, this could happen, of course, at any time. The contingencies have been strengthened, so that even in genuine cases such as illness this should not happen again.

Mr Speaker: Next question.

Q169/2022

**Exhaust fumes at land border –
Provision of masks for customs officers**

Clerk: Question 169/2022. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state why customs officers at the land frontier with Spain are not provided with masks to mitigate the effects of inhalation of harmful exhaust fumes from vehicles?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the use of face masks by HM Customs officers is not mandatory. However, their use is not discouraged and they can be worn at the officers' discretion.

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Hon. E J Phillips: Just one further question, Mr Speaker. Has the Government received representations from the customs officers or indeed their particular union in relation to face mask usage? My understanding is it is an issue with them, given the fact that they are obviously working with vehicles all day and it is quite clearly a health hazard for them. I just wanted to know whether they had received formal representations or informal representations about the provision of certain facemasks beyond that discretionary point that he made before in the terms of their use?

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Hon. Chief Minister: Mr Speaker, I recall a discussion about this but I seem to recall it was here rather than anywhere else. It is not something that has ever been put to me in the many discussions I have had with customs officers in the time I have been in government, although it may be that before I was in government it was discussed with me.

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Masks have changed in the perception of the public in the past 24 months, haven't they? My position has always been as set out, that we would have no difficulty with an officer wearing a mask if they wished to. Indeed, these days we have, in respect of masks, an excess of them, so that not just the appetite but also the smoke may sicken and so die, and so for anybody who wants masks for this purpose the Government would supply the usual masks and we would have no objection to them being provided.

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I think we have been through this either in this House or elsewhere before. As it is, arrangements there, if we come back with a successful treaty, may change.

Q170-71/2022

**Confiscated tobacco –
Value; whether subject to confiscation order**

300 **Clerk:** Question 170/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state the value of tobacco, to include cigarettes, that has been confiscated by the law enforcement authorities in the last three years?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 171.

310 **Clerk:** Question 171/2022. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state of that tobacco confiscated whether it has been subjected to a destruction-type order by the courts?

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

Hon. Chief Minister: Mr Speaker, the value of confiscated tobacco, inclusive of cigarettes, in the last three years is £1,331,348 exactly.

All the confiscated tobacco has been destroyed. Destruction orders are used by the courts for confiscated tobacco.

320 **Mr Speaker:** Next question.

Q172/2022

**Eastside project –
Impact on natural and marine environment**

Clerk: Question 172/2022. The Hon. E J Phillips.

325 **Hon. E J Phillips:** Mr Speaker, can the Government state how it intends to monitor the Eastside project and the impact the development will have on the natural and marine environment of the surrounding area, most notably Caleta?

Clerk: Answer, the Hon. the Chief Minister.

330 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Environmental Impact Assessment for this project requires that the principal contractor, once appointed, produces a robust and comprehensive Construction Environment Management Plan (CEMP) ahead of works. The CEMP will need to be reviewed and approved by Her Majesty's Government of Gibraltar. The purpose of the CEMP is to provide a plan that outlines all required mitigation and control measures to
335 ensure that the development has no adverse environmental impacts.

The following outlines some of the requirements that will be included as part of the CEMP: soil chemical analysis; chemical and microbiological analysis of the surrounding marine environment; control measures to ensure encapsulation of accidental spillages and reduction of turbidity in the surrounding marine environment; dust and air quality control, including dust suppression; noise
340 and vibration control; control of light spillage; control of HGVs and traffic management; and

quality control of all plant and machinery. The intention of the CEMP is to provide a live document whereby control measures can be added or amended as required as works to the development progress.

345 In addition to the CEMP, both the Environmental Agency and Department of the Environment will frequently monitor works covering all potential environmental impacts and work closely with the developer and contactor to ensure not only that the environment is safeguarded but that there is an overall improvement in the area.

350 **Hon. E J Phillips:** Mr Speaker, just one further question. Does that also involve consultation with the residents' representative association in the area? There have been a number of representations made to me about the impact on Caleta particularly and I just wondered whether the stakeholders and residents of the area will be involved in that process.

355 **Hon. Chief Minister:** Mr Speaker, the short answer is yes, but there is another question on the Order Paper that deals exactly with that. I do not know whether hon. Members actually discuss amongst themselves what questions they are going to put, but there is an exact question on the Order Paper about that. But I will give him the short and straight answer, which is yes.

Q173-74/2022

Victoria Keys –

Floating pollution in harbour; reclamation site rubble cleaning

Clerk: Question 173/2022. The Hon. E J Phillips.

360 **Hon. E J Phillips:** Mr Speaker, can the Government state why there is a recognisable increase in floating pollution in the harbour near Victoria Keys?

Clerk: Answer, the Hon. the Chief Minister.

365 **Chief Minister (Hon. F R Picardo):** I will answer with Question 174, Mr Speaker.

Clerk: Question 173/2022. The Hon. E J Phillips.

370 **Hon. E J Phillips:** Mr Speaker, can the Government confirm how it monitors the cleaning of rubble at Victoria Keys reclamation site?

Clerk: Answer, the Hon. the Chief Minister.

375 **Hon. Chief Minister:** Mr Speaker, the Coaling Island reclamation is enclosed with silt curtains which contain sediment plumes and prevent the dispersal of any floating debris. Unfortunately, the major storm of 4th April 2022 caused severe damage to the silt curtain setup, particularly the seal between the silt curtain and the wharf wall. This has invariably led to the release of some floating debris.

380 The rubble that is being extracted from the Eastside site undergoes a number of processes before it is deposited at Coaling Island, including mechanical and manual cleaning at the Eastside to remove any unsuitable material such as wood, metals, plastics and so forth. Once the rubble is cleaned, it is mechanically processed to achieve the required geotechnical fill specification and then transported to Coaling Island, where it is subjected to further manual cleaning before being deposited in the water.

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Hon. E J Phillips: Mr Speaker, in relation to Question 173, can the Chief Minister confirm that the silt curtain issues that have arisen as a result of the major storm have now been remedied?

390 **Hon. Chief Minister:** Mr Speaker, as I understand it, repairs are under way and, as a result, because of the very severe damage there can be still some escape, which is kept to a minimum.

Q175/2022

Rooke site –

Progress re expressions of interest

395 **Clerk:** Question 175/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what progress has been made in respect of the expressions of interest for the Rooke site?

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

Chief Minister (Hon. F R Picardo): The Government continues in discussion with the same preferred bidder.

405 **Hon. R M Clinton:** Mr Speaker, if I may ask the Chief Minister: the same preferred bidder would, if my memory is correct, be this consortium that he made reference to last time?

410 **Hon. Chief Minister:** Well, given that I said last time that that was the preferred bidder and I have said the same bidder is the person that we are talking to, logically the answer to that question can only be yes.

415 **Hon. R M Clinton:** And is there any indication as to when there might be some form of agreement on the sites from the consortium that has expressed an interest? How long does he expect the process to go on? If I recall correctly, I think last time the original expression fell through and he had to put it out to tender again. Is he confident that this will result in an agreement?

420 **Hon. Chief Minister:** Mr Speaker, to set out any timetable is to stymie the Government's negotiating hand. To give any indication of optimism or pessimism would be to perhaps send a signal to the bidder which might be contrary to the Government's negotiating interests. And given that in respect of this site he gave me very clear advice some years ago not to make any announcement until the ink was dry on the paper, I am going to follow his advice and say nothing more until the ink is dry on the paper.

Mr Speaker: Next question.

Q176/2022

**Principal Auditor's Report for year ended 31st March 2016 –
Whether acceptable that none tabled since**

425 **Clerk:** Question 176/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if it thinks it is acceptable that the last report of the Principal Auditor tabled in this House was for the year ended 31st March 2016?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as the hon. Member is aware, Her Majesty's Government of Gibraltar is committed to presenting all parliamentary reports to this House in a timely manner. However, as he is also aware, we have all been engaged in a global pandemic which, as he knows, has had a huge effect on the community as a whole. Additionally, since 2016 we have been dealing with the United Kingdom's exit from the European Union. This has delayed the Supplementary Appropriation Bills for some years, and that consequently has delayed the Auditor's reports.

Given how assiduously the hon. Gentleman follows these reports and that he is keen to ensure he has these more timeously, I am sure we will be able to ensure that there are no further delays in the tabling of such reports. The Principal Auditor is finalising the audit of the 2016-17 and 2017-18 Public Accounts of Gibraltar and these will be tabled in Parliament as soon as possible after they are complete.

Mr Speaker: Next question.

Q177/2022
Small Boats Marina –
Number of berths sold and amount raised

Clerk: Question 177/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how many berths have been sold at the Small Boats Marina up to 31st March 2022 and how much money has been raised?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, no berths have yet been sold in the Mid Harbours Small Boats Marina up to 31st March 2022 and no money has yet been raised.

Hon. R M Clinton: Mr Speaker, I thank the Chief Minister for that answer. Given that this was announced in his Budget address last year, is there anything the Government intends to do in respect of the situation? Are they going to withdraw the berths from sale, or are they going to take some other measures to make the purchase of these berths more attractive to people, or not, as the case may be?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman does jump to conclusions. I have told him that we have made no sales and that we have had no income yet. I have not told him that we have had no interest. We have had considerable interest.

Because we are a small administration and we have been a little busy, what we are doing is trying to devise the right way to create the interest, not in land but in the berth, in a way that is the right way to convey that interest upon sale. That has not been something we have been able to resolve yet. We are taking advice from our property advisers and when we resolve that we will start the process of sale.

This is not a situation, as he has suggested in his supplementary question, of people not being interested in the purchase, which we would have to make more attractive in some way.

Hon. K Azopardi: Mr Speaker, can I ask how many people have indicated to the Government that they would like to prospectively – what is the word? – ‘purchase’ the berth, I suppose, subject to, obviously, the legalities of the water rates, presumably, and granting them suitable licences etc? How many are there, and how many people have expressed an interest in respect of how many births?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman will know from his training that he has put his finger on it. He has talked about the rights on water and he has talked about licences when what we are trying to do is sell something more substantial than a licence. And this goes beyond a riparian right because of course we are not granting riparian rights, because we do not want anyone to be able to build on a berth or reclaim on a berth etc.

Mr Speaker, I cannot give him the answer because I have not got it here, because it does not arise from the question.

Mr Speaker: Next question.

Q178/2022
Haven building –
Whether sold

Clerk: Question 178/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the Haven building has been sold by Gibtelecom; and, if so, for what amount and to whom?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, when Gibtelecom sells that building – and I understand it is presently negotiating – it will, no doubt, make an announcement.

Clerk: Question 179/2022 –

Mr Speaker: The Hon. Roy Clinton wants to ask a supplementary.

Hon. R M Clinton: Sorry, Mr Speaker. So, the Haven building is obviously being negotiated. The way the Chief Minister has expressed it – ‘negotiated’ – would I be correct in interpreting it as there is actually a sale process ongoing as we speak, or is it, as per the annual report, that it is held for sale and you are looking for prospective purchasers? Or are you in the middle of negotiations with a purchaser?

Hon. Chief Minister: Mr Speaker, the practice has been established under successive Governments of Gibraltar, in particular after the incorporation of Gibtelecom. They were the ones who had been in government the longest. That information is provided here and tabled here in respect of Gibtelecom, but the day-to-day management of Gibtelecom is not something on which the Chairman of Gibtelecom, who is inevitably a Minister, answers questions in this House.

I have tried to give the hon. Gentleman all the information he has sought in his supplementary in my first answer, because I have told him that the sale is presently being negotiated – in other words, the supplementary that he asked is already answered in my first answer – and I have also said that if the sale is agreed, Gibtelecom will no doubt make an announcement. Mr Speaker, I think everything he wants to know is in what I have already said.

Mr Speaker: Next question.

Q179/2022

GJBS –

Report on financial affairs

520 **Clerk:** Question 179/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if it has commissioned and received a report in respect of the financial affairs of Gibraltar Joinery and Building Services Ltd; and, if so, what were its conclusions?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has a number of companies under its ownership and control. As shareholder, the Government is keen to ensure that the interests of the taxpayer are protected by verifying that all these companies are operating in the manner that is the most efficient and resilient to insulate the taxpayer to the fullest extent possible. In light of this, all companies are subjected to regular assessments of their performance. These assessments can sometimes be carried out on a desktop basis. They sometimes involve meetings with those at the coalface, however. On other occasions they require us to delve a little deeper and make adjustments to how functions and operations are carried out. These ongoing assessments are carried out on a regular basis in respect of all companies. It is right that they should be carried out and GJBS is no different.

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A review was commissioned by Government through the Office of the Financial Secretary and its representative corporate director into the best way for GJBS to address and progress from the effect in the period of the pandemic and the exchange rate drop arising from Brexit. That report has been received. Indeed, the review into GJBS shows it is no different to most companies in the Gibraltar market and in the wider world. Over the last two years they have faced the COVID pandemic, with the impact this has had for construction. Additionally, the pandemic caught them at a time when they had suffered some losses arising from exchange rate fluctuations that surrounded the various Brexit cliff edges that we went through. In terms of construction cycle, GJBS now also finds itself at a time where there is limited construction work. In addition, it is facing issues of increasing costs and inflation. This situation will not persist indefinitely. It is therefore right, in this case, to delve further to review its activities very carefully to ensure that it is operating in a manner that is resilient and efficient going forward, such that it is fighting fit to meet the new challenges to come. Additionally, GJBS, like most entities, is facing the same challenges of Reset, Restart and Recover.

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The conclusions of the report are wide-ranging. They have led to a series of changes in the structure of the management and operation of GJBS. Some of these changes have been implemented and others are in the process of being implemented. GJBS is a business that has grown both organically and haphazardly. It has had to react out of necessity and step in where other contractors have failed, as was the case with the Bayview and Cumberland projects when OEM and Haymills collapsed.

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As part of this process we have embarked on a process of seeking a new managing director. I need to advise Parliament that Mr Michael Estella, who has been the company's managing director and under whose leadership many of Gibraltar's key projects have been delivered, has announced his retirement, which is effective from 30th June 2022. Michael has provided Gibraltar with 37 years of service in GJBS and he is widely recognised as having been the rock upon which the foundations of GJBS have been built. Mr Estella has served three administrations of the

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Government of Gibraltar without permitting his transparent party political allegiance to interfere with his duties to the company and professional loyalty to the Government as its shareholder. Michael Estella has been on every building site at all hours to ensure quality control and timely completion of projects. I extend to him the gratitude of the people of Gibraltar for the hugely important work he has undertaken for the Governments he has served, and I am sure that my two predecessors, Sir Peter and Sir Joe, would join me in the praise I have set out. Interviews for a new managing director of GJBS have already been held. I expect that an announcement on whose appointment has been recommended by the interview board will be made in coming weeks to ensure that there will be a seamless transition from the current managing director to the new managing director.

GJBS has an exemplary workforce who are incredibly hardworking and competent. The projects that they have successfully completed speak for themselves and are simply too many to mention. The Government is committed to drawing on its own commercial experience, in addition to the recommendations made in the review, to structure GJBS and secure its continued success into the future for the benefit of the people of Gibraltar with shareholders and its workforce. This new structure will also heed some of the recommendations that have been received directly by the Government from its consultation with GJBS staff.

Hon. R M Clinton: Mr Speaker, I thank the Chief Minister for his comprehensive report on GJBS. If I may ask, can he advise who undertook the report?

Hon. Chief Minister: Mr Speaker, it was not one person, so I cannot advise him of a name.

Hon. R M Clinton: Mr Speaker, it is quite a simple question. Was it an individual or was it a professional body or a committee? How was this report undertaken?

Hon. Chief Minister: It was undertaken by the Office of the Financial Secretary, Mr Speaker, so all of the people in the Office of the Financial Secretary who assist the Financial Secretary have been involved in assisting him in this respect. It was not undertaken by a particular entity charged with undertaking it, as I understand it.

Hon. K Azopardi: The Office of the Financial Secretary: presumably there are identifiable people. I am not sure if the hon. Member has that information with him. Perhaps he can find out and then let us know.

On the issue of the management structure, he mentions the retirement of the managing director. Are there going to be other management changes envisaged likely? In relation to his replacement, the Chief Minister indicated that interviews have been held. I have not seen any sort of advertisement, so I assume that is an internal processes. Is it likely that it is someone drawn from the company or from the wider public service? I am not sure if the Chief Minister knows who exactly has been interviewed, but perhaps he can share with us the kind of profile of the likely replacement managing director.

And then, in terms of going forward, other than managerial recommendations are there specific financial recommendations as to the operation of the company that he can share in a bit more detail with us?

Hon. Chief Minister: Mr Speaker, the names of the people in the Office of the Financial Secretary who did the work ... I do not think that is something that the Government would think is relevant in any way. If he wants me to find out and call him and I tell him it was Peter or Jane, or Richard or Judy ... I do not know whether he would have more confidence in Peter or Jane or Richard or Judy than in Albert or Fabian. I am happy to try to find out and tell him, but he knows that we do not like to share the names of civil servants across the floor of the House. We do not think that is fair.

If there is any other entity that I do not have in my mind that was involved I am quite happy to tell the Hon. Mr Clinton and him if I have not been able to provide the answer. People should know that despite the pugilistic style sometimes in Parliament, we do have a WhatsApp group where we share information once in a while and I am happy to put it there. I suppose the modern digital equivalent of 'behind the Speaker's Chair' is 'in the WhatsApp group'.

In terms of the advertisement of the vacancy, as I understand it, from memory, the vacancy was advertised. I believe it was advertised in the company because the profile of people being sought ... are the sort of people who have the skills that the management team in the company have, and so the answer to his questions is linked because if there is a recommendation that somebody who applied from within the company should be promoted, then there would have to be other changes throughout the chain of the structure of management at GJBS.

I think there have been three senior retirements at GJBS now with Michael's departure, which has seen the three most senior members retire through age-related reasons, nothing else. Lest anybody suggest that the review might have led to those retirements, they have not; they have been age-related retirements and therefore there may be a recommendation that comes that with the appointment of a new management director there should also be other changes, but to a very great extent that would be something that the Government would look to receive the advice of the new managing director on in the way that he or she would see the future of the entity.

I think, Mr Speaker, I have dealt with all of his questions. Other recommendations ... Of course, in everything that we look at, especially when the Financial Secretary's Office is the one leading any review, we are going to be looking at robust financial management, which, however good, can always be improved. We are going to be looking at having better structures for the management of payments. As the Government's own payment systems evolve and procurement systems evolve, we would like to see the company's procurement and payment systems evolve, so that we have a more current and better picture of liabilities and of debts due to the company as well, which is the important way of having a full picture of a company's fortunes.

We will want to see human resources evolving so that we make the best of the people we have in GJBS. I have said in my first answer we believe we have an excellent and very competent workforce there. I have only had one reflection in respect of the interviews, I have not had any advice yet, but I was told that one individual had made the suggestion that GJBS could do even more in terms of the provision of support for the University in respect of some areas of expertise that GJBS has in engineering etc. So there are many ideas there.

I think the next 30 years of GJBS will be even brighter and even stronger. No doubt under successive administrations as the political pendulum swings, they will have their fortunes bloom in favour under any complexion of future Governments of Gibraltar, and I am very excited both to bid a very fond and positive farewell to Michael for the work that he has done and to welcome whoever is recommended to be the new managing director and the workforce that will flourish under him or her.

Hon. K Azopardi: The Chief Minister in his original answer spoke about, I think, exchange rate issues that the company had had and so on, which had been part of the review. Did the review come to any conclusions as to any specific financial losses that the company suffered as a result of whatever the review was looking at it; and, if so, what were they and to what extent?

Hon. Chief Minister: Mr Speaker, I do not have any information about any such conclusions here with me today, but I do recall that we have had discussions about this in the past when we have discussed the fortunes of GJBS. There was a period, of course, through which GJBS was trading, and every other company in Gibraltar, where the euro to the pound rate went, as he knows, through the floor, and I think it caught every construction company out in that period, but I do not have the information.

Hon. K Azopardi: If I recall that discussion, if it is relevant to this, we were talking about sums in the millions, I think. I will not ... All right, yes. My hon. colleague has just passed me an extract from the *Hansard* of 2021 which talks about an advance of around £23 million. I am not sure if that helps the Chief Minister, if those are the exchange rate issues he is talking about which were also discussed as part of this review, or we are talking about something different. He may not have the full report with him, but does he recall from the full report whether it is that kind of sum or a different sum?

Hon. Chief Minister: No, Mr Speaker. Again, he must not jump to conclusions, as he did last time when we have asked this question – he then went on to say in his Budget speech a month later that we had bailed out GJBS in the sum of £23 million, which was not the case.

In the course of that discussion I told him that one of the things that has affected –

Hon. K Azopardi: I am sure I did not say that at all.

Hon. Chief Minister: Well, in fact, Mr Speaker, I will tell him that in his Budget speech – if he wants to look at *Hansard* for 21st July 2021 at page 12, line 480 – although he has said from a sedentary position, ‘I am sure I did not say that; I am sure I did not say GJBS had been bailed out,’ he said: ‘We have seen GJBS bailed out with £23 million.’

Well, Mr Speaker, we had not bailed GJBS out with £23 million. That was the issue that they had on their balance sheet and what I told him was that one of the elements that related to the issues that GJBS was having was the collapse of the pound sterling against the euro. He will find that at page 24, line 960 of the May 2021 *Hansard* that he is referring to. So it is not £23 million by any stretch of the imagination, it is an element of the issues that afflicted GJBS at that time in that period that the euro exchange rate was affecting them as it affected every other construction company in Gibraltar.

Mr Speaker: Next question.

Q180-81/2022

Government- and GDC-owned companies and subsidiaries – Overdue filing of accounts and audits

Clerk: Question 180/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide a list of all companies owned by it or the Gibraltar Development Corporation and associated subsidiaries for which the filing of accounts is overdue at Companies House as at 31st March 2022?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 181.

Clerk: Question 181/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide a list of all companies owned by it or the Gibraltar Development Corporation and associated subsidiaries which have not been audited since incorporation to the 31st March 2022?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I know they are chatting amongst themselves but they should listen – they are going to enjoy this.

The Government owns 59 companies directly or via the GDC. When we took over, all that were then incorporated were overdue their accounts. At the moment, 21 are already up to date, 26 are overdue and 12 have not had any audit since incorporation.

The information requested by the hon. Gentleman to Question 180 is provided in the schedule I now hand over to him.

Answer to Question 180/2022

Gibraltar Cleansing Services Ltd
GCP Investments Ltd
Gibraltar Properties Ltd
GSTR Ltd
Kings Bastion Leisure Centre Ltd
Gibraltar Facilities Management Ltd
Midtown Coach & Car Parks Ltd
Gibraltar Joinery & Building Services Gibraltar Car Parks Ltd
Gibraltar Strand Property Company Ltd
Gibraltar Commercial Property Company Ltd
Gibraltar Home Loans Company Ltd
Gibraltar Strand Management Company Ltd
Construction Training Company Ltd
Economic Development & Employment Company Ltd
Employment Training Company Ltd
Gibraltar General Construction Company Ltd
Graduate Research & Development Company Ltd
Skills Enhancement Training Company Ltd
Supported Employment Company Ltd
Gibraltar Community Projects Ltd
Gibraltar Defence Estates and General Services Ltd
KIJY Parkings Ltd
Gibraltar Investment (Holdings) Ltd
Gibraltar Land (Holdings) Ltd
Gibraltar Residential Properties Ltd

Hon. Chief Minister: Mr Speaker, in relation to Question 181, the companies which have not been audited since incorporation as at 31st March 2022 are in the second schedule I now pass to him.

Answer to Question 181/2022

Europa Incinerator Company Ltd
GAR Ltd
GEP Ltd
GEWP Ltd
Gibraltar Air Terminal Ltd
Gibraltar Freeview Ltd
Gibraltar Industrial Cleaners Ltd
Gibraltar International Mint Ltd
Gibraltar Mechanical & Electrical Services Ltd
Gibraltar National Mint Ltd
GSBA Ltd
GSF Ltd

Hon. Chief Minister: Mr Speaker, that really concludes my answer to his question, I suppose, but additionally I now pass to him a third schedule of a type which could never have existed in

their time – namely, a list of companies which are already up to date with their filings at Companies House. I am sure the hon. Gentleman will be delighted.

Answer to Question 181/2022 cont.

The following are the companies which are up to date with filing at Companies House:

Brympton Co-Ownership Company Ltd	December 20
Credit Finance Company Ltd	December 20
ES Ltd	December 20
GBIC Ltd	December 20
GDC (Directors) Ltd	December 20
Gibraltar Bus Company Ltd	December 20
Gibraltar Co-Ownership Company Ltd	December 20
Gibraltar Estates Management & Administration Ltd	December 20
Gibraltar Estates Maintenance Services Ltd	December 20
Gibraltar General Support Services Ltd	December 20
Gibraltar Investment (Directors) Ltd	December 20
Gibraltar Manchester Property Company Ltd	December 20
Gibraltar National Exploration of Minerals, Gas & Oil Company Ltd	December 20
Gibraltar Residential Properties Aerial Farm Ltd	December 20
Gibraltar Residential Properties Bishop Fitzgerald Ltd	December 20
Gibraltar Residential Properties Coach Park Ltd	December 20
GOC (Secretaries) Ltd	December 20
GRP Management Company Ltd	December 20
RMB Investments Company Ltd	December 20
Westside Two Co-Ownership Company Ltd	December 20
Zero Carbon Footprint Company Ltd	December 20

730 **Hon. R M Clinton:** Mr Speaker, I thank the Chief Minister for the various schedules he has handed over and I would note – to give credit where credit is due – that compared to the position as at December 2019 when there were 31 companies which had filings overdue, we are now down to 26, which is obviously an improvement but not a complete solution, although perhaps a movement in the right direction.

735 In respect of the companies that have never been audited, can the Chief Minister comment as to why that would be the case? There are some entities here, for example – and I think I have had this discussion with the Father of the House before – Gibraltar National Mint and we even have Gibraltar Air Terminal Ltd. Should these not at least have an audit?

740 **Hon. Chief Minister:** Mr Speaker, I agree, they should have had an audit and what he will be very happy to hear is that one of the things that we did when we were first elected was to start the process of getting these companies' books into a fit state.

I do not want to be exceedingly partisan, but he does need to understand that there are certain dates which are relevant here. The Government companies, the GDC companies which existed as
745 at May 1996, all had their corporate books in order as at May 1996. After May 1996 a legal requirement is transposed into law – coming back to yesterday's discussion about European conventions about transposition, implementation etc. The transposition into law of that arises

from a European directive. The European directive says every company must file its accounts. So, after 1996 the GSD Government, by bringing into effect a European directive, make it a legal requirement that companies should file their accounts and fine any company that fails to file its accounts. And yet they did not file the company accounts for the Government companies, and there were more Government companies after 1996. So, what we find when we are elected in 2011 is not that the companies have failed to file accounts and we simply file the accounts which are ready to be filed, it is that the companies have not had their accounts prepared in some instances from 1996-97, and so the exercise is an exercise of reconstruction.

There are some companies that I incorporated after 2011 which have not yet had that exercise completed but it is on the way to being done and being totally completed, and those entities which were incorporated before 2011 which have not had their accounts since incorporation or have not had their accounts since 1996 in some instances have already had them or in other instances are about to have them. This is not an easy process, as the hon. Gentleman knows, because to reconstruct the accounts of a company going back to 1998 is extraordinarily difficult and it is costing the Government a lot of money, but it must be done because it is a legal requirement. Even if it is going to take us a decade, as it is taking us, I am committed that we will have completed the exercise of ensuring that all of the Government's companies will have their accounts properly filed and they will have been properly filed and audited.

Because of the dates that I am referring to, there is a party political point – it is inevitable – but he and I agree that a company must comply with the law. It must have its accounts, it must have its audits, where appropriate, and it must have those audits and accounts filed. Although he gives me faint praise – it is only five that we have improved on, because he has asked for up to date – a lot of the others are now almost up to date and I do anticipate that that number, 26, will be reduced greatly very soon and that we will soon get what we both want, which is that the third schedule, which is the one that he did not ask me for, will be the schedule which will have all of the Government's companies on it. Then the discipline should continue under, again, successive administrations I have no doubt, but the political pendulum swings, and we should never once again fall into the trap where we fail to see a Government keep its company accounts in order, keep its company audits in order and file the accounts of the companies, as the Government requires every other entity to do that is a shareholder of a company in our jurisdiction.

Hon. R M Clinton: Mr Speaker, I think on that point we agree across the House – for once!

In terms of his characterisation of these companies going back to 1996, I have to point out to him that, as he has already recognised, there are some entities that were incorporated here after 2011. Is he still going to use the characterisation of having to reconstruct accounts for entities such as the National Mint, which was created under his Government? Surely not. What would he say is the reason for companies such as National Mint not being audited since incorporation? This is a company his Government created.

Hon. Chief Minister: Mr Speaker, sometimes companies are incorporated but they have no activity, in which case it is very easy to do an account etc., and in some instances they have a lot of activity and we have failed, like they failed, to have the accounts prepared timeously. That is why I am telling him that there is a commitment to ensure that those are put in place. It is not as if I have suggested that all of the companies that are not up to date and have not been audited are all the ones incorporated in their time; I have set out in my answer that there are some in our time also, but that we are very close to finalising that.

The thing is that it is remarkable to think about – how long have we been around, Mr Speaker? – but 25 years ago they went to an election, with the hon. Gentleman looking particularly young, saying that they were going to publish the company accounts. They were in government for a decade and a half and they did not publish the company accounts. Well, we have published a lot of the company accounts: we had 59, we have 26 that are not there yet. We are getting there and we are going to give effect to our commitment to ensure that the accounts

800 are filed and we are going to give effect to their commitment that the Government company accounts be filed, even though after a decade and a half in government they did not give effect to that commitment.

We should all, I think, on this one, seek to find the thread of agreement in what we are doing. On this, Mr Speaker, he rightly clock-watches the Government because this is an external legal requirement – it is a requirement of the law of Gibraltar – and we are putting it right, and I am very proud of the fact we are putting right. He must not underestimate how many hours are going into putting this right and the effort that is required to put it right, in particular when it relates to another administration, because obviously at least in the life of an administration decision makers are still around and you can still contact them etc. In the context of a company that was trading in 1997 and 1998, we will have to call up the hon. Gentleman who is now the Leader of the Opposition and ask him what his travel expenses were about if they were charged through a company, because we are literally having to reconstruct stuff.

But I think it is a good-news story for all of us that the Government of Gibraltar is putting its company house in order. We have been doing so for some time. I have given this information periodically when the hon. Gentleman has asked. The direction of travel, he would agree, is the right one. He will tell me it is not fast enough, and if he tells me it is not fast enough I will reply saying at least in 10 years we have got more or less there, in 15 years the party that you represent did not get there. I have no doubt, Mr Speaker, if the hon. Gentleman had been in government between 1996 and 2011 this would not have happened because this is an issue that with him sitting at the Cabinet table would not have happened. We have a lot of lawyers sitting round the Cabinet table. We talk a lot, we count a little less. This is being put right and I think that is the good-news story for all of us.

Hon. K Azopardi: On a point of order, Mr Speaker, some minutes ago the hon. Member accused me of having said that as part of my Budget speech I had said that GJBS had been bailed out by £23 million. I said from a sedentary position that I could not recall that I said that and he insisted that I did and directed me to an extract. Well, I have the extract on my phone, and if you scroll up the page you will see that it was another hon. Member who said it and not I. I want to give the Hon. Chief Minister an opportunity to correct the record. I have *Hansard* on my phone.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is referring me to a matter of public record, and so ... The thing that I have is this extract which has been provided to me, which is that page that I have told him about, which says 'Azopardi Budget 2021'. If he tells me that that is not 'Azopardi Budget 2021', I am happy to correct the record. Can he tell me who the speaker was, so I can check?

Hon. K Azopardi: Let's be clear: the page does not have 'Azopardi Budget 2021' on it, it has 'Gibraltar Parliament, Wednesday, 21st July 2021'. He has asserted in this House that it was me. I am telling him that, if you scroll up, it was not me and I am giving him the opportunity to correct the record. It was another Member on this side of the House, but he has assured the people of Gibraltar it was me. I am now telling him it is not true. He should check his facts and not be so enthusiastic about the stuff that he spins out for the people of Gibraltar that is plainly untrue.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman seems not to have heard me in his enthusiasm to win a minor factual point. I have told him, as he can see, that I have been given the extract with the words 'Azopardi Budget 2021' written on it. He can see that because I am holding it up, and he can see that the words 'Azopardi Budget' are written in blue ink. That is to say they have been written in by somebody for me. What I said was – in case he did not hear me, in case his enthusiasm is so effervescent inside his brain that it did not allow him to hear the speaker – if he assures me that it was not him and he simply tells me who the other speaker was, I will check and confirm that he is right and I am wrong. That is all I am asking, Mr Speaker.

Hon. K Azopardi: Mr Speaker, it is quite basic, actually. Let the Chief Minister not point to civil servants who have scrawled my name at the top of a piece of paper. He is the one who is supposed to do his homework. He is the one who comes to this House. He is the one who assures the people of Gibraltar, because he thought it was a political point that he was making, that it was me, because he thought it was put-down. It was not, in fact, me and he should correct the record.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman knows me well enough to know that of all the people he has come across in this House, the one least likely to try to deflect a bullet and try to make it hit an innocent civil servant is me. It was the former Chief Minister who used to blame those who would be preparing him for anything that might go wrong and take the credit for anything that might go right. He might recall that, because he used to sit next to the former Chief Minister before taking against him and leading another party. *(Interjections)*

So, Mr Speaker, it is very simple – *(Interjection by Hon. K Azopardi)* Because I was doing the thing he says I should do, which is be honest with him, which is what I always try to do. Why did I tell him that? Because I was given this page and it had his name on it, and I rely on the people who assist me. I do my homework, but I do it to the extent that time allows. In other words, coming here to answer his questions is not necessarily the thing that is going to take up most of my time.

I have now checked, Mr Speaker. The person who made the statement that I attributed to him is the man that he entrusts with the public finances of Gibraltar, the Shadow Member for Public Finances, Mr Clinton, not him. I am very happy to correct the record and say that it was the GSD, if not him, who had said that we had bailed out GJBS in the sum of £23 million, which was not correct.

Mr Speaker, can we now get on with it?

Hon. K Azopardi: What I was seeking was a point of order so that the hon. Member corrects the record. He has done it in a sour way. He has chosen to do it in a sour way instead of actually being man enough to say, 'I made a mistake, mistakes are human, and fair enough.'

Hon. Chief Minister: Mr Speaker, I thought I had done it in the most magnanimous way possible, which was to accept that I was wrong, to try and move on but to reflect who it was. It must have been obvious to you, as it was to me, Mr Speaker, that the hon. Gentleman did not want to tell me who had made the statement. *(Interjections)* He simply wanted to make the assertion that it was not him. *(Interjection by Hon. K Azopardi)* If the hon. Gentleman simply wants to be the Macavity of Gibraltar politics, showing that it is just not him and he is not there, that is fine. *(Interjection by Hon. K Azopardi)*

People in Gibraltar, I think, respect those who take responsibility. I take responsibility for the things that I say in this House and I take responsibility for the things that go wrong in Gibraltar. The things that go right are to the credit of those who have done them; the things that go wrong are my responsibility. The buck stops with me. He has heard me say it on television. He is not going to find me cowering out of anything – whether it is the debt or the deficit – like he is doing now, despite having agreed that we should do all the BEAT measures.

Mr Speaker: Next question.

Q182/2022
Eruca Investments Ltd –
Subordinated liquidity facility

Clerk: Question 182/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if Eruca Investments Ltd has drawn upon the subordinated liquidity facility made available to it; and, if so, when and in what amount?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is unable to answer the question as Eruca Investments Ltd is a privately owned company held by investors in Gibraltar. The House will nonetheless wish to note that the accounts for the year ending 31st March 2020 for that company are filed at Companies House.

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Hon. R M Clinton: Mr Speaker, yes, but the facility was, I think, between Gibraltar Properties Ltd, which is a Government-owned, directly or indirectly, company and Eruca Investments Ltd, so surely the Government would know if the facility had been drawn upon.

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Hon. Chief Minister: Mr Speaker, the question is specific: if Eruca Investments Ltd has drawn down upon that subordinated liquidity facility. He is asking the Government. The Government is not the proprietor of Eruca Investments Ltd.

915 **Hon. R M Clinton:** Yes, Mr Speaker, we know that, but the other side to the transaction is a Government-owned, directly or indirectly, company, so the Government would know, or should know, if a call has been made upon that facility.

Hon. Chief Minister: Mr Speaker, the Government is accountable in this House for the actions of the assets it controls, and we do not control Eruca Investments Ltd.

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Hon. R M Clinton: Mr Speaker, I think we all understand that. The question I am asking is the other party to the transaction ... There is a facility arrangement, a subordinated liquidity facility, which Eruca has the benefit of. The other side to that transaction is the Government-owned, directly or indirectly, entity. All I am asking in this question is has that facility being drawn upon. You must know, having the control of the other side to the transaction, whether that has happened or not. I am not asking about Eruca.

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Hon. Chief Minister: Well, Mr Speaker, the question is about Eruca.

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Hon. R M Clinton: Mr Speaker, there are two parties to this subordinated liquidity facility, one of which is Eruca and the other side is a Government entity, owned or controlled directly or indirectly. Is the Chief Minister telling us that he has no idea whether this facility has been drawn upon? It is as simple as that.

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Hon. Chief Minister: No, Mr Speaker, the Chief Minister is saying that the question as drafted we consider to be a question about an entity that we do not control, and therefore ... The Government cannot be drawn to answer questions about an entity that it does not control in this form, I am sorry to say. This is not for lack of transparency, this is not for lack of accountability, as they will pretend, it is just that they ask us about a company that we do not control and they ask us, in the context of that company, to make a statement. I have directed him to the fact that the accounts of that company have been filed because they have been provided to me. They are at Companies House, in case he has not seen that they are filed for the period which I have referred to the House, but I am advised that the Government cannot answer the question as drafted because we are not the controllers of that company.

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Mr Speaker: The Hon. Chief Minister has given an answer. It may not be the answer that perhaps the hon. Gentleman was expecting or hoping for, but I will allow the Leader of the Opposition one final question.

Hon. K Azopardi: Thank you, Mr Speaker.

The question as drafted says: 'Can the Government advise if Eruca Investments Ltd has drawn upon the subordinated liquidity facility ...?' The subordinated liquidity facility is made with a company controlled by the Government, so really what this is saying is can the Government confirm if the Government company has given Eruca the money? That is really what this is and everybody understands that, so can the Government say whether the Government company has given Eruca the money? Yes or no? The Chief Minister is refusing to say, or it has not happened?

Hon. Chief Minister: Mr Speaker, that is not the question that is on the Order Paper, and that is not the question that I have been asked to answer. I am very happy to answer the question if he puts it like that next time.

Hon. K Azopardi: He is playing on words. It is posed like that.

Mr Speaker: I think both Members may be playing with words. The Hon. Chief Minister has said that if you put a question at the next meeting of the House he will be able to answer the direct question with a direct answer.

Hon. K Azopardi: Mr Speaker, we are happy on this side of the House to put a direct question as long as we then do not get an answer that it is within the six-month rule. He has invited the question –

Hon. Chief Minister: Will the hon. Gentleman give way? The Government would not raise an objection because it would be a different question. That is what the Government is saying. The Government is not playing on words, Mr Speaker. The Government is trying to play with a straight wicket to ensure that people have the information they should have in order to ensure that we follow parliamentary rules, which is also our obligation, and give the right information in the context of the right questions. If they make it difficult for us, we cannot give the information, but if the hon. Gentleman puts a question in the way that he has now proposed, we will be able to give the answer from the Government side, and we of course could not suggest that it is the same question within six months because it would be a completely different question, which would be capable of being answered.

Hon. K Azopardi: Mr Speaker, I had given way to the hon. Member. Can I just say that of course we will file a question? If he is not prepared to say now because he has put himself in a particular position and he now insists that it must be repeated, that is fine, but everybody who picks up this question would understand that we are asking can the Government advise if the Government-owned company has paid Eruca the money which it contracted to do.

We are not making it difficult for the hon. Member opposite. The hon. Member opposite went to Oxford. He is one of the most intelligent people I know. He understands what this question is about. He refuses to answer. It is a matter for him. We will ask him again in different language, that is all.

Hon. Chief Minister: Mr Speaker, that is the nicest thing the hon. Gentleman has ever said to me. *(Laughter)* He has added cream and chives to my sour: I now feel like a complete political Pringle, and tasty at that.

We are genuinely trying to achieve the aim for which we are here, which is to provide the information. I do not think there are many experts in subordinated liquidity facilities who will go around saying, 'Well, yes, absolutely right, I could have read it that way.' This is a complex area of law and the Government is trying to ensure it complies with its legal obligations to its contractual partners and answers questions that it has to answer and not questions that it could be suggested are not questions to the Government but questions to the Government's contractual partners as drafted.

Mr Speaker: Next question.

Q183/2022

Finance Bill –

Whether to be brought to Parliament during Budget debate

Clerk: Question 183/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if it intends to bring a Finance Bill to Parliament during the 2022 Budget debate?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman raises a question that was discussed at quite some length during the Appropriation Debate last year. We explained our position that we will keep to the Appropriation Bill that is passed in Parliament and seek, where possible, to pass contemporaneous legislation that addresses some of the issues that are raised as part of the Budget, thereby ending a Budget session week or 10 days with as much legislation in place as deals with all of the issues that are raised in the Budget process. This has not always been the case, as it is not always possible to put legislation in place ahead of the Budget session, but we will seek to do so wherever possible. This is somewhat different from having a Finance Bill.

Hon. R M Clinton: Mr Speaker, I am glad that the Chief Minister recognises that is different to a Finance Bill because there is provision within our Standing Orders specifically as to how a Finance Bill should be debated in this House and in terms of the timeframes for presenting it. In fact, there is no need for notice but there is a process by which the contents of the Finance Bill are digested and then debated.

I would only ask the Chief Minister to at least consider, for the sake of expediency, putting all these measures into a Finance Bill. It does no harm, and in fact it may be more efficient to do it in that way – and he may even be pleasantly surprised, as he was on the last occasion when we actually found agreement on elements of measures that would be in the Finance Bill. I would just ask the Chief Minister to consider that.

Hon. Chief Minister: Mr Speaker, I am very grateful to the hon. Gentleman. He knows that we have slightly different interpretations in this respect.

Mr Speaker: Next question.

Q184/2022

**Review of senior public sector salaries and relativities –
Completion and publication**

Clerk: Question 184/2022. The Hon. R M Clinton.

1040 **Hon. R M Clinton:** Mr Speaker, can the Government advise if it has completed its review of senior public sector salaries and relativities, as announced by the Chief Minister in his 2018 Budget address; and, if so, will the Government publish the report?

Clerk: Answer, the Hon. the Chief Minister.

1045 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this has indeed commenced, although, given the circumstances of the last two years, it has not yet been finalised.

Hon. R M Clinton: Mr Speaker, can the Chief Minister advise whether this review is being conducted internally, or has somebody externally been contracted to undertake it?

1050 **Hon. Chief Minister:** It has been externally undertaken, Mr Speaker.

Hon. R M Clinton: Would the Chief Minister be able to identify the external party undertaking the review?

1055 **Hon. Chief Minister:** Yes, Mr Speaker, Ernst and Young as it used to be known, although it is just known as EY now.

1060 **Hon. R M Clinton:** One last supplementary from me, Mr Speaker: when did they commence their review?

1065 **Hon. Chief Minister:** Mr Speaker, I do not know, but I know that the work goes back to April 2021. I cannot tell him the commencement date but the work that I had seen was work that was done in April 2021 and there has been some more work since then as well, so considerably before April 2021.

Q185/2022

**Campion Park –
Payment from Trusted Novus Bank**

Clerk: Question 185/2022. The Hon. R M Clinton.

1070 **Hon. R M Clinton:** Mr Speaker, can the Government advise if it has received payment from Trusted Novus Bank in respect of the cost of the Midtown (Campion) park; and, if so, how much and on what date?

Clerk: Answer, the Hon. the Chief Minister.

1075 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the total development cost for Campion Park was £3,917,879. HM Government of Gibraltar received £3,874,595 on 8th December 2021 from Trusted Novus Bank as a donation towards the costs incurred by Government in connection with the development of Campion Park. The balance between the donation received and the total

development cost is £43,283.64. This balance has now been settled by Trusted Novus Bank with the funds being received this month.

1080

Mr Speaker: Next question.

Q186-87/2022

**Borrowings from GIB and RBSI/NatWest –
Security provided to GIB; extension of time sought from RBSI/NatWest**

1085 **Clerk:** Question 186/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if it has provided the Gibraltar International Bank with any security in respect of the £150 million borrowed from it?

1090 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 187.

Clerk: Question 187/2022. The Hon. R M Clinton.

1095

Hon. R M Clinton: Mr Speaker, can the Government advise if it has sought an extension of time for the £500 million revolving borrowing facility with RBSI/NatWest secured by a UK guarantee that falls due on 3rd December 2023?

1100 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the Government did not provide any security in respect of the £150 million borrowed from Gibraltar International Bank. The facility was repaid in full on 7th April 2022 by drawing down the full £150 million from the £500 million RBS facility. This was always the intention from the outset.

1105

Repaying the £150 million temporary GIB facility and transferring all the outstanding liabilities to the RBS facility has consolidated all of the COVID-19 pandemic-related expenditure in one facility. As a result, when full Government revenue is restored and the need to borrow subsides we will be able to crystallise this amount into a new single facility and provide for a sensible and affordable longer-term repayment plan.

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Hon. R M Clinton: Mr Speaker, I am grateful for the information the Chief Minister has provided, especially in respect of the repayment of the £150 million.

I just have two supplementaries. The first one is in respect of Gibraltar International Bank. In their accounts for 31st December 2020, in 'Related party transactions' on page 44, 'Advances of interest receivable', which will include the ultimate controlling party, being the Government, it says: 'Outstanding balances at the year-end are secured.' Would it be, in his view, that the statement perhaps needs clarification, or is there some other form of security that the bank may have that perhaps is not in the facility letter, by way of some other side letter?

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Secondly, Mr Speaker, as the Chief Minister is aware, the facility with RBS/NatWest, which is guaranteed by the UK government, falls due on 3rd December 2023. I appreciate what he has said about consolidating everything in one place, but is he suggesting that he would seek to somehow obtain a loan from another party on perhaps a longer-dated basis; and, if so, have those sorts of negotiations already started and in fact he has not requested an extension of the UK guarantee?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman at the end, seeking to deal with the second point first, makes assumptions which are not correct and which I will not address during the course of this Question Time because I think they are issues better addressed during the course of the Appropriation debate when dealing with the debt. He is now talking about the current financial year and the next financial year, so I am going to deal with issues relating to that during the course of the Budget debate.

In the context of the note to the accounts of GIB, I would need to take advice on whether that is correct, despite what I have said, or would need to be corrected. The definition of security in those accounts may or may not include a loan to a shareholder, which may or may not fall within a different definition, and so I do not want to venture into having a discussion without appropriate advice.

Mr Speaker: Next question.

Q188/2022

**Migrants entering Gibraltar without valid documents –
Number not yet repatriated**

Clerk: Question 188/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please look at the answers to Written Questions W17 to W21/2021 and state, by reference to the nationalities listed in answer to Questions W18 and W21, which of those nationals have still not been repatriated?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, there is currently only one individual, of Moroccan nationality, who remains to be repatriated from policing year 2021-22.

Q189/2022

**Widows and Orphans Pension Scheme –
Update re Government promise**

Clerk: Question 189/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, when is the Government going to keep its promises to people in relation to WOPS?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government fulfilled its promise to people in relation to WOPS. In fact, the answer to this question has not changed since my answer to Question 79/2021.

Hon. D A Feetham: Mr Speaker, that cannot possibly be right because there is a Bill on the Order Paper which was published in 2020 that the Government still needs to take, and people are not being paid out, presumably until that Bill actually becomes law. Is that the case? I will be corrected if I am wrong.

1165 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman asks a question about promises made to people. The promise was honoured when the Government opened the window, as we had said that we would, for people to register. We then published a Bill. We have not yet been able to pass the Bill, but we have already done the exercise that we needed to do. All we need to do now is finish the Bill becoming an Act and then the whole process will be complete, so I do not understand why the hon. Gentleman thinks that we have failed to keep our promise in relation to WOPS.

1170 **Hon. D A Feetham:** Well, Mr Speaker, it is simple: there are a number of people who have approached me on a number of occasions asking me to ask the question – I did so last year and I have repeated it this year – because they have been told that until this Bill is actually made law they will not be paid what they are owed in relation to WOPS. That is the information that I am receiving and that is the reason why I am asking the question.

Hon. Chief Minister: Mr Speaker, I think he has got it behind over breast, so to speak. It is not that they will be paid when we pass the Bill into an Act, it is that they will pay the Government.

1180 **Hon. D A Feetham:** No, they will be not entitled.

Hon. Chief Minister: Yes, but we have already told all those who have registered ‘Don’t worry, if the Bill does not become an Act we are going to give effect ... you are going to have the benefit of it.’ So we have fulfilled our promise. We are just in the process of putting in place the formalities, which we have not been able to do but we are in the process of doing.

1190 **Hon. D A Feetham:** Yes, but there are people who are going to the Treasury Department actually prepared to pay, because then they qualify for WOPS later on, and are being told, ‘No, you cannot pay because the Government has to pass this particular law.’ That is what people are telling me. That is the reason why I am asking the question. Surely the promises to people cannot have been completed until the Government has done everything possible to allow these people to qualify – that is go to Treasury, make the payments and then they qualify.

1195 **Hon. Chief Minister:** So, already, Mr Speaker, he has changed from saying that we are not making the payments to saying that we are not able to receive the payments.

I have already told him that nobody is going to suffer because we have told them that as long as they are registered, and if something were to happen, they make the payment even after the inevitable event, which deals with the vesting for WOPS. People will have that honoured, even if we have not been able to put in place the legislation. So, as far as the client is concerned – the constituent in this case – they are covered. We just need to ensure that we make provision for this in the law, which we are in the process of doing – we have already published a Bill.

1200 **Hon. D A Feetham:** May I therefore ask my last question? When does the Government intend to take this particular Bill, which was published in 2020? Is it going to take it this session; and, if it is, when is the Government going to commence the Act when it becomes an Act?

Hon. Chief Minister: In the lifetime of this Parliament, Mr Speaker.

Mr Speaker: Next question.

Q190/2022

Fortress House –

Whether purchased by Government and cost

1210 **Clerk:** Question 190/2022. The Hon. D J Bossino.

Hon. D J Bossino: Has the Government purchased Fortress House; and, if so, for how much?

Clerk: Answer, the Hon. the Chief Minister.

1215

Chief Minister (Hon. F R Picardo): Mr Speaker, no; neither have we expressed an interest in doing so. We already indicated that we were not interested in this asset for the taxpayer, in answer to Question 404/2020.

1220 **Mr Speaker:** Next question.

Q191/2022

Eastside project –

Density and urban impact

Clerk: Question 191/2022. The Hon. D J Bossino.

1225 **Hon. D J Bossino:** Does the Government have any intention of addressing the concerns as to the density and urban impact of the development raised by representatives of Catalan Bay Village in connection with the Eastside project; and, if so, how?

Clerk: Answer, the Hon. the Chief Minister.

1230 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the representations made by members of the public on any planning application are taken into consideration by the Development and Planning Commission when making its decisions. This applies to the representations made by Catalan Bay Village in respect to the outline planning application submitted for the Eastside development. It is not for the Government to intervene in the DPC's processes when considering planning matters. No doubt, if we did, we would be accused of interfering with the DPC's processes.

1235 The Government notes the concerns that we have seen on social media in relation to the Catalan Bay Village on this item. Many of the images which have been provided by some on social media appear, to us, to be inaccurate. Nonetheless, the Government believes that the Eastside project is a very positive project, not just for Catalan Bay but the whole area, which will be renovated and much improved. Each part of it will require full planning permission from the DPC.

1240 At present, there exists a derelict piece of land that has been accumulating waste over the last 30 years, and this development is on a scale that we have not seen before and in a way that will beautify and improve the area very significantly. Nonetheless, the Government defers to the DPC to ensure that the project is done in a way that meets environmental impact assessments and is done in a sensitive manner. The developer and any objections will be heard at the full planning application on all subjects.

1245

Thanks to our policy of openness, transparency and accountability at the DPC, all interested members of the public will be able to object, be heard, and the community as a whole will be able to follow every aspect of the discussion and debate at the DPC. The days of the closed and secret DPC that the GSD asked us to keep secret and closed when we passed the amendment to the Act

1250 are gone. The Government has clearly entered into arrangements with a developer for this project to go ahead because we believe it is a positive project for Gibraltar.

1255 It is important to note that the marina in question, which many have promulgated images of that we do not think are accurate images, effectively provides a breakwater for Hassan Centenary Terraces and the rest of the Eastside development. We think images of it on social media, as I said before and I reiterate, are inaccurate. Without protecting the land of what is now the reclamation, it is not possible to build or insure a building for habitation. The cost of this breakwater is subsidised by the economics of the revenue-generating marina. The reduction or removal of the marina may impact the financial viability of the Eastside project which the Government is contracting for. As a result, delays in protecting the land will also impact the completion of Hassan Centenary Terraces. The marina arm in any event, I should inform the House, will be accessible to the general public and will provide a promenade that can be used by pedestrians, joggers, cyclists and those seeking to fish throughout the whole year.

1265 **Hon. D J Bossino:** I thank the hon. Member for that very full reply. The question really is whether anything at all can be done in relation to the size of the marina. He has made reference that that could have an impact – I think he even said a reduction could have an impact, in terms of the size and the massification – in terms of the finances. That seems to be the focus of the complaints of the Catalan Bay residents.

1270 I saw part of the DPC hearing, where I was able to listen to and watch, through the website, Mr Riddell's contribution in that regard. I must say that when I initially read some of their complaints I thought it was far-fetched. I think it was suggested that it would block the views all the way through to the Caleta Hotel, but I have been shown plans, and from what I can see, it seems that that accusation – that observation; should I put it in more neutral terms? – may actually be more accurate than I originally thought. I thought it was literally just a line going out and it would impact on the northern side rather than on the southern side, but if I can visualise it, it just basically does that and it does align with the Caleta Hotel. But the hon. Member says that the images which have been shown on social media are inaccurate. The Government will have a view. From what I was able to hear in the initial stages of the DPC process, both the Hon. Prof. Cortes and the Hon. Deputy Chief Minister were really supportive ... and dismissive of Mr Riddell's contribution, but the Government can have a view and I would ask the Chief Minister to consider perhaps more carefully the representations being made by the Catalan Bay residents.

1285 The Government has form in relation to this. It took a very bold and firm view, for example – I think it was just before the elections in 2019 – in relation to Queensway Quay Marina, where an application was filed. Admittedly, the Government members in the DBC also had expressed their objections in that process, but then the Government said that if re-elected ... I think he personalised it to himself. The Chief Minister said that if he was returned to office as Chief Minister he would not allow that particular project to go through.

1290 Simply to make this point, if I can assist: it is true that the development plan of 2009 – I think I got the date right on this occasion – does allow for a marina in the area. However, I will just make these two observations. First, the hatched area which is visualised in one of the plans of that development plan is much smaller than the current project, and although the plan says that it should allow for a marina, it is actually a much more reduced area and I am sure that that would be something which the Catalan Bay residents and many people who visit that area, who use that beach, would welcome. Secondly, the expressions of interest image – which I have only just seen because my learned friend has it here – accords with what the Development Plan 2009 envisages, so basically what I am saying is that this project is a lot bigger than was originally envisaged in the development plan. Simply to make this final point if I may, Mr Speaker: the Queensway Quay project was in some part stopped because it was envisaged that a new development plan would be produced, and I think tenders at that stage had gone out.

1300 I just make those points and I would ask the Chief Minister to consider them in the reply. I will welcome his views.

Hon. Chief Minister: Well, Mr Speaker, the only question is that the hon. Gentleman will welcome my views, so I guess I have as much leeway as he had.

1305 I am delighted that he started by telling us that he was able to follow the DPC online. I assume that he therefore regrets that he voted against our move to make the DPC open. In the time that they were in government, the DPC was not open and even the minutes of the DPC were kept secret.

1310 I am very proud that this Government subjects every project, and now even every Government project, to a full and transparent process where the whole community can take part, people at their desks can see what is happening and everybody can turn up and give their point of view. As a result, it will be possible for people to see that the density of this project is much lower than the project that they approved. The Sovereign Bay project, which was being done at the time by Multiplex and the Reuben brothers, had a much higher density, a much greater density than the density of this project. This is a low-rise project, in the main. There was provision for one tower. I think the DPC knocked that tower back, or the area of it. There is a provision in this project for a botanical garden to be included as part of the project, and so the hon. Member talks about the hatched area in one plan, but of course although the hatched area may now be different to what is being proposed to the DPC, on the other side there is a whole area of nature reserve and botanical garden that has been added to the plot.

1320 The hon. Gentleman speaks about Christopher Riddell and the representations that he made. I have to disclose an interest. Christopher Riddell is a friend and I consider him a close friend. I think it is also proper, and I think it was done in the DPC, to indicate – there is another question on the Order Paper about bidders in respect of the Eastside – Mr Riddell was himself also a competitive bidder in respect of plots on the Eastside in respect of this expressions of interest. I am sure the hon. Gentleman knows, because it was said in the meeting of the DPC that he says he followed. We have to put everything in its context. Because he is a friend of mine, I have the greatest respect and affection for Christopher Riddell and I think that he was an exemplary servant of the Government when he worked for the Government. Previously, he was also a colleague of mine at Hassan's and I thought he was an exemplary member of our firm as a lawyer. Before that, he was an engineer and a teacher. I am sure, though I did not know him then, he will have been just as good an engineer and a teacher as he was a lawyer and public servant. In this instance, the advice that the Government has is that the concerns that Mr Riddell has about the marina arm are not accurate. I think Prof. Cortes at the open meeting of the DPC indicated that he thought the environmental issues that were raised by Mr Riddell were misconceived. I also have the highest regard, of course, for Prof. Cortes. I take legal and engineering advice from Chris Riddell and I take environmental advice from John Cortes.

1340 We genuinely believe that some of the issues that seem to concern people at Catalan Bay are not concerns which are scientifically well grounded, and that indeed the area it is proposed the marina should take in the visual representations that have been produced are incorrect and that they will not, for one moment, get anywhere near the line of the Caleta Hotel. Indeed, if you were sitting in the centre of Catalan Bay, the line of the marina will not impede the view of open water from Catalan Bay at all. That is the advice that the Government has, and that, in fact, is what the Government believes it is contracted for and will contract for. There is another question on the Order Paper as to where we are in terms of the contract in respect of the Eastside.

1345 Mr Speaker, few Gibraltarians can pretend to love Catalan Bay more than other Gibraltarians. I think all Gibraltarians love Catalan Bay and want to protect Catalan Bay. Of course, people who live in Catalan Bay are entitled to say that they have that additional interest and demonstration of their love and affection for Catalan Bay, but as the hon. Gentleman knows, I am often to be found there in the better weather, and sometimes in the not so good weather, because I have close personal friends there. I have seen him there when the Deputy Chief Minister and I have been hard at work campaigning and he has been sunning himself on the beach, as the result of the election has subsequently shown!

There should be no suggestion that there is any division between the Government and the people of Catalan Bay in respect of the protection of Catalan Bay and the enhancement of Catalan Bay. Indeed, for 30 years we have all failed Catalan Bay because we have all promised the people of Catalan Bay that we are going to get rid of the reclamation and the mountain etc. This, we believe, is finally a situation in which we will be able to get rid of that unsightly dust-producing mountain on Catalan Bay in a way that does not produce any prejudice for Catalan Bay. But in the process of finalising contracts in respect of the Eastside the Government will ensure – we will bend over backwards to ensure – that none of what we do creates any adverse consequences for Catalan Bay. Quite the opposite, we want Catalan Bay to be enhanced by this project and our discussions with the TNG Foundation, the party we are working with in respect of Catalan Bay and the Eastside, suggest that there is genuine good faith on the part of the developer in wanting to ensure that what they do there enhances Gibraltar, enhances the Eastside and enhances, in particular, Catalan Bay, which becomes a central and most attractive area of that development, with the Caleta, such as it may be after it goes to DPC, also forming a final part of that. The GSLP once again fulfilling the GSD's political commitments of 1986 where they promised to beautify the east coast for the benefit of residents and tourists and did nothing other than enhance the rubble mountain.

Mr Speaker, I would sit down there, but I just note that it is Ernest Britto who is on this we send him all the best.

Mr Speaker: Next question.

Q192/2022

Eastside reclamation – Discussions with Spain re reported complaint

Clerk: Question 192/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, has the Government been in discussions with the UK or Spain in respect of the reported complaint by Spain in respect of the Eastside reclamation?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has not engaged in any discussion or negotiation with Spain in respect of their *note verbale* in respect of this matter.

Hon. K Azopardi: Mr Speaker, Spain has, from time to time, said things about the Eastside. This is not new. During the hon. Member's tenure I think probably his first contact on this issue was, I think I found in my research, some complaint by Spain in 2012, so this is long running and it is not about this particular administration because of course it goes back a long time. But I ask this question in particular because there was a suggestion when Spain made clear again its complaint about this, that they were calling on the UK to discuss it within the context of the MoU on the environment, so I was wondering whether, in the subsequent period, it had been formally tabled in the discussions. That is really all I was asking.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman's question asked about the reported complaint by Spain. The reports that I saw related to a *note verbale* filed by Spain in respect of the announcement by the Government of the heads of terms with the TNG Foundation. Spain's *notes verbales* in respect of the Eastside in this matter and in respect of all the administrations that have dealt with it relate to that area of water on which the reclamation is to be found being Spanish

water which we have no right to encroach upon. And so the Government's position is very simple and I am sure would be the same if it were him: we are not going to engage in a discussion, let alone a negotiation, about that water because it is ours.

In the period of our membership of the European Union we have always adhered to the principle that our neighbour has not adhered to, that if a reclamation has transboundary effect we give notice to the other side – and we have only one other side here, Spain – and we act in keeping with the European Directive on Transboundary Effect. The EIA tells us that this reclamation, and indeed the EIA which was put before the DPC for the proposed marina arm etc., concludes – and this is not the Government's conclusion, this is external experts' conclusion – that there is no transboundary effect and therefore the engagement which would be required in keeping with European law would not become engaged.

Indeed, Mr Speaker, one of the things that I have found out during the course of the negotiations etc. is that the European directive is derived from an international convention called the ESPOO Convention, and the ESPOO Convention means that even states outside the European Union who are parties to the ESPOO Convention give notification of transboundary effect to each other and there is a criteria engaged for transboundary effect, and Gibraltar is actually a party to the ESPOO Convention through the United Kingdom. So, even outside our membership of the European Union, Gibraltar remains committed to doing things properly, and if a reformation in British Gibraltar Territorial Waters, as undoubtedly the waters for three miles to the east side of Gibraltar are, were to have transboundary effect, we would engage with the neighbouring states which it would have transboundary effect on – aka we only have one, Spain – and we would comply with the provisions of the ESPOO Convention to consult, because that is what the law requires and we comply with our international legal obligations.

I would also say, as I have said previously in this House, that unfortunately, when we were members of the European Union and both the convention and the directive applied, Spain did not do the same thing in relation to reclamations it created in the Bay of Gibraltar which have had a seriously adverse effect on Gibraltar and, indeed, on the neighbouring municipality of La Línea de la Concepción, where we have recently seen its mayor complain that actions have been taken by the Municipality of Algeciras controlling the port without regard to the damage that would be done to parts of the seafront in La Linea, and indeed, in the last storm, which was the storm we were debating in the context of the works being done at Coaling Island, we saw considerable damage to La Linea which the Mayor of La Linea, in public, attributed to the reclamation works of a place called Isla Verde – Green Island – just off Algeciras.

Mr Speaker, I hope that is a helpful statement of the position of the Government of Gibraltar, which will always comply with its international and, whilst in the European Union, European obligations in respect of transboundary effect.

Mr Speaker: Next question.

Q193/2022
Eastside project –
Expressions of interest

Clerk: Question 193/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how many expressions of interest were received in the Eastside expressions of interest process, and can the Government list the interested parties by name of entity submitting an expression of interest and in respect of which plot?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, 19 expressions of interest were received in answer to the Government's advert for expressions of interest for plots on the Eastside reclamation. I cannot give him the names, but I will give him the following information, which I hope will satisfy him.

Applicant 1 applied for plots 5, 11, 12 and 13. Applicant 2 applied for plots 1, 2, 3, 4, 6 and 10. Applicant 3 applied for plots 1 to 13 – that is to say the whole of the plot. Applicant 4 applied for plot 6. Applicant 5 listed one proposal for plots 1 to 13 and a second proposal for plots 4, 5, 10, 11, 12 and 13. Applicant 6 submitted a proposal for plots 1 to 13. Applicant 7 submitted a proposal for plots 12 and 13. Applicant 8 submitted a proposal for plots 5, 12 and 13. Applicant 9 submitted a proposal for plots 1 to 13. Applicant 10 submitted a proposal for plots 6, 7 and 9. Applicant 11 submitted a proposal for plots 1 to 13. Applicant 12 submitted a proposal for plot 6. Applicant 13 submitted a proposal for plot 7. Applicant 14 submitted a proposal for plot 2. Applicant 15 submitted a proposal for plots 1 to 13. Applicant 16 submitted a proposal for plots 12 and 13. Applicant 17 submitted a proposal for plots 5, 12 and 13. Applicant 18 submitted a proposal for plot 4. Applicant 19 submitted a proposal for plots 1 to 5, 6, 7, 8, 9, 11, 12 and 13 – that is to say all plots except plot 6 and plot 10.

Hon. K Azopardi: Mr Speaker, I asked can the Government list the interested parties. The Hon. Member has not. Is there a reason for that? Is it because he does not want to – as a matter of policy they just do not want to share that information?

Hon. Chief Minister: Mr Speaker, the position that has been taken in this House – which I am quite happy to discuss with the hon. Gentleman – by successive administrations is that we do not disclose the names of parties that are not successful. Very often we are asked by parties not to disclose the nature of their applications unless they are successful. For example, a party may have many irons in the fire for finance and this may be one of them, and they will only progress it in the event that they succeed with a tender process and they do not want other potential lenders to know that they are doing this if they are not going to be successful, because they might be seen to be overextending themselves.

I have no difficulty with giving the hon. Gentleman these names on the basis that it is confidential, but we are not spreading it across the floor of the House. He has another question on the Order Paper in a moment about whether a particular party was one of these bidders, and I will answer that question directly. But I am advised that, like civil servants, the practice has been that we do not give the names across the floor of the House unless it is the successful bidder, and we are advised that we would have to change our tender process to set out that we would be sharing the names of those that bid in order, as data controllers, to be able to share that information publicly.

I have no inconvenience in giving the hon. Gentleman the names. I have got them here in some form, but I would write to him and give him the names and relate them to the applicant number that I have given across the floor of the House, if he is interested.

Mr Speaker: Next question.

Q194/2022
TNG Global Foundation –
Expression of interest re Eastside development

Clerk: Question 194/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, did TNG Global Foundation submit a bid for the Eastside development expressions of interest process before the closing date?

1490 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the last expression of interest into the Eastside project closed on Friday, 4th September 2020.

1495 The Government carried out an exercise to determine the highest bidder for each plot and the highest bidder for the entire site. It was found that the latter formula achieved a higher premium for the taxpayer. On that basis, the Government opened negotiations with the highest bidder for the entire site. The Government, as part of its due diligence, sought to establish from this bidder its capacity to pay the premium and capability to carry out the project. After a series of delays and requests for extension before placing £10 million of the total premium in escrow, which the
1500 preferred bidder never did, the Government terminated the negotiations and the expressions of interest in July 2021.

The Government was approached by TNG Global with a considerably higher premium offer in the first week of June 2021 and negotiations concluded with the public announcement made on 18th October 2021. We commenced discussions with TNG only after the preferred bidder failed
1505 to provide the deposit required.

Hon. K Azopardi: Given I do not have the advantage of the list, do I take it that TNG Global did not submit a bid, so it is not one of the 19, one of the 19 became the preferred bidder, there were negotiations, those negotiations fell through and at that stage TNG Global emerged? But it was
1510 not one of the 19 – is that right?

Hon. Chief Minister: TNG Global was not one of the 19. The preferred bidder was the highest bidder. We were negotiating with the highest bidder, and before the negotiations with the highest bidder fell apart, which was at the end of July, in early June TNG expressed to us directly an interest
1515 with a much higher bid than any of the other bids that had been received, and indeed the bid that we were negotiating.

I do not know whether, in fact, already at that stage the preferred bidder had been asked to put down a deposit of £10 million to demonstrate its ability to pay the premium and also to demonstrate its capability of carrying out the project, because we were talking about a project
1520 that is going to involve hundreds of millions of pounds over a period of 10 years. And so I want to be specific. Before TNG had approached us we had already asked the preferred bidder to do that. TNG approached us whilst we were waiting for the preferred bidder to do that and came with a bid that was higher than anything we had seen in the 19, and for that reason we started the negotiations with TNG.
1525

Hon. K Azopardi: I understand, but given that there were 18 other parties, did the Government engage with the other 18 parties to see whether, once the highest bidder falls through ...? The highest formal bidder has gone through the process, the negotiations do not work, there are 18 other people on the list. Some of them are for single plots. It may be that the Government had by
1530 then formed the view that it wanted to take a holistic view instead of a parcelled view. I do not know if that was part of the thinking, but even if it was part of the thinking, some of the ones on the list of 19 that he has rattled off are bids for all plots, so why not go back to those parties that had formally gone through the expressions of interest process within time and then get them to either put in a second bid or compete with TNG Global? Why wasn't that done on a second-round basis?
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Hon. Chief Minister: Mr Speaker, let me just deal with the first point that the hon. Gentleman raises, which is whether to do individual plots or the whole thing. I said in the course of my first

answer that the Government carried out an exercise to determine the highest bidder for each plot and whether the highest bidder for each plot and the highest bidder for the entire site gave us the best for the taxpayer. It was found in the exercise done by LPS that the latter formula, that is to say the whole plot, achieved a better price for the taxpayer. That was something we wanted to test. That is why he will see the expressions of interest that we put out actually parcelled the area into plots, because we thought, 'Look, this has not been able to take off in 30 years as a whole plot – shall we try to see whether you can get entities interested in single plots? We might be able to get more in total for the Eastside by parcelling it up into plots.' In fact, once we had received the information from the bidders, there was no way you got anywhere near the premiums that you were being offered for the whole plot when you looked at the individual plots.

The exercise of choosing a preferred bidder involved going from 19 to six. So, of the 19, six were assessed to be serious and in the interests of the taxpayer. Those six were interviewed at length. They made presentations to the Financial Secretary, to the Deputy Chief Minister and, I think, to the Minister for Economic Development as well, and we went through the six proposals. So we had a lot of information about the six most lucrative proposals for the Government, and the others, it is fair to say, in the Government's view were not mature proposals.

The six proposals that were put produced considerably less for the taxpayer than the TNG proposal. Even the preferred bidder, which was the highest of the six, produced considerably less for the taxpayer than the TNG proposal. So, in the context of the TNG proposal, the reason the Government decided to proceed with it was that it was considerably higher than the 19, considerably higher than the six, and of course serious and self-financing. With the TNG Foundation what you have is an entity that is the same entity that controls a Gibraltar retail bank and is approved for that purpose by the Gibraltar Financial Services Commission and wider international interests of substance, of which the Government has serious and real cognisance, so that we have no doubts over the ability of this party to carry out the works which are required for the full Eastside development as proposed to the Development and Planning Commission.

In the context of the six that we were dealing with, a number were for single plots and a number were for the full plot, but all of them would have had to prove to the Government – other than one that was seeking a single plot and is well known to the Government and is well known to have the substance to do that single plot, which was a very low premium for one single plot – their ability to pay the premium, which was lower than the premium being offered by TNG, and to have the ability to finance the works, whilst TNG offered a higher premium, the ability to pay the premium is well known and the ability to carry out the whole of the works is well known. For that reason, in this instance the Government, having tested the water of what the market believed the plot was worth months before and being in the process of doing so, decided that it was in the interests of the taxpayer to continue with TNG because they paid considerably more than any of the other bidders that had submitted any proposals whilst the expressions of interest period was initially open.

Mr Speaker: Next question.

Q195/2022
TNG Global Foundation –
Beneficiaries

Clerk: Question 195/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, can Government confirm who the beneficiaries of the TNG Global Foundation are?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is unable to confirm the exact beneficiaries of the TNG Global Foundation. The publicly available information in respect of foundations is generally limited to the identity of its counsellors. This information can be readily obtained from Companies House by requesting a foundation profile. We can confirm, however, that they are the entity approved by the Gibraltar Financial Services Commission to own Trusted Novus Bank.

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Hon. K Azopardi: Mr Speaker, we have a profile of TNG Global and, as the hon. Member knows, the profile shows who the counsellors are – and the Act says that the beneficiaries are whoever is in the constitutional documents, which obviously we do not have.

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The reason for the question is because obviously the Government has undertaken this process ... It is explained now in some detail as to what happened in the expressions of interest process, of which TNG were not originally part but it was finally adjudicated the plots. I would assume that in that context the Government would have done due diligence and discovered who the beneficiaries were said to be by TNG Global Foundation, and really what we are asking is who those people are. Will the Government say?

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Hon. Chief Minister: Mr Speaker, a foundation is a little like a trust. I think, for the purposes of this basic debate, we can establish that a foundation is like a trust. The Government knows who it is dealing with. The Government has done its research and its due diligence, and so has the GFSC, and so have other entities that have licensed this entity to own financial services companies in the European Union and outside the European Union. And so there is not anything to be concerned about here because you have this entity also doing regulated business and being approved to do regulated business.

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The problem with giving an answer to the hon. Gentleman ... If he looks at my first Answer, I have said we cannot confirm what the exact beneficiaries of the TNG Global Foundation are, and that is because in a trust beneficiaries can change at any time. Beneficiaries can change by somebody telling somebody – the founder telling his appropriate counsellors – that he wishes to change who the beneficiaries are, or sending a note of change of his wishes or changing the schedule, and because these things are private the Government might be giving information which is not strictly accurate. Unless I have the founder standing next to me, confirming that now the beneficiaries are X, Y and Z, I could be giving information which has become incorrect. We have had this debate before about trusts; that is the issue.

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In the context of the Government knowing who it is dealing with, I have said before in this House I think it is incumbent on a government to always know who it is dealing with, unless it is dealing with a public company the shareholding of which is in the market. The Government knows who it is dealing with, the GFSC knows who it is dealing with, the Swiss financial regulator knows who it is dealing with, the Portuguese financial regulator knows who it is dealing with. It is a regulated entity and therefore I do not think there are concerns about identity here, but I do have concerns about giving information that I cannot nail to the mast as correct the moment that I give it. The founder of the Foundation, as we said in the Government press release and as was said in the press release in relation to Jyske Bank, which became Trusted Novus Bank, is Mr Tuan Tran.

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Hon. K Azopardi: I appreciate that explanation that he has given, but the Government issued a press release on 18th October 2021 which said lots of things, but one of things it said is 'The TNG Global Foundation is the highest of all the proposals put to the Government', adjudicating the project to TNG Global at that moment, so what I am really asking ... We are now in May, but I will ask a more precise question, if I may. On 18th October, when they issued this press release, they presumably would have known at that point who the beneficiaries of TNG Global are. Can he say that he did? If so, who were they? The situation may have changed, but that may invoke all sorts

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of other issues under the agreement in terms of change of control. I am not asking about that. What I am asking about is a point in time: at the time that they issued the press release, did he know who the beneficiaries were, and who were they?

1640 **Hon. Chief Minister:** Mr Speaker, beneficiaries do not control trusts or foundations; counsellors control trusts or foundations. It is a basic [inaudible] point, Mr Speaker. Let's not get too technical about it. I do not think we have to have an argument about that. I know that he wants us to know who we are dealing with in the context of who the beneficiaries of the foundation are. The Government knew that the beneficiaries of the foundation were the same
1645 beneficiaries that had been approved as beneficiaries at the time the entity was approved to own a regulated financial services business in Gibraltar, and therefore we had no concerns about that. We have had no notification that that has changed and the Government, in its guise as wider Government, has not been notified under relevant banking statutes by the Financial Services Commission that it has been notified of a change of beneficiaries of the ultimate beneficial owner
1650 of structures that involve the ownership of a regulated entity in Gibraltar.

Hon. K Azopardi: So, just to be clear on the answer I am getting, at the point in time when they issued the press release they believed that the beneficiaries of TNG Global Foundation were the same beneficiaries that had been approved to own the bank – that is what we are talking about –
1655 through a different entity, because I presume that it is a different entity that owns and controls the bank. As I understood it, they assist the entities with sharing common beneficiaries. That is what he is saying? It is the entity that we are talking about, which is common. The regulated entity is the bank – is that right? It is the same beneficiaries?

1660 **Hon. Chief Minister:** Those were the assurances that we were given, Mr Speaker, and the contracts that are being negotiated require us to be told if there are any changes to that.

Mr Speaker: Next question.

Q196/2022
Eastside tender –
Payment of premium

Clerk: Question 196/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, has the premium for the Eastside tender/development been paid in whole or in part; and, if so, when and in what amount and by whom?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the beneficiaries of the TNG Global Foundation have not yet paid the premium to the Government and no cash has yet been received by the Government for the Eastside project as at 11th May 2022. The Government is in negotiations with TNG to move from heads of terms to a finalised detailed agreement that will result in the premium
1675 of £90 million in cash being paid to the Government.

TNG has already spent a considerable amount of time in carrying out its planning, surveys and environmental work leading up to the application for outline planning submitted to the DPC and the grant of it by the DPC. Hon. Members will appreciate that paying the premium ahead of having the clarity that the DPC would grant them approval was not possible, and indeed that is what we
1680 said would happen, that they would make the payment only after they had received outline

planning, and that is what we are now negotiating to do, to receive that payment once we have the actual contract provided for.

1685 **Hon. K Azopardi:** So that we understand, as part of the arrangements there was no escrow or deposit payment by TNG at all – is that right?

1690 **Hon. Chief Minister:** No, Mr Speaker, not in this instance, because we did not believe and do not believe that it is necessary to seek an escrow payment from this entity. We are very close to finalising the agreement that will see not in escrow but the full payment of the £90 million to the Government.

1695 **Hon. K Azopardi:** Mr Speaker, I understood from the earlier answer that one of the reasons that the negotiations with the top bid of the 19 fell through was because they did not stump up a £10 million deposit, so why not ask for a deposit from TNG?

1700 **Hon. Chief Minister:** For a very simple reason, Mr Speaker: the preferred bidder of the 19 whom we were negotiating with had been involved in the negotiations for the Eastside project that fell through – that was Blue Water – and they had not been able to come up with the money there, and so we said, ‘Well, fair enough, this looks okay, but you have to demonstrate that you have the money now.’ Here, in the context of the TNG Foundation, you are talking to the guy who owns Jyske Bank and other banks. He has the ability to pay the £90 million and that is the assessment that the Government has made. If he does not pay the £90 million, it will be not because he has not got the money, it will be because we cannot come to terms – but we are now very close to coming to terms, the outline planning is in place and the £90 million, we believe, will be paid and it is just a question of finalising the agreement.

1705 Successive Governments of Gibraltar have been here before and we have not been able to make the Eastside stick. I trust that they wish upon us success in this respect, not just so that we complete their manifesto commitment of 1996 but so that we can all have the benefit of £90 million for our public coffers.

1710 **Hon. K Azopardi:** Mr Speaker, he may not believe it, but I actually wish him success in everything that he does. I may criticise him when he gets it wrong, but at the end of the day I live here, my daughters live here, they have to find jobs and I want him to be successful as much as he can because (*Interjection*) it will make Gibraltar economically and politically sustainable for many decades to come. We may still want to win the next election, but I am sure if he is on this side he will do the same with me.

1715 **Hon. K Azopardi:** Mr Speaker, there is a heads of agreement they are trying to move to final agreement. Can I ask him: at that time, when they negotiated the heads of agreement, were there any time clauses in the heads of agreement? He has explained about the outline: the payment of a premium is conditional on the obtaining of the outline. Were the negotiations up to the final agreement also time limited? Were there any time clauses there? If not, can he give us any kind of idea of timescale? Given that the press release was issued in October and there was quite a lot of detail in the public domain put therein, it has been a few months now already, so how close are they to final agreement?

1725 **Hon. Chief Minister:** Mr Speaker, there were some timelines which did not relate to payment. There were timelines which related to works that need to be done to protect the plot in order to be able to complete the Hassan Centenary Terraces site. As I indicated to him, that protection is required in order to be able to finish those works, insure those homes and sell those homes.

1730 The reason we have not yet completed heads of terms, or rather the agreement, is because now the outline planning has been granted we are very advanced in finalising the full agreement, and it is in everybody’s interests, not least to ensure that costs are kept to a minimum, that we

just go straight to the final agreement and finalise the whole agreement and see the payment of the £90 million now with the outline planning permission already in place.

1735 Mr Speaker, I am grateful for his words about wishing us success on this. I know that it is in the interests of all of us economically, not just in the context of the public finances but also in the context of the economic development of Gibraltar, the socio-economic development of Gibraltar and the GDP of Gibraltar, that we see this project actually finally take off.

1740 I, also, wish him great professional success, as he knows, and I do hope that he has many decades from now still there, still wishing us success, although many decades from now, I have to confess – there is only one Joe Bossano – I will be neither here nor there.

Mr Speaker: Next question.

Q197-98/2022

Eastside site –

Removal of rubble; signing of agreements re financing/development

Clerk: Question 197/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, by 1st May 2022 how much rubble had been moved from the Eastside site to the proposed Victoria Keys site, at what cost and paid by whom?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 198.

Clerk: Question 198/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, has Government now signed the agreements with the Victoria Keys developers in respect of the financing and/or the development of the site?

Clerk: Answer, the Hon. the Chief Minister.

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Hon. Chief Minister: Mr Speaker, to date the Government has not been able to finalise the agreement with the proposed consortium of Victoria Keys developers.

Up to 1st May 2022, approximately 121,000 tonnes of material has been moved from the Eastside reclamation to the Victoria Keys site. The cost up to this date for the testing, extraction, processing, transportation and placing of material at Coaling Island is £1,697,438.57, paid for by an advance from HM Government of Gibraltar from the Improvement and Development Fund.

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Hon. K Azopardi: Mr Speaker, in the context of the Eastside development, is the Government expecting to recover that money? I think there was some discussion – I believe it was the Father of the House, where he gave an interview, I think, talking about the rubble costs. I am not sure if that is going to be recovered, this part – or is it future rubble transportation?

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On the second question, on the agreement on Victoria Keys, the press release that announced the Victoria Keys development was, I think, released well before the 2019 election, so the negotiations have now been ongoing for some time. We ask for updates from time to time. What is it that is holding up the process, given the length of time? Obviously, the reclamation is going on – it is quite active now; at least there is dumping of rubble into the sea, so it appears that there is a partial reclamation going on – so can he update us on the process on the agreements?

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Hon. Chief Minister: Mr Speaker, I think the information that he is relying on is a little dated.

1780 The recovery of the cost for the movement of the rubble will form part of the arrangement with the Victoria Keys consortium, but the original discussion with the Victoria Keys consortium and the original proposal which was being discussed with them was for the movement of all of the rubble at the Eastside. When the TNG proposal comes on to the scene, it changes the canvas in the sense that TNG want to keep the rubble because they have a use for it. In their proposal, they use it to fill caissons which produce the marina. Of course, that is environmentally the best use of that rubble because, first of all, it is encased, and second, it does not have to be moved from the Eastside to the western side of Gibraltar.

1785 So the new agreement is that the rubble that is moved is only the rubble that is needed to be moved for the purposes of the second phase of Hassan Centenary Terraces to be erected as quickly as possible. You would wait an extra six months or a year if you were just moving that part of the rubble for the marina arm for the TNG foundation, so instead of now going forward to move all of that spoil to the western side of Gibraltar to create Victoria Keys ... For hon. Gentlemen just to understand this, as I tried to understand it when it was technically explained to me, if you look at the rubble mountain on the Eastside as we know it, and you turn that upside down and put it in the Bay of Gibraltar, that is Victoria Keys. That is where it was going and it would become 1795 Victoria Keys. Now the majority of that mountain is going to be encased in the caissons and involved in the flattening of the plot that will become the Eastside. So what we are moving and have now almost entirely moved is what you need to move in order to be able to build Hassan Centenary Terraces, which means that the transaction with the Victoria Keys entity is a different transaction, because we are now talking about using different rubble to create Victoria Keys.

1800 So – I do not mind sharing this information with the hon. Gentleman – one of the things that we are looking at is using the Victoria Keys site as it develops in order to be able to process new rubble and use new rubble for reclamation in that area, or another reclamation which may provide for that. As the hon. Gentleman knows, the disposal of rubble in Gibraltar can add considerable cost to any development, because if you have not got a site in Gibraltar it has to go across the border and be processed, not just as it needs to be processed here, but it has to be processed in order to be able to cross a frontier, which is already much more problematic.

1805 In that context, the proposition in respect of Victoria Keys is now a slightly different proposition and requires a different negotiation, and it has just been impossible, in the context of the work that we have had to do in the past two years, to have a discussion with the consortium that will be doing Victoria Keys with us – if we are able to reach terms with them, which we sincerely believe that we will – on the new proposal for Victoria Keys. There have been a lot of discussions with them, they are aware of a lot of this, but we have not been able to agree final terms.

1810 We want to agree, obviously, the best terms for the taxpayer. The terms that we had on the table we thought were extraordinarily good terms for taxpayer, probably one of the best deals the taxpayer had ever done in respect of property in Gibraltar. The taxpayer was going to see huge returns and benefit and the problem of the rubble mountain also dealt with by the creation of a new asset.

1815 So it is a slightly different position and therefore the negotiation is not yet on foot as it needs to be, but I hope it will be on foot soon. We are, at the top, a very small team doing as much as we can as quickly as we can, and it is just not possible to finalise and do more at this stage.

Hon. K Azopardi: Mr Speaker, just a final question, if I may? As I understand his explanation now, with more updated information, it is not about the transportation of the rubble but rather partial transportation; the rest of it is being flattened – if I can put it in a very simplistic way – to use as part of the Eastside development, and there is a renegotiation going because that has impacted on the original scope, the original idea, or at least one of the elements that was in the Victoria Keys project. Am I right in thinking, though, that the drawings that were published in 2019 ... the end product has not changed; what might have changed is the mechanics of doing it in terms of the logistics of the rubble that was going to be used? Is the financing also perhaps a

1830 different discussion that needs to be had in terms of the carve-up of the plots, the contribution that Government was going to make? Is that also part of what is holding up the discussion?

1835 **Hon. Chief Minister:** Mr Speaker, I think the artist still has the same impression because what was published was an artist's impression. I do not know whether the shape of the reclamation would be the same. We have had a lot of discussions internally and externally with our Victoria Keys partners, as they will be, about what the shape of the reclamation should be and where it should be wider, where more value can be added etc. The finances will depend on the structure of the final deal, but we continue to seek the best deal for the taxpayer, and although I have read some unmerited criticism of the proposal, anybody who understands subordinated liquidated
1840 finances and all of that sort of thing, in their heart of hearts when they do an analysis will say, 'Shucks, that is an excellent deal for the taxpayer, undoubtedly the best deal the taxpayer has ever done.'

1845 **Hon. R M Clinton:** Mr Speaker, just one question. Given the explanation the Chief Minister has given about the rubble mound and who is getting which bit and the inverted [inaudible] land, is it that effectively what he is saying is the Victoria Keys site is going to continue – to use his words – as a rock store until something is decided with the area? But in terms of the actual surface area of the reclamation, is it still envisaged to be the same number of square metres, or is it to be a more modest proposal?

1850 **Hon. Chief Minister:** Is he talking about Victoria Keys or the Eastside, Mr Speaker?

Hon. R M Clinton: Victoria Keys.

1855 **Hon. Chief Minister:** The same number of square metres, if not more.

Mr Speaker: Next question.

Q199/2022
Hassan Centenary Terraces –
Updated cost

Clerk: Question 199/2022. The Hon. the Leader of the Opposition.

1860 **Hon. K Azopardi:** Mr Speaker, will the Government provide an updated cost of the Hassan Centenary development?

Clerk: Answer, the Hon. the Chief Minister.

1865 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the updated cost of the Hassan Centenary Terraces housing project up to the end of April 2022 is £63.35 million.

Hon. K Azopardi: Mr Speaker, in terms of the projection of the final cost of the development, has that changed also? Has that been impacted by the current spend? What is the trend for that?
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Hon. Chief Minister: Mr Speaker, the anticipated contracts done for the whole project, the whole of the six blocks, is in the region of £168.5 million. Of course, this will reflect the fact that there has been considerable inflation in respect of the cost of the second phase.

1875 **Mr Speaker:** Next question.

Q200/2022
Airport tunnel –
State of works and opening date

Clerk: Question 200/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, what is the state of the works on the Airport tunnel, and when will it open?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Government is represented by the hon. Member's firm in these matters. I say that for the purposes of the record.

The civil engineering and structural engineering works on the tunnel are almost complete, with final snagging and defects correction taking place at the moment. The mechanical and electrical equipment is mostly installed, although not fully completed. This is also undergoing testing and commissioning, and once all is successfully completed the contractor should be in a position to hand the tunnel over. It is not possible to provide a definitive date of when the latter will take place – 'Don't we know it,' he said as an aside (*Interjection*) – but, the anticipated date given by the contractor *at the moment* is 16th August 2022.

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1895 Once the tunnel is handed over and before it can be opened to traffic, there will be a need to carry out a number of works which are outside the scope of the tunnel contract. These are primarily in the area of Devil's Tower Road, Eastern Beach Road and the southern tunnel approaches, and are programmed to take 12 weeks.

1900 **Hon. K Azopardi:** Of course I am not going to hold him to it, but in terms of from handover to when it might actually be in use, is there some kind of projection of how long that would be?

Hon. Chief Minister: Mr Speaker, I have told him that the works that are required are around 12 weeks. He might have asked me, 'Well, why don't you start doing those works now?' As he knows, we have had a very fractious relationship with the contractor. The fraction happened in their time and continued in our time. A lot of these approach works involve areas which connect to areas that are still controlled by the contractor for the tunnel. Some of the work that we have to do is in the tunnel site, and we would have to have a good relationship with the contractor in order to be able to start our works in a way that would be completed satisfactorily with the best interests of the taxpayer in mind in order to be able to say let's press the button and do those works now. We do not have that relationship with the contractor. We therefore do not want to start works that will potentially go on for longer and cost the taxpayer more because of the nature of the relationship with the contractor, and so we will not be prepared to start spending money on the approach works until we actually have the tunnel site in our own control.

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1915 We also do not want to put a date out there for the simple reason that if we put a date out there that people are going to hold the Government to, the Government will be embarrassed if it does not meet that date. Then the contractor, with whom we have a very fractious relationship, will say, 'Now I have one over the Government, because if they do not complete by 16th August 2022, the Opposition and the public will be saying, "Ha, ha, you see: you have failed the deadline."'

1920 We are not prepared to stick our colours to the mast on any date that we are given by this contractor. We have seen the most disgraceful Spanish practices in the context of the relationship

that we have had with this contractor and we look forward to no longer having them on site in Gibraltar.

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Q201/2022

**British residents of Gibraltar not holding red ID cards –
Frontier mobility**

Clerk: Question 201/2022. The Hon. the Leader of the Opposition.

1930 **Hon. K Azopardi:** Mr Speaker, how has the Government taken up with Spain and/or the UK and/or the EU the current problems of mobility across the border faced by British residents who do not hold red ID cards, and what indications of resolution have there been?

Clerk: Answer, the Hon. the Chief Minister.

1935 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as the hon. Member opposite is aware, and as I have said publicly on a number of occasions, the United Kingdom, Spain and Gibraltar have been in continued contact on this issue. However, this must sadly be seen against the legal reality that exists for British citizens as a result of the United Kingdom's departure from the European Union.

1940 The fluid movement of persons across the border between Gibraltar and Spain remains a key part of the envisaged agreement for the future relationship of Gibraltar with the European Union. Until that agreement is concluded, however, Spain is bound to apply the EU Schengen Border Code. This provides for a greater intensity of controls at the border with what the European Union terms 'third country nationals'. The code obliges border guards to check and stamp passports and also to question border crossers on matters like the purpose of their visit into the Schengen area and to request proof of their means of subsistence.

1945 Gibraltar residents of Gibraltar who hold red ID cards have been temporarily exempted by Spain from this requirement pending the negotiation of a new treaty. In the event of no negotiated outcome, the full application of the EU Schengen Border Code would be the default position for all third country nationals entering the Schengen area and this would include Gibraltar red ID card holders.

1950 **Hon. K Azopardi:** Mr Speaker, clearly we hope that there will be a successful, safe and beneficial agreement negotiated, but in terms of this specific aspect can I just ask this. As the Chief Minister knows, the situation has changed twice. Originally there were assurances given – public assurances – that there was going to be status quo at the border, and in fact, if I can loosely call them blue ID card holders, blue civil registration card holders were going across the border in the same way as they were before. Then it changed at some point. Several months ago it changed to the point where they were still able to do so, but on the basis that their passports would be stamped on the way in and on the way out. It has changed again recently, as he knows, so that they are now requiring documentation to justify where the person is going and that sort of thing.

1960 I understand the answer that he has given, but of course assurances had originally been given during the course of the initial throes of the discussions or negotiations. Is it the case, therefore, that we now need to await the negotiations, and is it the case that it is not possible to obtain interim assurances of original status quo for those holders of non-red ID cards?

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Hon. Chief Minister: Mr Speaker, the Government of Gibraltar has vociferously sought that blue ID card holders have the benefits that they had, which are the same benefits that red ID card holders currently continue to enjoy, until we have a negotiated outcome in the discussions between the European Union and the United Kingdom which involve Gibraltar and Spain. We have

1970 been unable to secure that. We are seeking a concession in that respect. It is not impossible that
by seeking that concession too aggressively we may simply lose the concession that we presently
enjoy. I do not want to say too much about this because I do not want to put at risk the concession
that we presently enjoy, but I would say that it is legally wrong and politically unhelpful, or rather
... let me rephrase that. It is legally wrong and diplomatically unhelpful for people to allege that
1975 they are being discriminated against because one class of ID card holder in Gibraltar is being given
a more favourable treatment, because those who are not being given favourable treatment are
being given the treatment that European law requires.

The hon. Gentleman should take it from me and every blue ID card holder should take it from
me that the Deputy Chief Minister, the Attorney General and I, and indeed the United Kingdom
1980 authorities, have made vociferous representations seeking to have blue ID card holders continue
to have the concession that they had until recently. We have not been able to achieve that. We
will continue to try to seek that. We will continue to be vociferous behind closed doors in seeking
that concession and seeking that goodwill, but we have to understand the parameters in which
we are operating.

1985 In order to try to represent this in some way that is less, perhaps, controversial, if you were
entering a state that deals with everyone in the same way and that state were to decide that it
wants to deal with one particular group in a particularly positive way, and that group is discernible
in some objective way, then by everybody else alleging discrimination all that is likely to happen
is that the party that is giving the concession is going to say, 'Bugger it, I don't want to be called a
1990 discriminator, I'll treat everyone the same way.' So we have to be very careful. That is not to fail
to understand the plight that some of those who are blue ID card holders are in. That is why the
Deputy Chief Minister, the Attorney General and I have invested so much time in making the
argument in their favour in these negotiations, but the reality is that we either favourably finish
these negotiations or we will all always get the same treatment that blue ID card holders are
1995 getting at the moment. Indeed, let us not be discriminatory ourselves: that is the treatment that
is given to all other category of ID card holders who are not also EU nationals, because we have
other third country nationals in Gibraltar, who are not British citizens, who are also going to be
subject to that treatment. We have green ID card holders, for example, who are non-EEA nationals
who are resident in Gibraltar – they are having the same treatment as well, and we must not
2000 forget them either.

So this is a vexed issue. I can see that there is an opportunity to try to make oneself the
champion of this class of person. I have received an extraordinary number of communications
from people in this situation. I have tried and I think I have replied to all of them. If I have not, I
encourage those who have got in touch with me to get in touch with me again. The former
2005 Minister for Europe, Wendy Morton, was in touch with a large number also. We have a
communication that we agreed with the former Minister for Europe we would send which sets
out some hints and tips as to how to deal with this issue in a way that is, we think, helpful.

Mr Speaker, all I can say is that we need to ensure that we do not cause all ourselves a problem
by failing to understand the legal nature of what is happening at the crossing point between
2010 Gibraltar and the European Union at La Linea at the moment. That frontier is, at the moment,
already an external frontier of the Schengen space subject to the Schengen Border Code. We must
not pretend it is not.

Mr Speaker: Next question.

2015

Q202/2022

**Non-red civilian registration card applications –
Total and numbers granted, refused and pending**

Clerk: Question 202/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how many applications for non-red civilian registration cards have there been since 1st January 2021; and, of those, how many have been granted or refused and how many were pending at 9th May 2022?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will now hand over a schedule with the information the hon. Gentleman has sought.

Answer to Question 202/2022

Breakdown of applications received by category, since 1st January 2021:

Category	Granted	Pending	Refused
Non-EU Nationals (Green Cards)	1,984	149	1
EU Nationals (Blue Cards)	3,701	306	2
British Nationals (Magenta Cards)	822	94	2

Hon. K Azopardi: Mr Speaker, may I just ask the hon. Member ...? Some months ago I asked him about a policy issue that was holding up the so-called self-sufficient applications. Has that been resolved, or is that still pending the discussions?

Hon. Chief Minister: Mr Speaker, the outcome of that discussion will depend very much on the outcome of the treaty negotiations.

Q203-04/2022

**Government public counters –
List including opening hours and plans to increase**

Clerk: Question 203/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, can the Government provide a list of the Departments and public authorities and agencies that currently operate public counters for interaction with members of the public and the opening hours of each such counter?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer this question with Question 204.

Clerk: Question 204/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, will the Government be increasing the opening hours of public counters operated by Government Departments or public authorities, or opening counters at departments that do not currently operate open public counters?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I now hand over a schedule with the information requested. All other Departments that do not operate public counters or have not returned to their pre-COVID-19 counter services interact with members of the public via e-Government services, email, telephone or by pre-booked appointment.

In relation to Question 204, there are currently no plans to open public counters longer, or indeed open new ones. HM Government of Gibraltar is, however, planning to develop a one-stop hub to afford help and support to those persons who require assistance with online systems.

Answer to Question 204/2022

CSRO

Immigration & Visa "Drop Box"	Mon - Fri 08:30 - 15:00
Birth, Death & Marriage Appointments	Mon-Fri 08:30 - 10:30

HM Customs

Custom House	Mon-Thurs 08:30 - 15:00 Fri 08:30 - 14:45
Entry Processing Unit	
General Post	

Treasury

Gibraltar Savings Bank	Mon-Thurs 08:30 - 15:00 Fri 08:30 - 14:30
Payroll	Mon - Fri 08:30 - 15:00

Transport

Gibraltar Parking Management Services	Mon-Thurs 08:30 - 15:00 Fri 08:30 - 14:30
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DVLD

Motor Vehicle Test Centre	Mon-Fri 08:30 - 12:30
Gibraltar Bus Company Ltd	Mon-Fri 08:30 - 15:00

Post Office

Main Street counters	Mon - Thurs 09:00 - 16:15 Fri 09:00 to 16:00 Sat 10:00 to 13:00
Mail Centre - Admiral Rooke	Mon - Thurs 08:30 to 15:15 Fri 08:30 to 15:00
Irish Town - x1 counter	Mon - Fri 09:00 to 15:00

Gibraltar Port Authority

North Mole Harbour office	Mon - Fri 10:00 to 12:00 and 14:30 to 15:30 Summer hours 09:30 to 12:00
Wind Mill office	Mon - Thurs 08:30 to 15:00 Fri 08:30 to 14:30

Gibraltar Tourist Board

Heritage office	Mon - Fri 09:00 - 16:30 Sat 10:00 to 14:30
Frontier office	Mon - Fri 09:00 - 16:30
Coach Park	Mon - Sat 09:00 - 16:30

HM Prison	Mon, Wed, Thurs and Fri 09:00 to 16:30 Tues 09:00 - 16:30 & 17:30 - 19:00
Gibraltar Regulatory Authority	Mon - Fri 09:00 - 17:00
Royal Gibraltar Police	24 hours / 7 days a week
Office of Fair Trading	Mon to Fri 08:30 to 15:00
Upper Rock and Beaches counter and the Fishing Permits Counter	Mon - Thurs 08:30 to 15:00 Fri 08:30 to 14:30
Housing Department	Tues & Thurs 09:00 to 14:00

Gibraltar Sports and Leisure Authority

First Floor Counter	Mon to Fri 09:30 to 15:00
Main Reception	open 7 days a week 07:30 to 11:00

Hon. K Azopardi: Mr Speaker, I do not know if the Chief Minister is aware but this is one of the more municipal issues that constantly gets the attention of people and gets raised with Members on this side of the House.

2060 There is significant public disquiet about public counters. He has handed me a schedule and I will look at it and review it, but there would be significant public disquiet to hear him say that there are no plans to open for longer hours or new ones. People's engagement with e-Government is not a smooth or seamless process. It sometimes does not work in the way that people would like it to work, so in terms of finding alternatives people still think that there should be public counters open across the board in terms of all public services, so that they can engage with real people to solve the problems that they have on the ground.

2065 Can I ask him to reflect on the second aspect of his answer? While of course it is right that they should look for alternatives, like bolstering the process of e-Government and making sure it is more efficient and so on ... I know that they have invested money in e-Government and it is a different debate to see whether there is value for money on that investment, because many millions have been spent on it and it does not appear to trickle down to people in a fast and efficient way.

2070 That is a different debate for another day, but in terms of this issue, giving alternatives to people so that they can engage with public servants, can I ask him to reflect on the second aspect of the answer, because people will be saying, as they do to Members on this side, that they want counters open across the board and for longer?

2080 **Hon. Chief Minister:** Mr Speaker, it will be no surprise to him that, although I have no time to follow him on social media, people have nothing better to do than send me what he says on social media, so I end up having to see it, as it floods my WhatsApp feed when I have better things to do – like, for example, communicate with him on some matter or other. I found it particularly entertaining that he made a headline of the issue of opening public counters on one of his social media feeds, with big blue letters.

2085 He is right, these are the things that matter to people. I can break my neck negotiating 24 hours a day, bring back the best deal in the world, just like Churchill won the war, and get kicked out because a counter is not open or somebody on a counter is not polite, and the hon. Gentleman, like a politician, will make hay of that, as he has. So be it. That, I guess, is municipal politics at its best.

2090 We have said we are opening a general counter, and that general counter, the hon. Gentleman reminds me, as I thought, will deal not just with digital issues: it will be a general counter where you can do all of your counter stuff with the Government. So there will be a counter, you can do all your counter stuff with the Government at that counter, and therefore honour should be satisfied and counters should be provided for all the Government stuff.

2095 But I just want to ... because I have tried to understand the point ... This point was raised in the Cabinet long before it was raised in his social media feed and we have been wrestling with this since the first lockdown and the aftermath of the first lockdown. I have given him some answers

and the only counters that are not open at the moment are six, so the Government has 10 Departments with counters that are open and six have not reopened, so of all of the counters that we had before we have less than a third that have not reopened.

2100 One that has not reopened is the Human Resources department. That is really an internal issue, because there is not much interaction with the general public in Human Resources. The other one is Maritime. Maritime is principally an area of international business that we do online. I have had no complaints about either the Human Resources department counter being closed or the Maritime department counter being closed.

2105 The other one is Town Planning and Building Control. I have had absolutely no complaints whatsoever about that counter being closed, because most people were urging us to be able to do those things more efficiently online.

The Government Law Officers and the Office of Criminal Prosecutions and Litigation had a counter, and that has not reopened. Apparently, it was a historic counter. I do not know whether 2110 it was in a historic building or ... historically we had had a counter, I am told, which was for Gazette matters. Again, nobody has complained about that because most of the people who were involved in putting adverts in the Gazette were gagging for us to be able to offer them the opportunity to do it online and send us the money online and send us the advert as a PDF. So nobody has complained about that.

2115 There are two other counters. I have now dealt with four. There are 10 that are open, these are the other four and nobody has complained about these four. The other two we have are the Civil Status and Registration Office and the Housing Works Agency. The Housing Works Agency has traditionally always taken its complaints by phone. Some people wanted to turn up to make their complaints in person, but the phone seems to be the most efficient way of doing it. I have 2120 not had any complaints myself about the Housing Works Agency counters being closed.

The only other counter that remains closed is the Civil Status and Registration Office, but of course the Civil Status and Registration Office, which deals at its counters with passport and nationality matters, immigration and visa matters, births, deaths and marriages, has not failed to deal with every birth, every death and every marriage in Gibraltar. The applications for 2125 immigration and visa that we have had, most of those were always dealt with remotely because it was people applying for visas to Gibraltar, so they made the application remotely. And passports and nationality – well, I can tell the hon. Gentleman from the volume of applications for exemptions in respect of nationality and passports I have dealt with I cannot imagine that we would have had more applications if the counter was open, and I personally have had no 2130 complaints about people saying, ‘I cannot go to the counter at the CSRO.’

So I am left with the concern that people are expressing, for some reason, a concern about Government counters, which I do not think is related to the fact that these six have not reopened in the way that they were open before.

A lot has been done online. The process of going online is painful because you have to register. 2135 The system is imperfect, but we are getting there. I have had my own issues with going online and registering, and I do not mind saying so – the Hon. Minister for Digital Services had to hold my hand through the process of registration etc., but once you get there, that is it, you are registered. If you are of an age, you do not want to do that, you might not understand it. There are very few people now of an age who do not want to do that – because remember that 20 years ago, when 2140 somebody who was 60 retired they were probably already using email; that person is 80 now – but we have a place where they can be guided through these issues, and we will continue to support paper because, as the Hon. Minister has said, we are going to have a general counter not just for digital services but also for all paper services. So now there will be a counter that would deal with all matters that the Government deals with.

2145 And so, Mr Speaker, I think that this is the direction in which we have to continue. If the hon. Gentleman receives a complaint about a particular counter, please, he should get in touch with me because I am trying to understand where it is that the failing to the public is, so that we can put it right if it will not be put right by the general counter that we will open, which we think is the

2150 right way to resolve this problem. But he should note that we have a lot of counters in operation and some of them are open extended hours already, until five o'clock. That is why we are not thinking of extending to later. Some of them are on extended hours until seven o'clock at night, and obviously the RGP counter is open 24 hours a day.

2155 So it is difficult to see where the problem actually lies, but we are listening and we want to resolve the problem, if we can, in a way that makes sense as we go digital and make the investment into digital and see that bear some fruit.

2160 **Hon. K Azopardi:** Mr Speaker, obviously I will look through the schedule, but it did strike me ... Just looking very quickly through the schedule, there are areas of public service engagement where it is not mentioned. Things like DLSS, for example: traditionally, you have been able to, I think, engage with DLSS. The Health Service is not there. I can see it on the list. I may have missed it, but I do not see the Health Authority there. I do not see the Tax Office. It may be that there needs to be a wider trawl of services, because clearly people engage with different aspects of the public service, not just the ones on that list, and it may be that the list that has been provided to the Members opposite does not actually cater for everything in all aspects – so worth looking at in perhaps a bit more detail.

2165 Secondly, can I just ask, in terms of his answer that there will be a general counter that helps you across the board on all services, he gave a long answer at the beginning, so he may have said it, but where would that be and when will it open?

2170 **Hon. Chief Minister:** Mr Speaker, let me just take the last question first: on 15th June, in the building which is opposite Mackintosh Hall – which used to be Lloyds Bank, as people know it – which is presently being used to help people through the digital process. There are some building works to finalise, but we understand that that is on time and we will be able to provide that service from then, or thenabouts.

2175 I do not think that the Health or DLSS counters came into scope, in the sense that they were never closed, as I understand it; there was always different provision made. All that has happened there – in DLSS, for example – is that a counter became an appointment service and people are seen, but they are just not seen at the counter anymore, which in any event we were always told did not provide the privacy required when people arrived at the counter. DLSS payments continue to be made on a counter basis and we were only shut down for a very short time there, when we did the direct payments, as I understand it.

2180 I do not know whether the Tax is something that shut down and did not reopen, and I think we have approached this on the basis of things that shut down and did not reopen. I think that the relationship now with Tax is done in a different way; it is just not done on the basis of making people queue up. I think people are given an opportunity to register online etc.

2185 I am keen to see where it is that the hon. Gentleman thinks the problems are, so that we understand it as well, in case there is any lacuna after what we have said and the opening of the new facility and the online facility. But I would urge people to give the online facility a chance, even though the registration process is initially a difficult one. I found it extraordinarily difficult to register for online banking. It took me ages to do, and it was always an imperfect process for me. I left it two or three times halfway through because I could not find the sort code and I could not find the account number etc. When I finally did it, a whole new world appeared to open up for me in which now, with my phone and my thumb, I am able to buy the occasional chocolate bar – if I am allowed it by my dietician etc. I think that when you go through that process it works and it works well, and it makes everything easier going forward.

2190 Many years ago, I stopped using cheques to pay for stuff and I went on to direct debit – this was in the days before digital and all the rest of it. I have never missed a bill since, because I went on to direct debit, and that is what we are encouraging people to do. It has an extraordinarily positive effect also on debt to Government. When the hon. Lady was at Housing, for example, she managed that process for new tenants, so that new tenants went on to direct debits and elderly

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tenants were also assisted so that they went on to direct debits. Although I know that lots of people like to go out to the counter and all the rest of it, on rainy weeks having to go out to the counter was not exactly a pleasure and a lot of people welcomed the fact that they could go on to direct debit.

2205 So there are different ways of engaging with the Government, more modern ways of engaging with the Government. It is never going to be seamless, but we try our best to make it as seamless as possible and I would be very interested to hear and to co-operate with the hon. Gentleman if he identifies areas, as I said, of lacunae, gaps, between the service that we will provide from 15th June, the service we are starting to provide electronically and the service we continue to provide at counters.

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2215 **Hon. K Azopardi:** I detected from his answer that perhaps the answer provided to me has been drafted on the basis that I was asking about which Department had closed its counters. That is not what I asked, Mr Speaker. What, in fact, I asked was for the Government to provide a list of the Departments and public authorities that currently operate public counters for interaction with members of the public. If the Health Authority had not closed its counters but had continued to operate them, they should be on this list; so if, for whatever reason, the list has been prepared wrongly, on a different basis, then can I ask if perhaps he could ask whoever has prepared this list to do a wider trawl across Departments, and if that is the case then an updated schedule could perhaps be sent to me once it is ready?

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2225 **Hon. Chief Minister:** Mr Speaker, I am happy to look at that. I think that 'not currently operate public counters' has been read, as previously did and no longer do. I do not know whether that is a helpful indication –

2230 **Hon. K Azopardi:** If the hon. Member gives way ... That is the second question. The first question says 'Can the Government provide a list of the Departments and public authorities and agencies that currently operate public counters ...?' The first question is 'give me the list of everybody who is operating a public counter'. That is clear. It does not ask whether it has been closed and has reopened. I can see the point that he is about to make on Question 204, but not on Question 203, I would say.

2235 **Hon. Chief Minister:** Yes, Mr Speaker, I appreciate his point and I can see why on Question 204 the interpretation would have been correct, and why on Question 203 it is a request for a general trawl. The hon. Gentleman has said 'Departments and public authorities', and I do not know whether it has been interpreted as Departments, and public authorities has not been deemed to include the GHA – he will note I did not challenge that part of his first statement; *(Interjection by Hon. K Azopardi)* yes, indeed – or whether somebody has decided that a counter is not what we operate at the GHA because we do public interaction in the GHA but we may not formally do it at something that is a counter.

I am quite happy to ask that this be checked, to ensure that the trawl has been as wide as the hon. Gentleman wished us to trawl and we can have greater clarity going forward if, when he sees the new list that I will send him, he considers it necessary.

2245 **Mr Speaker:** The Hon. Roy Clinton.

2250 **Hon. R M Clinton:** Thank you, Mr Speaker, just one supplementary. Not too long ago, for the information of the Chief Minister, I was stopped down Main Street by a businessman who found it very frustrating that he could not get through to the Tax Office. He could not get a response by email, he could not get through on the telephone, he could not get any kind of interaction with them. Obviously that is not good for the Government because he may have to pay taxes or something else.

Hon. Chief Minister: [Inaudible] not take his call for everything?

2255 **Hon. R M Clinton:** Well, who knows? But of course the Government services are there to serve the public and there has to be an interaction.

I understand the desire to move towards e-Government, but in a specialist area such as tax, for example, I cannot quite see how a general counter would work. You would have to have it staffed by a Tax Office specialist who would have to have access to their records and everything else. That is purely an extension of the Tax Office. Why not just keep it at the Tax Office? Why spend the money to set up a branch of the Tax Office? Just send people to the Tax Office, which is where the information is.

2260 I think all I am trying to say is I would ask the Chief Minister to consider that when he is considering his wholesale reforms, at least phase them in and bear in mind that if you are going to withdraw one form of interaction you have to either allow time for it or make sure that if they are not going to be able to have face-to-face communication, the other lines of communication are retained open.

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Gentleman because that is exactly the indication I was asking that we should get, so that we can try to understand where these complaints are coming from.

I am surprised that the hon. Gentleman has referred us to the Tax Office, because I know the Tax Office does an excellent job of communicating with taxpayers. He just needs to look at the amounts that we have paid in rebates to see just how well we are communicating with taxpayers. Of course, if a taxpayer wants to get in touch with the Tax Office, it is for good reason and we are there to serve the public, not just in the Tax Office but in every Department, and we must be accessible to the public.

2275 Undoubtedly, everywhere around the world the COVID pandemic has made government more remote from the citizen, and as we go back we have to ensure that we go back to providing the service not just to the standard that we used to provide it to, but to a higher standard, which is what we think we can do with the introduction of electronic systems.

We do not agree with him that the central counter becomes an outpost of every Department. In fact, in many instances many people attend counters simply to collect or deposit forms and you have, in many Departments, people staffing counters for the purposes simply of waiting for somebody to come to deposit a form, or ask for a form, or make a payment. In some instances, people come to a counter to, in effect, make an appointment with somebody who is not the person behind the counter but is the specialist who will deal with them in the Tax Office. In many instances, you will turn up, you will speak to somebody who is at the counter and you will then go inside to speak to the person who is the specialist in the field that handles your particular tax affair, and so it will be possible to have that initial interaction in the central area and then make the appointment to go to the Tax Office on the day you are going to be seen by the specialist, for example.

2285 There is a lot more that can be done in a central Government counter which is more efficient and not less efficient. The way that the hon. Gentleman has presented it, it would be less efficient to create a colonial outpost of each Government Department in a central Government Department for Government Departments – so that would be a new Department, which would be a Department of Departments, to put it in *Yes Minister* speak. That is not what we are seeking to pursue, and I would not dare to suggest that sitting next to the Minister for Efficiency, Mr Speaker. It is quite the opposite and I hope that after we have opened the counter of counters, we will be able to see an appreciable increase in the efficiency of the service, the availability of the service and the ability of the citizen to interact with the public sector in a way that is favourable for those who do not want or are not able to do so electronically or through the existing counters.

2295 **Mr Speaker:** Next question.

Q205/2022
Child grooming case –
Update re further investigation

2305 **Clerk:** Question 205/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what is the state of the further investigation being conducted into the child grooming case in respect of which a report was delivered to Government by Gillian Guzman QC; what issues are being considered and investigated, and by whom?

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Clerk: Answer, the Hon. the Chief Minister.

2315 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the investigation is led by the Office of the Chief Secretary. The investigation is considering, first of all, whether any changes should be carried out or conducted in respect of laws or practice in this subject-matter area as a result of the Guzman report and whether any Human Resources issues arise in respect thereof.

2320 **Hon. K Azopardi:** Mr Speaker, as I understand it, the report was delivered some time ago, so was the further investigation commissioned immediately thereafter or more recently? If so, irrespective of the timing of when it was commissioned, does he have a ...? I assume he commissioned it. I am assuming that, but he will clarify whether it was somebody else who commissioned it. Did whoever commissioned it give the Chief Secretary an indication of when they would like to receive the report of that body?

2325 **Hon. Chief Minister:** Mr Speaker, I did not commission the investigation. I referred the Guzman report to the Chief Secretary because of the concerns it raised with me. The Chief Secretary himself had received a copy of the Guzman report – he is a former Director of Education – and he himself considered that it was necessary, as a result of the report and the things that the report told us, to do some further work with the benefit of the report on the basis of reviewing whether anything should now change as a result of Ms Guzman’s recommendations and whether any Human Resources consequences should arise. That is, therefore, his investigation under his remit being run by his office.

2335 **Hon. K Azopardi:** Mr Speaker, has he decided that? Is he running the investigation or has he tasked other people to run with that investigation within his Department? Is it just people within his Department? Does it have external support of any type? Does he know who is doing it? I am not asking for names, but ...

2340 **Hon. Chief Minister:** Mr Speaker, as far as I am concerned, the Chief Secretary is running this, but I do not know whether the Chief Secretary is actually doing the running of this. This is his investigation or review, and he is the person who is deciding who should be doing any work that is required. I assume he will be doing some work with some of the hon. Lady’s Departments, some of Prof. Cortes’s Departments and with some of my Departments, in the sense that the Human Resources Department is also formerly my Department. But he is doing that, and it is being run entirely independently by him. His view and my view of the issues that the Guzman report raised were probably, in the same way as with him, exactly the same, and we both agreed that this needed to be now looked into in these respects because I think the Guzman report made clear what the next steps should be.

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Q206/2022

PossAbilities –

Financial assistance from Government

Clerk: Question 206/2022. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, will the Government be financially assisting the charity PossAbilities in its project; and, if so, has it made an assessment of the likely financial or other assistance to this project?

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Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, we are considering some financial assistance to PossAbilities to help them with refurbishing the old St Martin's School. This is a matter that we will touch upon as part of the Budget debate, given that all liabilities in respect of this will arise in this financial year.

Hon. K Azopardi: Is the Chief Minister willing to share the kind of projection, or is he saying read between the lines and wait for the Budget debate?

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Hon. Chief Minister: Read between the lines, Mr Speaker, and wait for the Budget debate. Because it is a liability arising in this financial year, it requires a debate, and formally I think the money cannot actually be deemed to be used for this purpose until the House has voted it, because it is money arising after 1st April.

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Hon. K Azopardi: Mr Speaker, is this going to be a one-off financial assistance in terms of the refurbishment of St Martin's, or is this going to be recurring assistance in terms of the management of the project and so on – or is that going to then depend on, in effect, private sector or charity funding?

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Hon. Chief Minister: It will be a combination of all those, Mr Speaker, in the sense that we anticipate assisting the fantastic people who have set up PossAbilities, who have brilliant ideas to extend what they used to do already as Little Smiles and to provide a magnificent service going forward, which the hon. Lady has looked at in great detail and Prof. Cortes has looked at in great detail.

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They are an absolutely impressive bunch of people. Ironically, they are an impressive bunch of ladies. I do not say that to be discriminatory, but only because all of the people who have come to see me about this on every occasion have been ladies and they are really committed. They are really working and have been working for many years to have the credibility to put to the Government that we should support them. They have been working for many years providing services to end users who have benefited from what they do, whose parents have entrusted the people behind PossAbilities with their children. And so, given that we have nothing more precious than our children, when we entrust them to someone, those persons have really demonstrated their bona fides and their ability and their commitment.

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I do not want to anticipate the debate on the Budget, but the model that we have in mind here is very much the model that has worked so well in the context of Clubhouse. The problem is I think Emily Olivero every time I think of Clubhouse and I forget the name of the organisation, and Emily has now retired.

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The incredible work that is done by some people in Gibraltar, which sometimes we do not speak about often enough ... When it comes to mental health issues, when it comes to issues of childcare, like Childline, when it comes to issues of mental health also like GibSams and when it comes to issues like PossAbilities and assisting people with disabilities, governments can do things

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but no government of any political hue or complexion can do things with a heart, because we end up doing things in a way that is institutional. It is impossible for us to do them in any other way, however much money we might throw at it, whatever disguise we may put upon it. But when you have people who are themselves touched by these issues, who are deeply personally committed to these issues and – and I emphasise this – have the track record of having delivered services to people who have entrusted them with their children and have demonstrated that they can discharge those functions for years, then the Government is able to say this is a worthy recipient of Government support, in combination with charitable moneys, in order to continue to provide that service in an enhanced way to the benefit of people in our community who require these services. Clubhouse is perhaps the most striking and successful example to date, alongside other examples such as Childline and GibSams, where the Government helps.

In the context of the Clubhouse proposal, hon. Members will know that Government seconded an individual who had an interest in this field, from a Government job to Clubhouse, and this is the same model that we are looking at here, seconding a Government individual – or an individual who is employed by the Government will now be involved in running that. Part of the Government's contribution is that person, because that person will no longer be discharging a function doing something else in Government, they will be doing that.

I have only praise for the way in which those who are behind PossAbilities have approached us, the way they have worked with us, the way they have answered lists of questions that are necessary to answer these days under MAPPA rules and the safeguarding rules, the establishment of the whole principle. These are not things that can be done on the basis that they might have been done before, where you thought something was a good idea and you would just run with it. You have to really go through vigorous processes, and we have. I very much look forward – if there is anything left to be said in the Budget debate – to saying so and seeking an appropriation from this House to support this magnificent group of people, which I hope people will all vote in favour of, because if they vote against it they will be voting against these magnificent people and the work that they do.

Mr Speaker: We have two sets of questions from two separate Ministers.

Hon. Chief Minister: Yes, Mr Speaker. If I may be of assistance, my throat is dry and you have been sitting there for three and a half hours hearing me a rabbit on. I wonder whether this might be a convenient moment for the House to at least take a 15-minute break and then return for other questions.

Mr Speaker: The House will recess for 15 minutes and return at 7.15.

The House recessed at 7.02 p.m. and resumed at 7.19 p.m.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q87/2022

**St Mary's School –
Agreement with developer**

Clerk: We will now resume with Question 87/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, has the Government signed the contract in respect of the future St Mary's School with the developers of that site; and, if so, what are the financial terms of the agreement and how long will the agreement run for?

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

2440 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the Government entered into an agreement for underlease with the developers of the new St Mary's Lower Primary School, namely Town Range Developments Ltd, on 30th September 2021.

2445 The term of the agreement for underlease is not specified, as it continues only until the underlease itself is signed, albeit there are terms that have a continuing effect and continue for as long as is necessary to give effect to the provisions of the agreement for underlease. The underlease itself, which will replace the agreement for underlease, would be signed only once the property is completed and ready for occupation and all areas properly measured.

2450 The financial terms of the agreement for underlease remain the same as those laid before Parliament in the December 2019 session by the Hon. Gilbert Licudi in answers to questions from the Hon. Roy Clinton and are therefore already public.

2455 **Hon. K Azopardi:** Mr Speaker, my recollection – hence the question – of that session in Parliament in December 2019 was that there was an aspect where the Minister of the time, the Hon. Mr Licudi ... I had an exchange with him where he indicated that there still had to be an agreement on the ... They had roughly agreed the price per square foot, but there had not been a final agreement of the financial terms. That is the reason for the question. There was an indication of possible terms but not final terms, and perhaps the hon. Member could update that.

2460 **Hon. Prof. J E Cortes:** Mr Speaker, I will refer the hon. Member to the answer to Question 245/2019, which actually does give a figure per square foot, and, unless it is a different question session, from my reading it now again, it does not refer to any uncertainty. So perhaps that was previous, but the answer to Question 245 seems, to me, to very clearly state how much it was.

2465 **Hon. K Azopardi:** I am trying to pull it up on my screen, but if the hon. Member has it in front of him, towards the end I think there was a discussion, an exchange with me, where the Minister at the time indicated that there were aspects that needed to be negotiated. If that is not the case in the current answer he has got in front of me, well then I will go back and reflect on the answer he has pointed me to, and if there are follow-up questions I will do it again at the next session.

2470 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, I am happy to entertain any queries, whether at the next session or between.

Q88/2022

Conversion of supply teachers to permanent posts – Cost effect re future pension entitlement

2475 **Clerk:** Question 88/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, can the Government confirm whether the recently announced decision to convert a number of supply teachers into permanent posts had any cost effect in terms of future pension entitlement?

2480 **Clerk:** Answer, the Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, supply teachers engaged on fixed-term contracts are eligible to subscribe to the contributory pension scheme. The only increase projected, therefore, relates to progression on the salary scale, for which supply workers are not eligible.

Hon. E J Reyes: Mr Speaker, may I get a clarification? I was under the impression that a supply teacher with a fixed-term ... if they are lucky enough and later become substantive in that position, there is a time period when they may opt – for example, if they have worked as supply for one or two years before – to make payment of the contributions that would have been payable then for their part of the pension and therefore that would equate to ... the Government, as the employer would also have to pay a contribution. Is that interpretation correct?

Hon. Prof. J E Cortes: No, Mr Speaker, that is not what I have said. The fixed-term contract supply teachers are eligible to subscribe already, as a result of that fixed-term contract, to the pension scheme.

Mr Speaker: Next question.

Q89 and Q154/2022
Cycling infrastructure –
Plans re new schools and Eastside project

Clerk: Question 89/2022. The Hon. E J Phillips on behalf of the Hon. Ms M D Hassan Nahon.

Hon. E J Phillips: Mr Speaker, are there any plans for cycle lanes in the new schools?

Clerk: Answer, 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 154.

Clerk: Question 154/2022. The Hon. E J Phillips on behalf of the Hon. Ms M D Hassan Nahon.

Hon. E J Phillips: Mr Speaker, what provisions will there be in the new Eastside project to incorporate cycling infrastructure?

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

Hon. Prof. J E Cortes: Mr Speaker, the provision of cycle lanes in the area of the new schools being built on Europort Avenue and in the area of the Eastside project are being considered as part of the wider cycling infrastructure project for Gibraltar. Plans are being developed to provide these in these areas and others.

Hon. E J Phillips: Mr Speaker, just in relation to the schools, was there no consideration given to the potential for the use of cycle lanes during the period of time when the schools were envisaged? I would have thought that, given the commitment contained in manifestos by the Government, that might have been a bit more of a priority rather than looking at the scoping beyond that, as they seem to be doing now.

Hon. Prof. J E Cortes: Mr Speaker, as I have said, the school project team is discussing ... I did not say who it was discussing with, but it is discussing with the Traffic and Transport department the incorporation of cycle lanes around the schools.

2530 Clearly I mentioned the one in Europa Avenue because at the new secondary school at Town Range there is not the space, but in Europort the discussions are now around how we can align it in such a way considering the changes that are also going to happen in Europort Avenue. In fact, I had discussions only last week with the Hon. Paul Balban about the matter.

2535

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

Q155-61/2022

Jewish Home –

Privatisation;

Social Insurance study credits –

Policy re awarding;

Public finances and borrowings –

Updated figures;

Economic Development and Employment Company Ltd –

Subsidiaries and legal entities where shares held

Clerk: Question 155/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the Jewish old people's home has been privatised; and, if so, to whom was the contract awarded and on what date?

2540

Clerk: Answer, 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 together with Questions 156 to 161.

Clerk: Question 156/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what is its policy in respect of the claim and award of Social Insurance study credits?

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Clerk: Question 157/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following dates: 1st September 2021, 1st October 2021, 1st November 2021, 1st December 2021, 1st January 2022, 1st February 2022, 1st March 2022 and 1st April 2022?

Clerk: Question 158/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the balance on the General Sinking Fund on the following dates: 1st September 2021, 1st October 2021, 1st November 2021, 1st December 2021, 1st January 2022, 1st February 2022, 1st March 2022 and 1st April 2022?

Clerk: Question 159/2022. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government provide a list of subsidiaries and legal entities in which Economic Development and Employment Company Ltd owns shares?

Clerk: Question 160/2022. The Hon. R M Clinton.

2555

Hon. R M Clinton: Mr Speaker, can the Government provide a breakdown of its gross direct borrowing as at 31st March 2022 listing all debentures issued and banks borrowed from?

Clerk: Question 161/2022. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government advise the total and a detailed breakdown of external gross borrowing of all Government or Gibraltar Development Corporation owned companies, with the exception of the Gibraltar International Bank, as at 31st March 2022?

2565

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

Hon. Sir J J Bossano: Mr Speaker, the Jewish Home has not been privatised.

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The policy inherited from the previous administration is as follows. The Income Tax Office receives applications and awards study credits to students on the basis of documentary evidence being provided as to the period and place of study for which the credits are being sought. The underlying requirement for eligibility is that the applicant must be in insurable employment as defined in the Social Security (Employment Injuries Insurance) Act. The credits are applied for the weeks during the whole of the duration which the applicant is undergoing the study.

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The gross debt estimate for September 2021 to January 2022 was £747.7 million. For February and March 2022 it was £727.7 million.

The aggregate debt was: September 2021 to January 2022, £727.7 million, and February and Mar 2022, £752.7 million.

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The estimated cash reserves have been as follows: September 2021, £33 million; October 2021, £31.8 million; November 2021, £44.1 million; December 2021, £29.1 million; January 2022, £19.5 million; February 2022, £33.7 million; and March 2022, £32.7 million.

The net debt has been as follows: September 2021, £694.7 million; October 2021, £695.9 million; November 2021, £683.6 million; December 2021, £698.6 million; January 2022, £708.2 million; February 2022, £719 million; and March 2022, £720 million.

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The requested figures for April 2022 are in the draft Estimate Book, which the hon. Member already has.

The balance on the General Sinking Fund until March 2022 was the same as previously stated for April. With effect from 1st April 2022, the balance is £25.4 million.

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Economic Development and Employment Company owns shares in the following: Construction Training Company Ltd, Employment Training Company Ltd, Graduate Research and Development Company, Skills Enhancement Training Company Ltd, Supported Employment Company Ltd, Gibraltar General Construction Company Ltd, Gibraltar National Exploration Minerals, Gas and Oil Company, RMB Investments Company Ltd and Zero Carbon Footprint Company Ltd.

2595

The breakdown of gross direct borrowing as at 31st March 2022 was: debentures issued September 2014, £147.7 million; debentures issued October 2014, £100 million; debentures issued October 2019, £75 million; and debentures issued June 2020, £50 million.

The banks borrowing are Gibraltar International Bank, £150 million; and NatWest International, £275 million.

The borrowing of all the companies was £383.29 million, of which £300 million was by Gibraltar Capital Assets in respect of the housing estates, which the hon. Member already knows. The

2600 balance of the others was ES Ltd, £52.8 million; Gibraltar Bus Company Ltd, £53,000; GCP Investments Ltd, £9.32 million; and Gibraltar Car Parks Ltd, £21.44 million.

Hon. R M Clinton: Mr Speaker, I beg your indulgence as I go through.

2605 Just a very simple question. I think I may have misheard the Hon. Minister on the gross debt level at 1st February 2022. If he could just give me that number again, I would be grateful.

Hon. Sir J J Bossano: It was the same for February and March: £747.7 million.

2610 **Hon. R M Clinton:** If the Minister could check he gave me the aggregate debt, i.e. after Sinking Fund of £752.7 million? Does he recognise that number? And if the Sinking Fund was £20 million, would the gross debt be £772.7 million?

Hon. Sir J J Bossano: A mathematical error. I would have to go back and check. I am giving him the numbers that have been provided to me by the Treasury.

2615

Hon. R M Clinton: I am grateful to the Minister.

2620 Mr Speaker, I am not going to ask much in the way of supplementaries in terms of the answers he has given to me on the financial information – I will digest that later – but I would ask him about his answer to my Question 156 on the claim of Social Insurance study credit. As he knows, we have corresponded on one particular case, but the issue is this: according to the Social Insurance (Contributions) Regulations section 14B(1):

A student shall not be liable to pay contributions under the Act as an insured person in respect of any week in which he is a student including any periods of vacation.

There is a case that has come to my attention and I passed it along to Sir Joe, where one person was refused study credits. I will quote from the letter this person was sent. It says:

In order for these credits to be awarded, a person should have been registered for Social Insurance purposes before starting studies in the UK.

2625 This creates a perverse situation, where if you have a summer job at the age of 15 selling sweets and your colleague beside you does not, you can then claim study credits later, whereas if he has not had a summer job he cannot, if he has not registered for a job in Gibraltar. I am not sure that was the intention of the Act. I am just wondering whether the Minister has been able to come to a determination as to what is the application of the Act. Otherwise, the Government should be advising all students who go away to study to ensure that they are preregistered for employment. Otherwise, there will be this kind of – I do not want to use the word
2630 ‘discrimination’ – unequal effect of the application of this provision in the Act, where you can have one individual who may have spent one hour selling sweets during the summer and will get four years’ worth of study credits, and his colleague who has not and gets nothing. I was wondering if the Minister had come to a determination on that.

2635

Hon. Sir J J Bossano: Mr Speaker, the question is what is our policy on this, and I have pointed out that we have not introduced any new policy, it has always been like that. It might even have been like that when I was in government in 1996 for all I know, so I am surprised that there should be a loophole of that magnitude and in the 50 years that I have been here nobody has raised it
2640 until now.

All I can tell him is that I am providing the explanation that the Tax Office has provided me with, and it appears that it has always been the case that you cannot get credit if you are not in the insurance schemes before you ask for the credit. I can see that there is some logic in that. If you are not insured in Gibraltar under the Social Insurance Scheme, then you are not a member

2645 of the scheme. Presumably the reason why you have to have paid at least one contribution beforehand is to be in the scheme in order to be able to apply for the credit, because if you have never been in the scheme then there may not be a way of making the application, I imagine.

I think, as a result of this exchange, I will ask the Tax Office to take a look at this and see if there is a loophole where people are being unfairly left out of this opportunity, and look at the possibility of amending if it is possible. It may be that if we remove that criterion of being a member first, we will open it to many other categories of people than the one it is intended to help. I think we would need to have technical advice from the people in the Tax Office on that.

Hon. R M Clinton: I am grateful to the Minister and I do appreciate his assistance on this.

2655 Mr Speaker, just one other supplementary. In terms of the Jewish old people's home ... The reason I raise the question is because Unite, in a public statement, suggested that some form of privatisation had occurred at the Jewish old people's home. Is it perhaps not that the entire service has been privatised but perhaps elements of it? If the Minister would care to perhaps clarify.

2660 **Hon. Sir J J Bossano:** Mr Speaker, nothing is being privatised. The position is that there are currently eight senior citizens who are resident in the John Mackintosh Home who will be moving to the refurbished former Jewish Home, which was closed some eight years ago, but the eight beds left vacant will continue to be in the John Mackintosh Home in the public sector. This is not beds being taken from the public to the private; this is people moving from the public to the private and the beds in the public remaining at the same level. So it is not a conversion of existing facilities into the private, which privatization. This is creating a private facility which will have additional beds, and the beds that are being vacated will then be filled by people who are on the waiting list to enter into the Elderly Residential Service.

2670 **Hon. R M Clinton:** Mr Speaker, if I understand the Minister correctly, then effectively it is a return to the status quo in terms of what happened in the past, when the provision of services in the old people's Jewish Home was effectively private. That is effectively what he is telling us?

2675 **Hon. Sir J J Bossano:** The refurbished home that was closed eight years ago will hopefully be ready by the end of this month and then it will be taken over by the Jewish community and they will run it. The beds that are there are going to be lost, so the number of beds in the ERS will not diminish, but there will be vacant beds and eight people who are on the waiting list will be accommodated in what is vacated in the Mackintosh Home.

2680 **Hon. R M Clinton:** I am grateful to the Minister for that clarification. Just one final one on this. The facility has been refurbished. The cost of that was borne by whom?

2685 **Hon. Sir J J Bossano:** This is one of the projects that is included in the National Economic Plan and is being financed by private capital, by the same entities that are doing all the other works in the National Economic Plan. Eventually, of course, the Government will be paying for the people in the home, and that will provide a return for the person who has invested in the home.

2690 **Hon. R M Clinton:** Mr Speaker, the National Economic Plan ... Am I correct, because I did see signs up for GBIC on the building, that this is the entity that has effectively undertaken the investment? That is the joint venture entity, if I recall.

Hon. Sir J J Bossano: The joint venture is the contractor who has done the refurbishment.

2695 **Hon. R M Clinton:** So the investing entity is this Community Supplies and ...? I forget the last word.

2700 **Hon. K Azopardi:** A very net question. The Minister gave a long list of entities that were owned by the Economic Development and Employment Company Ltd, one of which was ... I cannot remember exactly the name – Oil Exploration, or something like that. What does that company do?

Hon. Sir J J Bossano: Gibraltar Economic Development and Employment is responsible both for training people and for guiding economic development through ventures that are set up.

2705 There are three companies here which are not trading and never started trading because proposals were put to us for doing things, for which we created a vehicle, but then the proposed project did not materialise. Therefore, the companies are still owned but have never actually started trading because the proposals that were put to us were never fulfilled.

2710 Given that my job is to get economic development going with minimal delay, when somebody comes along and says they want to do something with the Government in a certain area, what I do is create the vehicle to do it with £1,000 nominal capital, and then if it happens, it happens, and if it does not happen, the company is still there but it has never actually been able to carry out the investment that was intended.

Mr Speaker: Next question.

Q162-65/2022

Disability Benefit –

Applications and appeals against refusal and number not yet determined; reform of system

2715 **Clerk:** Question 162/2022. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, can the Government please look at Questions 9 and 10/2021? How many applications for disability benefit and appeals against refusal have there been since 20th April for the former and 3rd March for the latter, setting out the date when each application or appeal was made, i.e. – just to make it clear – by the applicant/appellant?

2720

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

2725 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** I will answer this question with Questions 163 to 165, Mr Speaker.

Clerk: Question 163/2022. The Hon. D A Feetham.

2730 **Hon. D A Feetham:** Mr Speaker, can the Government please look at Questions 9 and 10/2021? How many of the applications and appeals referred to in the answers to those questions remain to be determined?

Clerk: Question 164/2022. The Hon. D A Feetham.

2735 **Hon. D A Feetham:** Mr Speaker, when is the Government going to reform the Disability Benefit system?

Clerk: Question 165/2022. The Hon. D A Feetham.

2740 **Hon. D A Feetham:** Of the applications for Disability Benefit and appeals against refusal made since 20th April 2021 for applications, and 3rd March 2021 for appeals, how many (a) remain to be determined and (b) have been determined?

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

2745

Hon. Sir J J Bossano: Mr Speaker, 97 applications have been received since 20th April 2021 as follows: 21/04/2021, 23/04/2021, 26/04/2021, 07/05/2021, 10/05/2021, 18/05/2021, 18/05/2021, 20/05/2021, 24/05/2021, 25/05/2021, 25/05/2021, 25/05/2021, 01/06/2021, 04/06/2021, 07/06/2021, 11/06/2021, 21/06/2021, 24/06/2021, 29/06/2021, 02/07/2021, 2750 05/07/2021, 13/07/2021, 30/07/2021, 21/07/2021, 03/08/2021, 03/08/2021, 09/08/2021, 13/08/2021, 13/08/2021, 13/08/2021, 23/08/2021, 26/08/2021, 23/08/2021, 02/09/2021, 03/09/2021, 06/09/2021, 15/09/2021, 21/09/2021, 09/09/2021, 13/09/2021, 24/09/2021, 30/09/2021, 29/09/2021, 08/12/2021, 11/10/2021, 13/10/2021, 13/10/2021, 21/10/2021, 27/10/2021, 27/10/2021, 01/11/2021, 04/11/2021, 10/11/2021, 12/11/2021, 10/11/2021, 2755 15/11/2021, 17/11/2021, 22/11/2021, 26/11/2021, 01/12/2021, 29/11/2021, 03/12/2021, 08/12/2021, 09/12/2021, 08/12/2021, 13/10/2021, 21/12/2021 – that is 67, so far, (*Interjection and laughter*) so you have 67 in 2021 (*Interjection*) – 06/01/2022, 07/01/2022, 11/01/2022, 07/02/2022, 02/02/2022, 15/02/2022, 18/02/2022, 01/03/2022, 01/03/2022, 08/03/2022, 07/03/2022, 07/03/2022, 24/01/2022, 15/03/2022, 23/03/2022, 23/03/2022, 21/03/2022, 2760 04/03/2022, 05/04/2022, 04/02/2022, 28/03/2022, 28/03/2022, 20/04/2022, 25/04/2022, 28/02/2022, 28/02/2022, 12/04/2022, 03/05/2022, 04/05/2022 and 06/05/2022. That is the 97.

Eight appeals against refusal have been received since 3rd March 2021, as follows: 15/06/2021, 01/09/2021, 14/10/2021, 24/11/2021, 09/12/2021, 09/12/2021, 12/12/2021 and 18/02/2022.

2765 Twenty-two applications remain to be determined. Six appeals of the eight remain to be determined.

Any reform of the Disability Benefit system will take place when it is ready to be implemented.

Hon. D A Feetham: Mr Speaker, has he answered Question 165? I do not think he has.

2770 **Hon. Sir J J Bossano:** Ninety-seven applications have been made since 20th April 2021, of which 16 have been determined and 82 remain to be determined. Eight appeals against refusal have been made since 3rd March 2021, of which all eight remain to be determined.

Hon. D A Feetham: Thank you very much, Mr Speaker.

2775 As the Minister for Efficiency, I do wish that he would introduce greater efficiency in the way that he answers the questions, perhaps providing us with a schedule rather than the way he has answered it, but of course that is a matter for the Minister.

I take it from the answer he has provided, which is essentially ‘we will make an announcement when we are ready’, that the Government is committed to reforming the Disability Benefit system.

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Hon. Sir J J Bossano: Mr Speaker, the Government is committed to considering a number of issues and then will decide whether the answer, having considered the issue, is in one direction or another.

2785 What is obvious from these numbers is that there has been a very substantial rate of growth in the number of people in Gibraltar who become disabled and require help because of their disabilities. It is an extraordinary rate of growth with the present system and I think one needs to look at what we have to do to help more those who need it and whether, in fact, the system is actually being successful in giving the money to those who need it and may be giving money to those who do not need it. Otherwise, something very serious is happening which we need to be 2790 conscious of and need to be active about if there is a ...

We are now talking about a hundred extra people claiming disability every year. That is a huge number compared to what it was. This has resulted in the cost, without any reforms, going up from £5 million to £20 million – 400%. By comparison, the Care Agency, which provides wider cover for people with disabilities on a bigger scale, has gone up by 128% as opposed to 400% in this area. This is certainly something that requires study in depth, in my view.

Hon. D A Feetham: So is he suggesting that the direction of travel in any intended reform is to narrow the availability of Disability Benefit rather than widening it or leaving it as it is?

Hon. Sir J J Bossano: I am not suggesting anything other than my concern that there should be a 400% increase – the biggest increase in the entire Estimates Book – on something that appears to still be failing.

If the argument is that we are not doing enough or helping enough and we have had a 400% increase since he was in government, it must have been disastrous then if this is really the situation.

I think there has to be a real study. We have had a situation in children with health and educational needs of a similar nature. The numbers there were in 2011 ... and the numbers now ... The difference is astronomical. It is not something that you can say is happening because of an increase in population. There is no visible explanation. If the figures are accurate in reflecting something that is happening, then it is something that is of great concern and we need to listen how it is happening and why it is happening. And if it is that we are measuring things in a way that is not realistic and the criteria are not in fact working as they should, then it is something that we need to discover.

But in my view, what this reflects, having also been involved during the Budget estimates in looking at the need we have for special needs assistants, for which the numbers are in the Book and Members can see the huge increase there has been in that area ... It is something that I think ... Whatever we thought was going to be done two years ago, I am looking at this perhaps from a different perspective of saying, 'Look, we cannot just say there are more people and we give money to more people and that is it.' Why are we experiencing this level of need now, which was not there 10 years ago?

Hon. D A Feetham: I can postulate a reason as to why there are more applicants and more successful applicants now than perhaps that were in the past, and that is because (**Hon. K Azopardi:** More cases.) Well, my learned friend to the right says more cases, but actually I think it is to do with the fact that there is a recognition in society today that you may be disabled in circumstances where perhaps 10, 15 or 20 years ago there was not that recognition. That is the reality. There is more awareness of disability today and what constitutes a disability today than there may have been in the past. That is the reason for this.

Does he not agree with me that the root of the problem ...? I have made this point in this House in debates and, I think, in exchanges across the floor of the House in the past. The root issue is actually getting to grips with the definition of disability for the purposes of this benefit, and there is great uncertainty ... Well, first of all, I would ask that question and perhaps I can ... Otherwise, it will become a little bit unwieldy.

Hon. Sir J J Bossano: The answer is that the system was changed a few years ago. Before, it was based on identifying medical conditions that were considered to be inevitably leading to people having a disability in leading a normal life because the medical condition created that situation. Therefore, if you had one of a list of medical conditions you were entitled, and if you did not have one you were not entitled. That was changed to a concept which is how you manage yourself, so it seems, from what I can see from having looked at it with fresh eyes, that you can have two people with the same condition, one of whom is better at coping with the condition and they do not get anything, and the other does not even try and he gets it.

I think that the way of assessing this may be part of the explanation for the otherwise quite worrying increase in numbers and cost, and therefore it may be that we need perhaps a better way of assessing it and then provide the money to those who really need it, whereas we may be giving money based on a criterion which has such a wide range that there are people who are in serious trouble and cannot cope and people who really do not need it and get it. It would not be unusual, because it happens in a lot of things that Government does. You try to draw a line and sometimes you find that you are not doing enough for the people who really need it and you are doing things for people who do not need it. There is more than one example of that.

I think that in looking at the criteria we need to see exactly what it is by looking at how it used to be before the change and how it is now, and maybe look at demographics. Are we talking about more young children coming along with problems – and then it is something we need to be concerned about – or are we talking about some things that people say ... You could argue that everybody who has a stroke, subsequent to the stroke is less capable of looking after themselves than they were before the stroke. That is obvious. So do we say everybody in Gibraltar who has a stroke will now have a disability and we will give them ...? If that is how it is happening, then that could explain how there is no criteria as to if somebody is totally incapacitated or somebody is not able to write with his left hand because his right hand is [inaudible] by the stroke. There are people who lead full and normal lives and it is the shift that has been the focus of the thing, where you know they have a medical condition but you look at how well the person is coping. It seems that the person who makes the effort and copes and cannot produce evidence that he cannot cope is put at a disadvantage from the way the description of the criteria is drafted.

I think since we are going to be continuing standing. There are a number of papers that have already been written and which I have gone through, but they do not point in one direction. They just say when it is this issue you can do this or you can do the other. So it seems to me that the way it has been approached is not sufficiently thorough and more needs to be done so that we can come up with something that we are comfortable is actually going to deal with the nature and the content of what is creating the need that is now not being addressed.

Hon. D A Feetham: The hon. Gentleman is ... Though I am concerned about his motivation, which is pretty transparent – he basically says we have to be very careful about this because it will become unaffordable – of course my concern is that what we do not do is cut down to the detriment of people who genuinely need Disability Benefit.

But the hon. Gentleman is right that it is a question of not only getting the definition of disability right, which is the question that I put to the hon. Gentleman, it is also about the impact of that disability on that person, and in fact that has been the criterion upon which these sorts of applications have been determined, because the test, according to correspondence that I have seen with the many people who come to me about this particular issue, is ‘does your disability affect you in your everyday life?’ – in other words, has a severe impact on your everyday life. That has really been the test, although I have to say that I have also seen some boards that have introduced things such as whether that person could work, and if the person could work the disability was being refused. For example, in England it does not really matter if you are a stockbroker – you may be rich, but you may qualify for Disability Benefit – it is about the condition and potentially the impact of that condition on your life, not on the means of the person.

Does he not agree that at the very least what needs to happen is that people should be left in no doubt at all what the criterion is? In other words, it should be transparent, it should be published, there should be guidelines so that people can look at those guidelines, can look at the test and can say, ‘I qualify’ or ‘I do not qualify’? At the moment let me tell you that that is part of the problem, because the concern of people is that they do not know on what basis perhaps somebody gets it but they do not get it, because they appear to have the same conditions as somebody else. Does he not agree that that must form part of the Government’s review in this area?

2895 **Hon. Sir J J Bossano:** We know what he is saying because he said it before and he also put before the stockbroker example. I certainly would not be in favour of giving it to stockbrokers – for the avoidance of doubt.

I am not willing to commit myself until I get to grips with this. I can tell him that I am not in favour of putting this on a statutory level – I will be clear about that – and I am willing to explain to him outside why not, and then maybe he will understand.

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Hon. D A Feetham: I am grateful for that offer and of course I will take the hon. Gentleman up on it. It does not need to be statutory, but at the very least there has to be publication of guidelines, very clear criteria so that people know whether they qualify or they do not qualify. Does he agree that at the very least that needs to happen?

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Hon. Sir J J Bossano: Mr Speaker, I am not going to commit to agreeing to anything until we have gone through the process. I will bear in mind the importance he attaches to this, but I am not going to say yes, we are going to do this, until we have done the work that I think needs to be done.

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Mr Speaker: Next question.

Q166/2022
DSS building at Governor's Parade –
Intentions re future use and reason for recent closure

Clerk: Question 166/2022. The Hon. D J Bossino.

2915 **Hon. D J Bossino:** Please state what the intentions are with regard to the Department of Social Security building at Governor's Parade?

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

2920 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** I will answer this question with Question 167.

Clerk: Question 167/2022. The Hon. D A Feetham on behalf of the Hon. Ms M D Hassan Nahon.

2925 **Hon. D A Feetham:** Far less glamorous, I have to say! Why has the DSS building –? (*Interjection by Hon. K Azopardi*) I am glad that you disagree! (*Laughter and interjection*)

Why has the DSS building been closed and staff relocated only in the last month, when the building has been known to be unsafe for the last three years?

2930 **Clerk:** Answer, the Minister for Social Security, Economic Development and Enterprise.

Hon. Sir J J Bossano: Mr Speaker, as regards the future use of the building, no decision has been taken. It is likely that an assessment will be made of how much it would cost to make repairs and improvements. Possibly an invitation for an expression of interest would be issued for its redevelopment, so as to make the decision as to which option produces better value for money.

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I am informed that the DSS building has not been unsafe for three years. The electrical infrastructure at the former DSS premises at Governor's Parade was advised as unsafe by the Gibraltar Electrical Authority in January 2022. The staff have been continuing to work from multiple locations since then, including the Royal Gibraltar Post Office and EDEC premises at New

2940 Harbours. Government has committed to the full relocation of the Department on 20th June 2022 – next month.

2945 **Hon. D J Bossino:** Mr Speaker, as far as my question is concerned, I understand that, from what he is telling us, it is very much at the preliminary stage in terms of the decision-making process, but can he commit to just one aspect of the building, given its obvious intrinsic heritage value? I think it is actually quite a beautiful building from my point of view. Can he commit that that aspect will not be in any way impacted or affected, because I think – it depends what is built there – it would have an effect on the surrounding area as well. So could I have that commitment from him just in respect of the heritage aspect?

2950 **Hon. Sir J J Bossano:** I think those are issues that would arise if there was a proposal that the Government considered was worth supporting, and then it would have to go through the whole heritage and planning and everything else. In a building of this age and character, all those things would have to be taken into account anyway before anybody was given permission to do it.

2955 There has been interest from people before we were in a situation of having to take this decision, because of its central location, but now that we are in a position where we either have to spend money on it or see how much we can be [inaudible] that building because somebody wants to come in and use it, it is an opportunity to test the market and then we might decide that we do not want it used for anything else and then have to spend the money to make it fit for purpose.

2960 I think it is not something that is going to happen in the near future. There has to be a fairly long process before we get to that stage, and when that stage comes I have no doubt that the heritage and the architectural value of the thing will prevent anything being done. Nobody is going to come in and knock it down, as far as I can see. *(Interjection and laughter)*

2965 **Hon. D A Feetham:** Don't be sexist!

Mr Speaker, I am going to read to the hon. Gentleman passages of the GGCA press release in relation to this, and then I am going to ask a supplementary question.

The GGCA has said this, and I quote:

the building was severely deteriorated due to water penetration. This resulted in the collapse of the ceiling in the vault area in 2019, the floor of which has been supported by scaffolding since that date. Luckily, no one was in the vault room when the ceiling collapsed, so nobody was injured.

2970 They also say:

the staff would have to use their umbrellas when going to the bathroom ... fuses in the building would blow on a regular basis, resulting in light shortages and fear of electrical shortages and electrocution.

Does the Government feel a sense of shame that there have been civil servants working since 2019 in those conditions?

2975 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I was conducting the negotiations with the GGCA in respect to those matters, and the leadership of the GGCA – when they came and told us that, at the same time as they issued the statement – said, 'We cannot believe that the staff of this Department have not told us before that they were working in these conditions, otherwise we would have brought it to you earlier so that you could have acted earlier.'

2980 The staff of the GGCA at the DSS are, I can only say, a magnificent bunch of people because they have been jovial in dealing with the problems that they have had. They have not raised the alarm until the last minute with their union, so that the union raised it with us even later. Of course we knew that there was a need for a relocation. We had committed ourselves to a relocation, but

we did not appreciate that matters had got to that extent and neither had their own union when they brought it to us.

2985 I can only, once again, thank the members of staff of the DSS because they have been absolutely magnificent in the way that they have continued stoically to provide the service to the public. Recently, they were frustrated, as much as we were frustrated, by our inability to move them, finally, when we wanted to. We had a serious logistical issue –

2990 I know that they are laughing, Mr Speaker, because they laugh at everything. They do not really care about the staff of the DSS, and if only people could see their faces now when I am explaining these issues ...

3000 We continue to work with them, Mr Speaker. We were able to give them the satisfaction that there was a final date on which they would move. They really are the best of us, and I will not stand up and express anything other than huge pride in the public servants that Gibraltar has, in particular the public servants we have in the DSS. I was going to have a meeting with them. On a number of occasions I have had to cancel because of the treaty negotiations. I had a date in the diary when I was able to go, and then five of them caught COVID and it was advised that we should not all meet for that reason. But they really are the absolute best of us, and it ill behoves anyone to try to play politics with them, as the hon. Gentleman is.

Hon. D A Feetham: Perhaps he might wish – and I invite him – to apologise to the staff for having worked under these conditions for such a lengthy period of time.

3005 **Hon. Chief Minister:** Well, Mr Speaker, the thing that he does not know, in trying to dramatically get up to draw me to an apology and then be able – as he has already in relation to the WOPS issue – to post on Facebook about how high-handed the Government is in giving him an answer which sets out an explanation for the things he failed to understand and the questions that he asks ...

3010 I am not going to do anything that the hon. Gentleman invites me to do, because I know that every chalice he hands me is laced with hemlock. I am going to, instead, continue my direct communication with the excellent people, the men and women who work in the DSS Department. I look forward to being able to see them face to face when that part of their cohort have recovered from COVID.

3015 They were incredibly well led in the period of the pandemic by a senior executive officer who has demonstrated a maturity beyond his years and an ability to represent Gibraltar in the negotiations on matters related to the sensitive area of Social Security, which has won plaudits even from the Minister for Economic Development, who is ... Getting plaudits from the Minister for Economic Development is like getting blood out of a stone. I have never had one and I have won three elections! The SEO in question has done an incredible job because the Minister for Economic Development and the DSS has been fulsome in his praise, as has the Attorney General.

3020 Mr Speaker, this is a magnificent bunch of people. Let's leave them out of politics. It is not elegant for us to play games with people, as the hon. Gentleman is trying to do. (*Interjection*)

**Procedural –
Questions for Minister Balban to be answered
in writing or orally at the next session of the House**

Mr Speaker: With that, we end the question-and-answer session for the moment.
The Hon. the Chief Minister.

3025 **Hon. Chief Minister:** Mr Speaker, I have the honour to table the answers to Written Questions –

Mr Speaker: May I interject here? What is happening to Minister Balban's ...?

3030 **Hon. Chief Minister:** Sorry, Mr Speaker, you are absolutely right. Minister Balban is not in
Gibraltar because of a family emergency – I think hon. Members are aware – and therefore his
questions can either be answered in writing, if they wish, or they can be set aside to be answered
orally at the next session of the House, if they prefer. The last time we had this, I think the Rules
said that they have five days – I think five days, it may be longer – to tell us whether they want
3035 them in writing or orally.

Hon. E J Phillips: I am grateful. We will reflect on that suggestion and within the five days we
will communicate that to the Speaker.

3040 **Hon. Chief Minister:** Thank you, Mr Speaker. I had completely forgotten that we had to put
that option to hon. Members.

I should say that I am sure the whole House will join me in wishing all the best to the Balban
family at this difficult time and wishing all of the members of the family a speedy return to
Gibraltar with all of them healthy to be able to return to us.

3045 Thank you, Mr Speaker. *(Banging on desks)*

Questions for Written Answer

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, it is now my honour to table the answers
to Written Questions W1/2022 to W8/2022.

Mr Speaker: Ordered to lie.

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Hon. Chief Minister: Thank you.

Mr Speaker, I move that the House should now adjourn until next Tuesday, 24th May at three
in the afternoon, when we will move on to other matters on the Order Paper.

3055 **Mr Speaker:** I now propose a question, which is that this House do now adjourn to Tuesday,
24th May at 3 p.m.

I now put the question, which is that this House do now adjourn until Tuesday, 24th May at
3 p.m. Those in favour? **(Members: Aye.)** Those against? Passed.

This House will now adjourn to Tuesday, 24th May at 3 p.m.

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The House adjourned at 8.05 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.14 p.m. – 3.16 p.m.

Gibraltar, Tuesday, 24th May 2022

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The Gibraltar Parliament

The Parliament met at 3.14 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*]

Procedural – Proposal to adjourn to Wednesday, 25th May 2022

Clerk: Meeting of Parliament, Tuesday, 24th May 2022. The Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as I have informed all hon. Members, this afternoon we are going to see a continuation of the ongoing discussions that the Deputy Chief Minister and I are involved in, which will require that we be involved virtually from No. 6 Convent Place. Therefore, we will not be able to continue, this afternoon, with the business of the House. The Deputy Chief Minister, I know, has been in touch with the Leader of the Opposition and informed him of this, and they have agreed to come together with a sufficient number of Members
10 that we have a quorum, so that we can adjourn until tomorrow at 3.30 in the afternoon.

Q179/2022 GJBS – Supplementary information – Mr Charles Savignon appointment as managing director

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, before I adjourn, I should just inform the House that in relation to Question 179/2022, which related to Gibraltar Joinery and Building Services Ltd, I had told the House, in answer to that question, that there was an ongoing recruitment process for a new managing director. That matter has been resolved in the past 24 hours and I am very pleased to inform the House that Charles Savignon has been appointed the new managing director of GJBS. No doubt he will enjoy the best wishes of all Members of the House for the work he will do as managing director of that company.

20 I now move, Mr Speaker, that the House should adjourn until tomorrow at 3.30 in the afternoon.

Mr Speaker: I now propose a question, which is that this House do now adjourn to Wednesday, 25th May at 3.30.

I now put the question, which is that this House do now adjourn to Wednesday, 25th May at 3.30. Those in favour? (**Members:** Aye.) Those against? Passed.

25 The House will now adjourn to Wednesday, 25th May at 3.30.

The House adjourned at 3.16 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.37 p.m. – 6.08 p.m.

Gibraltar, Wednesday, 25th May 2022

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The Gibraltar Parliament

The Parliament met at 3.37 p.m.

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

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

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

Clerk: Meeting of Parliament, Wednesday, 25th May 2022.
Suspension of Standing Orders. The Hon. the Chief Minister.

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

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

Gibdock lease – Statement by the Chief Minister

- 10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has agreed to the grant of a new lease over the Gibdock dockyard premises. The new lease has been granted to Balaena Propco Ltd, part of the Balaena Ltd group of companies who have today announced their acquisition of Gibdock. The Balaena group is an offshore utilities business based out of the United Kingdom. The ultimate beneficial owner of these companies is Simon Gillett, a British, UK-based entrepreneur. Mr Speaker, I recognise Mr Gillett in the Gallery today.

- 15 Change of control protections are included in the new lease, which were not provided for in the old lease.

- 20 The new lease terms meet three of the GSLP/Liberal 2019 manifesto commitments. These commitments were to, first, renegotiate the lease so that the dockyard is operated in a manner that does not pose a health risk to the surrounding areas – this is now specifically provided for in the lease as a key performance indicator; second, that the Government is able to ensure that the shipyard is operated in full and proper compliance with the highest environmental standards – this is now also provided for by the inclusion of another key performance indicator requiring adherence to three defined ISO certificates and the application of relevant Gibraltar law on pollution and environmental protection, and additionally there is a KPI commitment to best
25 industry practice and the introduction of best available technology; and thirdly, there is a transition in the lease to shore power, also known as cold ironing, and this will have to be provided, under the lease obligations, within three years.

- 30 The new lease follows months of collaborative discussions between Balaena and the Government. I want to thank the Financial Secretary, Albert Mena, for his work on this, as well as John Paul Fa alongside him with the support of Land Property Services throughout, our land property agents.

In addition to our manifesto commitments, there are also various other Government objectives that have been hardwired into the new lease, representing a significant improvement over the previous lease. In this respect, the lease now includes environmental, operational and financial key performance indicators, some of which are entirely new and some of which have been carried over and updated from the previous lease, such as the minimum number of resident employees required.

Residents of the area will particularly be very pleased to hear that any noisy works will no longer be allowed outside the hours of 8 p.m. to 8 a.m. Under the current lease, works can continue throughout with no specific reference to noise being curtailed. Works outside of those hours will now only be permitted on the basis of an extenuating works licence, which will only be granted for works for Royal Navy vessels or for works which the Government accepts are urgent. Noise will therefore become an unwelcome exception rather than a constant, unwelcome norm.

There are also various other lease terms that are sensitive to Balaena's growth plans, with the Government keen to give Balaena the greatest possible prospect of success for its new business venture in Gibraltar.

The Government has also felt that it was important, at this challenging time in our political and economic development as a result of Brexit, to keep the dockyard operational as a shipyard and provide a continued element of diversification to Gibraltar's economy at this time. We considered this issue with the benefit of the advice of the Minister for Economic Development, whose relationship with the dockyard goes back at least half a century – which I think is a fair portion of the period in which the dockyard has existed – the same half-century he has been an elected representative of the people of Gibraltar, some part of which he has also spent as a trade union leader, spending many days and hours in the dockyard as a result. In this respect, we will all be happy to hear also that the lease now beds in the continuation of an apprenticeship scheme going forward.

As a result of these arrangements, the Government will immediately start to work closely with Balaena to also explore the feasibility of constructing an access lane through the shipyard that would connect Queensway Road and Rosia Road. I am sure that all hon. Members will know that the Minister for Transport would wish to have been here today to hear this happy announcement. Further details of this will be announced as soon as possible.

The dockyard has been in need of an update to its lease to align with current requirements. Today we have delivered one that is in sync with Gibraltar's modern-day environmental obligations. The terms of the new lease that have been negotiated are highly positive for Gibraltar. As the Government, we have been ready to help out and play our part. I am excited to see what the future is going to bring for Gibdock, its employees and its new owners.

I take this opportunity to congratulate the new owners on their acquisition of Gibdock. The dockyard represents a key part of Gibraltar's real estate and I therefore welcome them to Gibraltar. I wish them great success in their operations. Their commercial success as a company will be our economic success as a nation. I am encouraged to see the drive and energy shown by the new owners, who seek to grow the Gibdock business from strength to strength whilst reducing the negative impact that the previous operations have had on the surrounding area. I consider the acquisition to be more than simply an acquisition of Gibdock: this as an investment in Gibdock and in Gibraltar, yet another vote of confidence in our economy at a sensitive time in our history. The conclusion of this deal at this time, with other competing priorities, is also proof of the Government's relentless desire to continue to grow Gibraltar's economy and our success in attracting quality investment.

Mr Speaker, given the seminal importance of the dockyard in our commercial, military, economic and political history, I am exceptionally – and without establishing any precedent in doing so – laying the new lease on the table of the House for all hon. Members to have immediate access to it.

Mr Speaker, I am grateful for leave to have made this Statement.

Mr Speaker: The Hon. Elliott Phillips.

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Hon. E J Phillips: Mr Speaker, we welcome the Statement by the Chief Minister and look forward to digesting the lease that he has kindly said he will lay on the table of Parliament.

Just a number of observations and one question for clarification. Whilst we welcome the change of control and the commitment to the environment first and foremost, and to the working hours that have been the bugbear of many residents of the south district – and, indeed, other areas of Gibraltar that have complained about noise pollution and working hours at Gibdock – just one point of clarification in relation to those environmental KPIs. How is the Government going to monitor compliance? That will be a key question that a number of constituents will undoubtedly have running into the future and insofar as the exception that the Chief Minister spoke about in relation to the Royal Navy, which I think is understandable but obviously we would need to look into that as well.

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In relation to matters which the Government considers urgent, has the Government formed any view as to, insofar as complying with that test, what ‘urgent’ means in that context? We are just cautious that we still might see those hours in the 8 p.m. to 8 a.m. bracket being offended in some way, but if it is for supremely urgent works that need to be conducted I am sure that the whole community would support it – if those matters were urgent. If the Chief Minister could explain what he meant by that further, then I would be grateful.

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Thank you, Mr Speaker.

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Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am very pleased to have been able to come here to make this announcement today in the way that I have. I wanted to do so for the reasons I have set out in my Statement about the seminal importance of the dockyard in our political and economic and social history, as I have already provided for here, but not least because of how this was handled last time it happened. We have to remember that the last time there was a transfer of a lease we even had a situation where private conversations of the then Leader of the Opposition were bandied about by hon. Members when they were on this side of the House, so I think it is important that we put into context the way that the Government is seeking to deal with this matter properly.

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I hope that when hon. Members do see the lease, which I understand is now with them, they will be able to digest it and not just indigest it, because of course the comparison that they will have to make will be with the lease that they agreed themselves when they were in government, and this is a considerable improvement for the people of Gibraltar, for those who will be running the yard as well and who have acquired it. We have found a new symbiosis between Gibraltar and the yard, which we think is the modern symbiosis that it was right to find at this time, but which could also have been found earlier.

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In the context of how we will monitor compliance with the environmental KPIs, the first point I want to make to hon. Members is that of course the law of Gibraltar continues to apply as it has applied to date, even under the old lease. At the same time, there are onerous obligations under the lease which reflect the law of Gibraltar and go a little further by setting out more clearly what those obligations are and what they imply and mean. The agencies of the Government of Gibraltar – in the context of the environment, the Environmental Agency – will be how we monitor compliance with particular parts of our environmental legislation and those parts of the lease which require compliance with environmental provisions, but we will also have a role there as landlord, because by bringing some provisions into the lease we have a power as a landlord, not just as a regulator of all of the space that is Gibraltar through the Environmental Agency.

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Recently, we have been remembering the magnificent work done in that yard at a time, in fact, when there was industrial action; but the unions – then led by Sir Joe – and the Government and all of Gibraltar joined forces to ensure the conversion of two commercial vessels into vessels that

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could sail to the Falklands as part of the task force. And so I think as we look back we remember what it is that has been done at this yard and what it is that may need to be done at this yard at any time – although we always hope in times of peace and not in times of war – and I think the Royal Navy exception, in terms of works that will have to be done to a vessel, is one that everyone in Gibraltar will understand. It goes beyond the commercial. This is something that, because it is about the Royal Navy, runs in our veins and we all understand that exemption.

In the context of urgency, the standard here will be one that is to be set, but it will be the ‘man bites dog’ category, not in the ‘man eats steak’ category. That is to say it will be in the unusual category, not in the normal category, and so simply because something is commercially urgent it will not automatically trigger that the Government of Gibraltar will be prepared to grant a permit. There may be some things that are commercially urgent for which the Government is prepared to grant a trigger and permit works, but those are circumstances which we believe will be few and far between.

What will the standard be? Well, when hon. Members were in government they passed a law that permits the Government to grant such permits in respect of any activity in Gibraltar, any commercial building work in Gibraltar. In the last 10 years I think we have used that power once and we have done so very sparingly, I understand, in relation to, from memory, something to do with the Airport approach lighting etc. So the standard will be a high standard. Hon. Members passed that law and immediately granted a number of permits. We have not done so. We are very conscious that people who live around this yard want to be able to live their lives without the constant difficulties that some have experienced – those who have lived closer to the yard. Indeed, it is true that some of this housing that has been developed around the yard has come after the yard, but as hon. Members who are legally trained will know, the fact that the nuisance comes to [inaudible] is no reason why it is no longer a nuisance. Therefore, we will be very careful to continue the work that we have been doing, and have now seen materialise in this lease, to protect all those who live around the yard at the same time as we protect the yard, its viability and its commercial ability to be a success for all those who work in it and for the Gibraltar economy, which includes all of us.

I hope I have dealt with all the points the hon. Gentleman raised.

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, I echo my colleague’s welcoming of the Statement. Any form of inward investment to Gibraltar at this time is, of course, to be welcomed and I think we look forward to this new partnership as set out in the lease – which, as it has just come into our hands, I have only quickly perused.

I note from my quick perusal of the particulars that it is a 35-year lease. My only question to the Government ... I can see there is a reduced rent, a stepped rent and a ceiling rent as a whole calculation based on profitability, but can the Government advise, in terms of immediate cashflow – and I cannot see, looking through the lease, just a quick scan – whether there is any form of premium paid up front? All I can see at the moment is perhaps the first instalment of the first year’s rent of £50,000. Is that correct?

Hon. Chief Minister: Mr Speaker, if hon. Members look at the rent clause, they will see that there are a number of different provisions. There is a provision on rent in the first seven years, a provision in year eight onwards, a provision if KPIs are failed and a provision on rent increase. There were none of those in the lease that they agreed and there was no premium in the lease that they agreed.

This is an assignment of the original lease dealt with by way of new lease because there was a dispute between the Government and the previous leaseholders as to whether they were holding over properly or not, but there is no premium in respect of this lease, as there was not before.

In the context of the rent, if hon. Members look at the stepped rent and they look at the reduced rent, as it is called, versus the market rent and the ceiling rent, all of which are set out in the document, they will see that this is a considerably better deal for the Government and for the taxpayer than was the case before.

In the context of the term, the hon. Gentleman is right, this is a 35-year term. Of course, terms need to be agreed on the basis of what needs to be done commercially to finance the ability to enter into these arrangements – that is why the Government has agreed that period – but there are breaks provided for in the lease, which hon. Members will be able to see.

Mr Speaker, the premium here for the people of Gibraltar, for the taxpayer, is not just in the context of the much higher rent that is payable, but also in the obligation to maintain the number of locally resident employees which is now fixed into the lease itself, which was not the case before; the environmental benefits provided for; and the cost, for example, involved in all of those – in particular the cold ironing cost, which would otherwise have been a cost which the Government would have had to meet, and the obligation to provide the 60 Hz generator, which was previously an obligation of the Government and is now an obligation of the tenant and which they have to comply with in 70 working days. So we have shifted obligations with big financial consequences, and that is the premium to the Government because we no longer have to put out for those costs; they are costs that are being taken by the lessee.

Mr Speaker: Does any other hon. Member wish to seek any further clarification?

Order of the Day

BILLS

FIRST AND SECOND READING

University of Gibraltar (Amendment) Bill 2021 – First Reading approved

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

A Bill for an Act to amend the University of Gibraltar Act. The Hon. Minister for the Environment, Sustainability, Climate Change and Education.

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

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

Clerk: The University of Gibraltar (Amendment) Act 2021.

**University of Gibraltar (Amendment) Bill 2021 –
Second Reading approved**

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

The Bill makes a limited number of amendments to the University of Gibraltar Act 2015. The principal aim of the Bill is to make the University operationally more independent. There are some other amendments, as I will explain.

Clause 3(2) amends section 2 of the Act, which contains definitions.

Clause 3(3) amends section 8(1) of the Act and aims to streamline the functions of the University. Current descriptions are somewhat prescriptive. If amended, and if, in the future, there are further facilities, centres or academies, the Act will not need to be amended as any new areas would be covered. Moreover, the amendments provide the University with the ability to respond to local and regional opportunities and needs as they arise.

Clause 3(4) amends section 9(1) of the Act so that the appointment of the chancellor is undertaken by the Minister after consultation with the vice-chancellor.

Clause 3(5) amends section 11 of the Act. As amended, appointment of the vice-chancellor will be undertaken after consultation with the Minister, as opposed to with the Minister's consent. The vice-chancellor's powers will include the ability to summon meetings for both faculty and other academic administrative divisions.

Clause 3(6) amends section 13(3) of the Act to provide a suspended or expelled student with a right of appeal to the Public Services Ombudsman in place of the board. Currently a student appeals to the board. However, the amendment means that a neutral third party will be making the final decision, rather than the board, which is affiliated to the University. This also aligns with the University academic regulations.

Clause 3(7) substitutes section 15 of the Act, which provides for a registrar. The role is better defined and the registrar's appointment is moved from the board to the vice-chancellor. Their duties will be in accordance with the University academic regulations.

Clause 3(8) makes a consequential amendment to section 16.

Clause 3(9) amends section 18(2) of the Act, which sets out the board's powers. The main change is that the appointment of academic and administrative staff and office holders will now be made by the board in consultation with the vice-chancellor. Also, as with previous amendments, instead of requiring ministerial consent, the obligation in paragraph (f) is predicated on a consultation with the Minister.

Clause 3(10) substitutes section 19 of the Act with a new section that amends the composition of the board. The board will now be composed of up to eight members rather than seven, including one enrolled degree-seeking student who has been elected by the student body, two persons appointed by the Minister rather than four, and up to two persons appointed by the board. Furthermore, the director will not be entitled to vote at the meetings of the board. The board, rather than the Minister, will appoint their own chairperson. However, this person cannot be a student, the director, the vice-chancellor or the University's financial controller.

Clause 3(11) amends section 21 of the Act as a consequence of earlier amendments.

Clause 3(12) substitutes section 22 of the Act relating to terms of appointment. Appointment to the board will be for a period of three years; however, if renewed, may not exceed a total period of nine years in office. The enrolled degree-seeking student referred to above may only serve to the end of the academic year in which they cease to be an enrolled degree-seeking student.

Clause 3(13) amends section 44(1)(a) of the Act. The change of the accounting date from 31st December to 31st July is in order to align the financial year with the academic year.

Clause 3(14) is a minor amendment to section 56(2) of the Act as a direct consequence of Brexit.

I commend this Bill to the House.

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

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

May I start by thanking the Minister, who had a brief interchange with me after the publication of this Bill and so was able to clarify some things for me?

In the Bill, in clause 3(10), which amends section 19(1) of the Act, it says:

The board of the university shall be composed of up to eight members ...

275 and in (b) it says:

one enrolled degree-seeking student, elected by the student body,

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I speak from personal experience because I happened to hold one of those positions when I was an undergraduate at Urbaniana University. The wording that brings in a little bit of doubt to me is where it has to be an 'enrolled degree-seeking student'. Does that mean a student following just a bachelor's degree or, for example, a postgraduate, which could include a master's degree? There may not be a need to modify the Bill per se, but a record of what the intention of the legislators is ... And technically, those graduates who are following a Postgraduate Certificate in Education (PGCE), which the University is running nowadays, are they, generally speaking, classified as degree-seeking students? At the end of the PGCE they obtain a postgraduate certificate, not a degree; they are already graduates holding a degree in their own right. So perhaps a little clarification on that point may help to solve problems in the future.

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Perhaps, Mr Speaker, with your guidance ... I do know – it could be more a question of seeking an amendment to the wording in Third Reading or Committee Stage, but on the amendment, when trying to amend section 22 sorry.... Section 21 has some words struck out and then section 22(1) and 22(2) as existing are deleted completely, and then a new section 22(1) says:

Subject to subsections (1)

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– well, subsection (1) is this one itself now –

and (2),

– which is what follows underneath –

appointments to the board shall be for periods of up to three years,

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I think that should read 'Subject to subsections (2) and (3)' because there is no reference to subsection (3), which was the one I am asking about now, where the enrolled degree-seeking student can only serve to the end of the academic year, and in the new section 22(1) there is no reference to that subsection (3) which is now introduced and did not exist before.

If I am out of order, I can bring it up at the Committee Stage, but perhaps the Minister may appreciate the time to look into it, or offer me some clarification so there is no need to raise the topic at the Committee Stage.

Thank you, Mr Speaker.

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

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Hon. G H Licudi: Mr Speaker, in 2015 we established the University of Gibraltar through Act of Parliament. It was not an Act which we took, for example, from the UK, because in the UK we saw that most universities were established through Royal Charter rather than through Act of

Parliament. We did look at various jurisdictions and various models as to how other jurisdictions did that, but what we did in 2015 was to create something which was fit for Gibraltar, which was fit for a University in Gibraltar.

310 It was always thought at the time that, because we were doing something new in a place like Gibraltar, a small jurisdiction with its own specific type of University, there would come a time when some provisions in the Act at the time would have to be changed and we would have to learn through experience, learn through operational practice and learn through contact with students, the academic board and the regulator, and then bring improvements to the Act.

315 So that was always in the making, but it has been almost seven years since we have had the University of Gibraltar Act and essentially this Act, which was tailored for Gibraltar, almost in a little bit of a dark ... has stood the test of time. It is a testament to those involved at the time in putting this together, in structuring this, in the drafting, in all the research and the trips that were made to learn about how all this should be done. It is a testament to the very hard work of all of those involved at the time that we are here now, seven years later, making some what the Minister has rightly described as limited amendments to the Act which clearly are improvements to the Act.

My understanding is that these improvements arise following discussions with members of the University and recommendations made by the regulator, the University of Gibraltar Regulatory Authority, in order, as the Hon. Minister said, to make the University more operationally independent. All of this is, of course, to be welcomed.

At the time when we established this, we did not have a regulator of universities in Gibraltar. We had the Gibraltar Regulatory Authority, but the Gibraltar Regulatory Authority did not regulate any university or any academic institution, and therefore the feedback that we now have, as a result of the practice of these last seven years, from the regulator and from others involved in the University, was simply not available in 2015. Therefore, we created a model which has worked and has actually worked very well indeed, but there was always going to come a time ... and it has taken seven years, but that is in itself a testament to how good and how solid the legislative foundation of the University was, that it has taken seven years for these recommendations to be made, for the practice of the Act to be in place and for these limited amendments to be made.

335 The Hon. Mr Reyes makes a point and asks about the issue of the degree-seeking student on the board, and it obviously will be a matter for the Hon. Minister to answer the specific question but let me say that I certainly recall that that was one thing which was in the thinking of those putting together the Act at the particular time when we brought this together. We knew that at some stage the Government would want to make an amendment to the Act to bring in a provision such as this whenever other amendments were made, because it was always intended that it was a good idea to have a representative of the student body on the ultimate decision-making body for the University, which is the board of governors, and therefore that is something that is certainly to be welcomed.

345 Aside from the specific legislative provisions, it is worth noting – I think it is a good opportunity, now that we are debating issues to do with the University of Gibraltar – that the University of Gibraltar continues to be a great institution and a source of great pride for me and for others who were involved in establishing the University, and for Gibraltar generally. It has become not just a useful but I would suggest a vital academic component of what Gibraltar has to offer. It is recognised internationally and it is well recognised, and it has an excellent international reputation. The University has been training Gibraltarians and others, each year in greater numbers, for almost seven years. There are a number of courses aimed at professional development across various sectors in Gibraltar, which has benefited many professionals in Gibraltar and many businesses in Gibraltar, and it is always looking to expand its offerings. It has become what all of us who were involved at the time hoped that it would become, a beacon of excellence in the Mediterranean, even to the extent that the University is now blessed with having, as we know, Sir Lindsay Hoyle as the Chancellor.

Just to end, Mr Speaker, I would like to pay tribute to Vice-Chancellor Prof. Catherine Bachleda, her staff, the board and everyone who is involved with the University for the excellent work that they are doing and for the continuing expansion that we will see of the University over the years. Thank you.

Mr Speaker: The Hon. Prof. John Cortes.

Minister for Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, first of all, I would like to thank my hon. Friend the Hon. Gilbert Licudi for his intervention. It is, in fact, a testament to the quality of his pioneering work when the University was set up that we are able to now develop and mature the University with minimal changes at a time when we more or less expected the time would be right to move forward. I completely support his praise of the University's vice-chancellor, the staff and the board.

The Hon. Mr Licudi is absolutely correct: these changes, which have the support of the University's board, are the result of their interaction with the University Advisory Board of the Gibraltar Regulatory Authority. As the Hon. Mr Licudi has said, this process could not have happened at the time the University was set up. Whereas in 2015 the University aspired to international recognition, now it is actually obtaining international recognition. It is in contact with Universities UK, it is in contact with the Quality Assurance Agency, and they all have recommended that these steps are logical steps in the maturing of an institution such as the one that the Hon. Gilbert Licudi set up back in 2015. It is a testament to that and also proof of the ambition of the University to become ever more established in the international academic world.

In relation to the point that the Hon. Mr Reyes has brought up, I agree with him: I believe that it is an error and that section 22(1) should, in fact, read 'Subject to subsections (2) and (3)' and I would ask that these amendments be made at Committee Stage.

In relation to 'degree-seeking', 'degree-seeking' would include masters and PhD students. It would not, in my opinion, include PGCE students. Whereas I am tempted to suggest an amendment at Committee Stage I will resist the temptation because this was the wording agreed by the board. By me, here, in this place agreeing to a change in what the board has recommended I think would be a little bit of interference or involvement at a level which I do not think I should involve ... If the board feels that they should extend this to PGCE students, or indeed if my interpretation is incorrect, then that will resolve it, but if they feel that this should be extended and there should be wording, then I will bring another Bill with this minor amendment to the House, but I think I owe it to the board to seek their advice, which I am not able to do right now.

Having said that, Mr Speaker, I once again commend the Bill.

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

Clerk: The University of Gibraltar (Amendment) Act 2021.

**University of Gibraltar (Amendment) Bill 2021 –
Committee Stage and Third Reading to be taken at this sitting**

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

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

**Employment (Bullying at Work) Bill 2022 –
First Reading approved**

405 **Clerk:** A Bill for an Act to amend the Employment (Bullying at Work) Act 2014. The Hon. Minister for Housing, Employment, Youth and Sport.

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Employment (Bullying at Work) Act 2014 be read a first time.

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

415 **Clerk:** The Employment (Bullying at Work) Act 2022.

**Employment (Bullying at Work) Bill 2022 –
Second Reading approved**

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, I have the honour to move that the Bill be now read a second time.

420 The case of *Stagnetto v Cassaglia* under the 2014 Act in the Employment Tribunal, which has resulted in the proceedings before the Supreme Court and the Court of Appeal, has shown that there are a number of issues concerning the interpretation of the 2014 Act. In particular, difficulties have arisen in relation to the meaning of bullying and the liability of employers of the acts of employees. The Court of Appeal judgment described the 2014 Act as a very puzzling piece of legislation. Sir Patrick Elias JA went on to state in his judgment:

It will be obvious from this judgment that I have not found this Act easy to interpret or apply. There is a lack of clarity about fundamental questions, such as precisely what amounts to unlawful bullying and when the employer will be personally liable for the acts or bullying of his employee. Parliament might think it appropriate to amend the legislation to clarify these difficulties and important issues.

425 The Court of Appeal made observations, which can be summarised as follows. Section 4(1) cannot be looked into in isolation. ‘Conduct’ in section 4(1) must be viewed objectively in the context of section 4(2). Section 4(2), for all practical purposes, contains an exhaustive list of conduct which amounts to bullying. Section 4(2)(a) sets out the kind of conduct required under section 4(1) and identifies the typical characteristics of bullying. Section 4(2)(a) captures the main categories of bullying with (b), (c) and (d) seen as specific examples. It is difficult to think of examples of bullying which do not fall within section 4(2)(a). Sections 4(2)(c) and (d) are single incidents, but acts should include at least some of the characteristics of bullying behaviour in section 4(2)(a). This is why the first amendment requires the replacement of the word ‘include’ in section 4(2) with ‘means’. This would clarify the interrelationship between sections 4(1) and (2), confirm that section 4(2) provides an exhaustive list and remove any doubt about the conduct required to amount of bullying.

435 The Court of Appeal commented about section 4(2)(a) capturing the essence of bullying and that everything else should include some of the characteristics in section 4(2)(a) ... ought to be adopted by spelling out what it is intended to capture by section 4(2)(b), (c) and (d). This will be done by adding the new section 4(2A) as follows. Section 4(2A) should read:

For the purposes of subsections 4(2)(b), (c) and (d), the conduct in question must include behaviour which is offensive, intimidating, abusive, malicious or insulting.

440 The next amendment to this Act is in relation to the liability of employers of bullying by employees. Liability under the 2014 Act is set out in section 6(1), which states:

An employer (A) must not, in relation to employment by A, subject an employee (B) to bullying.

It is immediately apparent that it is the employer that must not subject an employee to bullying. It is therefore the act of the employer that must be looked at in consideration of whether there has been bullying. The problem is that bullying will often not be an act of an employer. In most cases it will be an employee that subjects another employee to bullying.

445 The fundamental problem with section 6, as the Court of Appeal decided, is that the 2014 Act does not give rise to vicarious liability on the part of the employer for the act of the employee. Vicarious liability is a secondary form of liability, which only arises when there is a primary liability by the employee. In the case of the 2014 Act, there is no liability at all of the employee and therefore no vicarious liability of the employer. In the absence of primary liability on the part of the employee, the only way in which the employer can be liable for the acts of the employee is to attribute such acts to the employer or to deem such acts to be the acts of the employer.

450 The Court of Appeal noted that there was no equivalent in 2014 to section 47(1) of the Equal Opportunities Act 2006, which states:

Anything done by a person in the course of his employment shall be treated for the purposes of this Act as done by his employer as well as by him, whether or not it was done with the employer's knowledge or approval.

455 Therefore, the Bill proposes to amend the 2014 Act on the same terms as section 47(1) of the Equal Opportunities Act.

After having discussed this with the Hon. Mr Bossino, who contacted me with some suggestions, and Mr Licudi QC, who has actually been the instigator of these amendments, I propose a further amendment to the amendment before you to, which I have given notice and set out in my letter to you. This is to be able to deal with the issue of the defence to the employer. This will be done by introducing a defence similar to that provided in section 47(3) of the Equal Opportunities Act 2006. This reads as follows:

In proceedings brought under this Act against any person in respect of an act alleged to have been done by an employee of his it shall be a defence for that person to prove that he took such steps as were reasonably practicable to prevent the employee from doing that act, or from doing in the course of his employment, acts of that description.

So, in order to capture both section 47(1) and (3) of the Equal Opportunities Act 2006, a new section should be inserted – and this is the amendment which I have proposed, which is extra to what already was in the Bill, so this is an amendment to the Bill – which should read:

7A(1) Subject to subsection (2) anything done by a person in the course of employment shall be treated for the purposes of this Act as done by the employer as well as by him, whether or not it is done by the employer's knowledge or approval.

(2) An act done by a person in the course of his employment shall not be treated as done by his employer if in the proceedings brought under this Act the employer proves that he took such steps as were reasonably practicable to prevent the employee from doing that act or from doing in the course of employment acts of that description.

Mr Speaker, I commend this Bill to the House. *(Banging on desks)*

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

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

I think, firstly, to recognise and acknowledge the assistance that the hon. Member has given. He is right, I did approach him and I made a few points. They were explained to me, the points that I had were clarified, and we were then able to enter into discussions with the Hon. Mr Licudi yesterday in order to improve this legislation.

The focus of this particular Bill is to take account of the live issues that were before the Court of Appeal in the *Stagnetto v Cassaglia* GHA matter, and that is precisely what this Bill does, so in that sense it is certainly an improvement. I think it has been very much focused on that, and it has dealt with those discrete issues, which although discrete were very important and are a fundamental understanding of the Bill, so most definitely it is an improvement.

Simply to go through some aspects of this, the substitution of the word 'includes' with 'means' in clause 3(2)(a) of the Bill, which, in turn, amends section 4 of the Act, is in order to deal with an issue which was before the Court as to whether the four items under section 4 which are matters that amounted to bullying should be considered exhaustive or non-exhaustive. By the addition of the word 'means', in effect my interpretation has been confirmed by the hon. Member: it makes it an exhaustive list, so that is now being set in stone, the definition of bullying.

Furthermore, there has been a further improvement because we now have the addition of a new subsection (2A) under clause 3(2)(b) of the Bill before the House, which very clearly sets out in statutory wording that those examples, in order for them to amount to bullying, must include behaviour which is ... and then it lists the adjectives that apply and currently feature in section 4(2A), which are 'offensive, intimidating, abusive, malicious or insulting'. I think that is going to be of great assistance to the law, to practitioners in the field and to those who fall victim of this very vile and foul behaviour.

I ask a particular question, simply to clarify: why it was the case that it was decided not to include the word 'persistent' in (c) and (d), which relate to punishment imposed without justification and changes in duties or responsibilities of an employee. In those two instances, if that happens, there is not a requirement for it to be persistent, but the addition of the words that I have just talked about in new section (2A), if it is passed by this House – and is likely to be passed because it is going to have unanimous support, at least from the GSD Opposition, I can say so now ... is that that action has to be offensive, intimidating and so forth. That has been explained to me, that is a policy decision that the Government has taken and that is fair enough, but at least there is clarity in relation to that.

If I can refer to my notes, there is one point that comes to mind ... I want to make sure that I do not leave anything out ... This would be the final point and I would invite the hon. Members opposite ... I think Mr Licudi may have something to say about this. It arises from my discussions with him yesterday and I think it would be of assistance for the record of this House that he speaks on it, if he may. I raise the point that there was an importation – a very important one, I may say – as a result of clause 3(3), which includes new 7A – again, if passed, but it will be – that, in effect, it is a deeming provision. It really was a failure of the initial Act and one which it is fair to say I do not think was spotted by anybody in the House at the time when we passed it, not even on this side of the House and certainly not on the other side of the House, that if an employee does something, how is the employer made responsible? That was the subject of argument before the Court of Appeal as to whether an employer in those circumstances could be found to be vicariously liable. My hon. and learned Friend, I think as a result of his arguments, said that it was impossible to impose vicarious liability on an employer without there being primary liability first on an employee, and therefore this deeming provision was deemed crucial in order to address that point.

I do not say this in any derogatory way, but it is, in effect, a copy and paste of the provision – which I think the hon. Member Mr Linares mentioned earlier – from the Equal Opportunities Act,

520 so I went to that and I saw that there was a defence in there available to ... I think it is employers
in that Act, yes. I put that to the hon. Members opposite and an explanation was provided that in
fact there is already a defence available to employers in section 6(5) of the Act, which is a statutory
defence, so long as the employer has a Bullying at Work policy in place and it is properly
525 implemented and they have adequate reviewers and training and all the rest of it. And then there
is a section 5(b), which says:

as soon as reasonably practicable, he

– the employer –

takes all steps as are reasonably necessary to remedy any loss, damage or other detriment suffered by the
complainant as a result of the act or acts of which he complains.

That provides the employer a statutory defence. Nevertheless, the Government took my
suggestions on board and was careful that there is not a confusing interplay between the deeming
530 provision defence or qualification or exceptional and the statutory defence which is already there.
They did not quite import the language in section 47(3) of the Equal Opportunities Act, but it was
slightly amended.

I would invite the Hon. Mr Licudi, if he may, to address the House on that particular point,
because I think it is going to be of assistance in the future in interpreting those provisions, precisely
535 because I still think that there could be room for some confusion. In fact, it is indeed possible –
and I again invite the hon. Member to address the point I am going to make – that if you qualify
for the exception under the deeming provision, it is possible for an employer to go scot free, even
if that employer does not have a Bullying at Work policy in place, which is something I would have
thought this legislation wants to encourage all employers to have in place. If he could address that
540 particular point ... I do appreciate that the wording is slightly different, but again ... I know that
this is now the third occasion, but I do invite the hon. Member to address us on that point.

Other than that, I think, Mr Speaker, I have covered all the points. Simply to repeat that this
side of the House – certainly the GSD side – will be voting in favour.

545 **Mr Speaker:** Does any other hon. Member of the House wish to speak on the general principles
and merits of the Bill? The Hon. Gilbert Licudi.

Hon. G H Licudi: Mr Speaker, first of all, I wish to declare an interest in this matter – not in the
legislation itself, but I was, as has been mentioned already, professionally involved in the cases
550 before the Supreme Court and the Court of Appeal which have given rise to consideration of the
impact of the Court of Appeal decision in particular and the advisability, requirement or necessity
to make these amendments. I should also say I have also been involved in advising the
Government as to what the impact of the Court of Appeal judgment is and the amendments that
ought to be made.

555 Having said that, the Hon. Minister has explained the background to these amendments, how
they arise, the issues which arose in the Court of Appeal, what essentially has been decided and
how that has impacted on the Act as we had it, the 2014 Act. There were two issues – in fact,
there were four issues before the Court of Appeal. Two were substantive and two were
procedural. We do not need to deal with procedural issues, but the two substantive issues
560 concerned the meaning of ‘bullying’ under, in particular, section 4(1) of the Act, and also the
liability of the employer. Issues of, firstly, interpretation arose in respect of both the meaning of
‘bullying’ and the liability of the employer, on which the Court of Appeal helpfully made some
comments and interpreted the legislation in a particular way in order to give the judgment of the
court in that case. As a result of those interpretations, we now know what the judicial
565 interpretation of this Act is in respect of the meaning of ‘bullying’, so strictly speaking, it is not

necessary to introduce these changes in respect of section 4 of the Act, because all we would need to do ... anybody who is involved in any case or advisory work would need to look at the Act, would need to look at judicial pronouncements and say, 'This has been interpreted in this particular way.'

570 What could not be done is ignore the second issue, which is the liability of the employer, because what the court has recognised is that there is, in fact, a lacuna in the legislation. Although vicarious liability was mentioned during the course of the debate in 2014, what none of us who were here – and there are a few lawyers on this side of the House and there were a few lawyers on that side of the House – realised at the time was that, as a matter of law, vicarious liability, for the reasons that have been explained, does not apply in respect of this particular Act. That was
575 something that we did not realise. It has been picked up as a result of argument before the court. There is clearly a lacuna in the legislation which needs to be remedied, and therefore the second amendment that the Bill seeks to introduce is absolutely necessary.

Given that that amendment is necessary and it was required to bring legislation to Parliament, it was clear that this was an opportunity, which has been taken by the Government, to clarify the
580 first issue, which is the meaning of 'bullying', by essentially giving effect to what the Court of Appeal has decided is the proper interpretation of this particular Act. Therefore, the first part of the amendment, which seeks to essentially change in subsection 4(2) 'includes' to 'means', arose as a result of the discussion and argument as to whether the list in section 4(2) was exhaustive or non-exhaustive, but not just that: more importantly, if it was non-exhaustive, what else did it
585 include? That was the crucial issue. What everybody involved in the case came to realise was that it was very difficult – in fact, just about impossible – to come up with examples of what could properly and objectively be viewed as bullying conduct which would not fall within one or other of the provisions of section 4(2) of the Act. Therefore, the court was satisfied and said that for all practical purposes section 4(2) provides an exhaustive list. What the amendment does is clarify
590 that that is, in fact, what is intended and that is, in fact, what is going to be the case. The list is now exhaustive and it is clear from the language which is now used, which now leaves no room for any doubt whatsoever.

The hon. Member opposite raises the issue of some provisions in section 4(2) requiring persistent conduct and others are not required persistent conduct. Section 4(2)(a) talks about
595 abusive, insulting, intimidating, malicious behaviour; section 4(2)(b) talks about unjustified criticism. Those require persistent acts, and it is now clear, as a result of the clarification and the rulings of the court, that where the behaviour in question falls within those particular subsections, it involves criticism or it involves abusive, intimidating or malicious conduct etc., those acts are required to be malicious for the purposes of falling within the definition of bullying.

600 It is worth noting also at this stage that what section 4(2) does is set out the meaning of 'conduct' where conduct is referred to in 4(1), because the basic definition or meaning of 'bullying' is in 4(1), where it talks of a person engaging in conduct which has the purpose or effect of causing humiliation, distress etc. When you consider what does 'conduct' mean, you now look exclusively at 4(2) and the list in 4(2). One of the difficulties that arose is if you look at 4(1) in isolation and
605 forget 4(2), and see that a person carries out bullying if he engages in conduct which has the purpose or effect of causing distress etc., the question that arises is what does 'conduct' mean? Does it mean any conduct at all which has that purpose or that effect? What the Court of Appeal has decided – and this is a very important interpretation – is that 'conduct' does not mean any conduct. The conduct in question must be viewed objectively and be capable, when viewed
610 objectively, as amounting to bullying conduct. That is why the Court of Appeal then went on to say the typical characteristics of bullying are actually in 4(2)(a), which is behaviour which is insulting, abusive, intimidating, malicious, etc., and given that those are the typical characteristics of bullying, those are the ones that should permeate throughout all other forms of conduct to determine whether there has been bullying conduct or not. That is what has given rise to the other
615 amendment to section 4, which is, in introduction, that for the purposes of (b), (c) and (d) in subsection (2), some of the characteristics in (a) must be present because those are the characteristics that define bullying. What is clear is that this Act is about preventing and providing

remedies for bullying conduct – not for any type of conduct which has certain purposes or certain effects, but for bullying conduct – and we now know what that type of conduct is.

620 As regards the issue of (c) and (d), which is punishment imposed without justification and changes in duties without reasonable justification, and the fact that the word ‘persistent’ is not present in there, which the hon. Member has raised, that was always the case. In 2014 when we introduced this legislation, a distinction was drawn between (a) and (b), which mention persistent, and (c) and (d), which do not mention persistent. I would venture to suggest that ‘persistent’ in
625 the context of (c) and (d) does not really make sense because then you would need to have *persistent* punishment by the employer or *persistent* changes in duties and responsibilities. Now what you will require, as a result of the decision and these amendments, is not persistent punishment or changes but punishment which is imposed without justification or changes without justification but which also include behaviour of a type which is abusive, insulting, malicious, etc.
630 That is what brings it within the context of being bullied rather than looked at in isolation as a punishment.

Those are the issues that arise in relation to section 4, and I understand that I have covered the issues that the hon. Member has raised.

The second issue concerns the liability of the employer, and the principal problem of this Act
635 is that it does not provide for liability by employees. It does not provide that an employee is liable for bullying somebody else, or that an employee must not subject another employee to bullying. It provides that an employer must not subject an employee to bullying. Therefore, given that there is only primary liability of the employer, there is this issue with vicarious liability, which is a form of secondary liability. The absence of that primary liability means that the employer is not
640 vicariously liable at all, although I recognise ...

I do not want to bore anyone with the legal language. Just to put it in a practical context so that the point is clearly understood, let us take the example of a negligent surgeon who performs an operation, does it negligently and causes harm to the patient. Typically, the patient or the family of the aggrieved patient will take action against the health authority involved – against the
645 hospital, against the clinic/provider – although they can also take action against the surgeon. The reason that the hospital/clinic/health provider is liable is where the surgeon is acting in the course of his employment as an employee of that institution and because the surgeon is liable himself. So the surgeon can be sued, he has primary liability for his own negligence, but then there is secondary, or what we call in legal terms vicarious liability on the part of the employer, and that
650 arises only where somebody acts in the course of employment. That is a typical example of where vicarious liability arises. But you must be able to sue the person who does the act, you must be able to sue the person who is primarily liable – in that example the surgeon. Under this Act, you cannot do that with an employee because the Act does not provide that an employee must not subject another to bullying or is liable for bullying, and therefore there must be another way in
655 which an employer can be liable, so that, as the hon. Member said, the employer cannot simply get off scot-free saying, ‘Well, that wasn’t my act and therefore I am not liable.’ We saw that there was a similar provision in the Equal Opportunities Act section 47(1), which is essentially a deeming provision. It treats the acts of employees, when done in the course of employment, as being the acts of the employer. It is important to say that that is not the same as vicarious liability. That is
660 deeming those acts to have been the acts of the employer; therefore, the employer is primarily liable and is caught by the provisions of the Act.

The hon. Member raised, in correspondence with my friend the Hon. Minister, the issue of section 47(3) in the Equal Opportunities Act, which provides a defence or an exception to circumstances when acts of an employee will not be treated as an act of the employer. This is
665 something that had been considered at the time, certainly when I was looking into this and suggesting to the Government what amendments ought to be proposed. As the hon. Member has said, there is already a statutory defence in the Act at section 6(5), in the context of bullying in particular. Section 6(5) provides a general defence to employers where the employer adopts the Bullying at Work policy, which is in the Schedule to the Act, where the employer implements and

670 takes reasonable steps to remedy any loss or damage caused by any wrongful acts of the employer or an employee. So that provides a general defence, and the view that was taken originally was you have already got a defence and it would be unusual to have two statutory defences in the same Act.

675 But given that the point was raised and was looked at again, it is clear to see that what is now going to be section 7A(1) deals with something slightly different to section 6(5). Section 6(5) deals with proactive steps taken by the employer putting in place the policy and acting pursuant to that policy. Section 7A focuses on the acts of an employee and the circumstances in which those acts of an employee are to be treated as the acts of the employer. There may be occasions when the two may overlap – the issue of the proposed amendment to the exception when acts will not be
680 treated as acts of the employer, and section 6(5). There may be some overlap, but essentially, once the amendment is done, the focus on what is looked at in terms of whether the employer is liable or not and whether there has been bullying depends on the question being asked of the Employment Tribunal and the particular circumstances that arise in the case. If the question is ‘Is the Employment Tribunal considering whether the employer has adopted and implemented the
685 Bullying at Work policy and therefore has a general defence?’ it would look at section 6(5). If the question is different, and if the question is ‘Are the acts of the employee to be treated as the acts of the employer?’ then the focus will be slightly different, and that is where 7A(2) would come in.

The hon. Member raises the question and suggests that there should be no room for confusion and we should not have a confusing overlap. I recognise that there might be some overlap. There
690 might be circumstances where the employer has adopted the policy, has implemented the policy and therefore says, in response to a suggestion that acts should be treated as his, ‘I have acted reasonably: this is what I have done.’ So it is possible that both elements can come into play, but there may be circumstances where, for the particular reasons which apply in any particular case, the employer has taken reasonable steps in respect of specific acts – outside the policy, nothing
695 to do with the policy – of an employee or a group of employees, the employer takes reasonable steps to prevent that happening, and that would allow the employer to say, ‘In these circumstances, the acts of the employee should not be treated as my own, because I have taken steps *a, b, c* and *d* to prevent all this happening, separate from the policy.’ It may be that the policy is one of those steps, so the policy could be one of those steps, but there may be other steps that
700 the employer takes in respect of specific acts or specific employees or specific groups of employees which fall outside the policy and would therefore allow the employer to say, ‘Because I have acted reasonably, in these specific circumstances these acts of the employee should not be attributed to me and I should not be made liable as a result.’ That seems reasonable and sensible.

I give way to the hon. Member.

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Hon. D J Bossino: I know he was in mid-flow. Just two points. One is a general point of slight disagreement, but simply to congratulate the Government for undertaking this piece of legislation, which is actually ... The Court of Appeal encouraged legislators to amend not just the issue about the deeming provision point but also what amounts to bullying. They made those two
710 points and encouraged Parliament to make the amendments in order to clarify those two points. But it did include also the statutory definition of what amounts to, as they put it, bullying.

Secondly, Mr Speaker, just one point of detail which he and I have discussed, but again it is to place it on the record the House. The soon-to-be new section 7A(2) talks about the employer proving that he took such steps as were reasonably practicable. Any lawyer looking at this would
715 assume, I think quite rightly, that the standard of proof would be on the civil standard on the balance of probabilities, but if he could simply clarify that by way of reminder before he sits down.

Hon. G H Licudi: Mr Speaker, yes, certainly that would be the intention of those words. Whenever you have a provision where a defendant or a respondent in a particular case ... the
720 burden of proof shifts as a result of certain things being established and the burden of proof shifts to the defendant or the respondent, the standard in order to satisfy that burden of proof will be

on a balance of probabilities and on what is known as a civil standard of proof. That is certainly, as far as I understand ... Although I am not part of the Government and the Hon. Minister can confirm for the Government that that is also the Government's understanding, that would certainly be the intention of this particular provision. As it is in relation to section 6(5), the Bullying at Work policy, it would be for the employer to prove. In order to have that general defence, it would be for the employer to prove that he has adopted a Bullying at Work policy, that he has implemented it, and it is only the employer who can do that. The policy talks about training, for example, so it is only the employer who can come along and say, 'I have trained x, I have trained y, and this is how I have done it; this is how I have implemented the policy.' So the burden is on the employer and the burden would be satisfied on a balance of probabilities.

Mr Speaker, I believe that I have dealt with some of the issues. The Hon. Minister who moves the Bill may have other points to make, but it seems to me that this is certainly an improvement. It is listening to the courts when they have interpreted. As the hon. Member has said, although we could simply have limited to this to curing the lacuna which existed, this Bill goes further, takes on board the comments of the courts, the hon. judges, and, in particular, the suggestion that Parliament might want to consider this. That is the reason why this Bill has been put to the House today.

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

Hon. S E Linares: Yes, Mr Speaker – very short. It is great to see that on both sides we have been able to make amendments and improve a Bill which has been there, which the Court of Appeal has actually indicated to us, as legislators, to improve. It is great to see that it closes down what amounts to bullying, in the first place, and in the second place it clears up the liability of the employer to actions of an employee. It has been great to be working on both sides to improve this Bill.

I commend the Bill to the House.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Employment (Bullying at Work) Act 2014 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Employment (Bullying at Work) (Amendment) Act 2022.

Employment (Bullying at Work) Bill 2022 – Committee Stage and Third Reading to be taken at this sitting

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**British Sign Language Bill 2022 –
First Reading approved**

Clerk: A Bill for an Act to recognise British Sign Language as a language of Gibraltar, to require the Minister for Equality to report on the promotion and facilitation of the use of British Sign Language by public authorities, and to require guidance to be issued in relation to British Sign Language.

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Clerk: Minister for Justice, Equality and Public Standards and Regulations.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, I have the honour to move that a Bill for an Act to recognise British Sign Language as a language of Gibraltar, to require the Minister for Equality to report on the promotion and facilitation of the use of British Sign Language by public authorities, and to require guidance to be issued in relation to British Sign Language be read a first time.

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Mr Speaker: I now put the question, which is that a Bill for an Act to recognise British Sign Language as a language of Gibraltar, to require the Minister for Equality to report on the promotion and facilitation of the use of British Sign Language by public authorities, and to require guidance to be issued in relation to British Sign Language be read a first time. Those in favour? **(Members: Aye.)** Those against? Carried.

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Clerk: The British Sign –

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Mr Speaker: Just a second, Mr Clerk. I just want to confirm that the Hon. the Chief Minister wrote to me certifying that the Bill was too urgent to permit the expiry of six weeks.

Clerk: The British Sign Language Act 2022.

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**British Sign Language Bill 2022 –
Second Reading approved**

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, I beg to move that the Bill for the British Sign Language Act 2022 be read a second time.

Today is a pivotal and historic moment for the deaf community in Gibraltar, particularly users of British Sign Language. This Bill provides for the recognition of British Sign Language as a language of Gibraltar and requires the Minister for Equality to report on the promotion and facilitation of the use of British Sign Language by public authorities. The Bill also requires the Minister to issue guidance in relation to British Sign Language. Our ambition is for this Bill to create a more inclusive society, improving the lives of deaf people and ensuring public services are more accessible for them. This will be yet another step in making Gibraltar a more inclusive society.

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Our Government has always led the way in respect of providing British Sign Language support for those who need it in Gibraltar. Indeed, we have been making provision for this for many years. In 2012, we established a contract for the provision of British Sign Language services in person at the Gibraltar Health Authority and this was later extended to the rest of the public sector. Provisions were later also made to extend this facility to online video conferences. British Sign Language is also very visible at National Day and other cultural events.

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This Government has been committed to the requirements of the deaf and hard-of-hearing community generally in a way that is unprecedented in any other before us. This represents yet

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another step in our journey for the inclusion of people with disabilities – for example, the provision of British Sign Language services at the Government Departments I have just mentioned, the provision of hearing loops across Government Departments, the provision of e-Gov services that will make interaction with Departments a lot easier to communicate with electronically, the provision of tech services at the Primary Care Centre and the WhatsApp service at the GHA’s 111 call centre, which can also be used to dispatch other emergency services, if needed. I would also add that the 111 service also serves the mental health crisis line. Of course, the icing on the cake will be the brand new audiology suite at the GHA.

This Government has shown its commitment to the provision of British Sign Language by ensuring that Government employees have been given the opportunity to learn British Sign Language at the Government’s expense. At present, there are 17 public servants who have received some training in this regard, either at BSL Level 1 or 2, and we are waiting for the current British Sign Language class to finish before embarking on funding a new group of trainees. There still is, of course, further work to do.

I would like to take this opportunity to extend my gratitude to all of those involved in making this a reality, but especially GHITA and Mr Joseph and Brugada and his family, who have constantly and rightly worked with Government in respect of our responsibilities towards the deaf community in Gibraltar and who have inspired us to do so.

I would like to turn to the clauses of the Bill. Clause 3 includes a definition of ‘relevant public authority’, which means all Government Departments, authorities, agencies, commissions, corporations or other bodies established by statute, and a person or body declared by the Minister by notice in the Gazette to be a relevant public authority. This definition ensures that all public bodies are in scope of the Minister’s reporting obligations under the Act.

Clause 4 recognises British Sign Language as a language of Gibraltar.

Clause 5 states that the Minister must prepare and publish a British Sign Language report after each reporting period. The report must describe what each relevant public authority has done to promote or facilitate the use of British Sign Language in its communications with the public. Such communications include any public announcement which it makes about policy or about changes in the law; the publication of any plan, strategy, consultation document or consultation response or any explanatory or supporting materials; and its use of press conferences, social media or a Government website to publicise any of its activities or policies. The Minister must publish each report no more than three months after the end of the reporting period to which it relates. The first reporting period shall be the period beginning on the day on which this Act comes into force and ending with 30th April 2023.

Clause 6 states that the Minister must issue guidance on the promotion and facilitation of the use of British Sign Language. Guidance may include advice for relevant public authorities on providing information to the Minister, advice on best practice for communicating with British Sign Language users and case studies to illustrate the value of providing British Sign Language interpretation in communications with the public. I can confirm that the Ministry of Equality is already one step ahead and has already drafted the first set of guidance notes for this Act, and preparations are already in place to reach out to all relevant bodies to ensure that their duties under the Act are fully understood and therefore comply.

Clause 7 includes a regulation-making power in respect of matters relating to the application of this Act and for more effectually carrying into effect the objects of this Act.

Mr Speaker, I commend this Bill to the House. *(Banging on desks)*

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

Hon. E J Phillips: Mr Speaker, thank you.

The Opposition, of course, will support the Bill. We agree with the hon. Lady that it is a historic and seminal Bill before this House, namely the British Sign Language Bill. The reason why I have

855 learnt a bit of sign language over the last couple of weeks is to, hopefully, present to our community that even MPs on this side of the House are able to pick up a bit of sign language, now that we are recognising, fundamentally, British Sign Language as a language of our community. I would like to say a big thank you to our deaf and hearing loss community, because I think is important on this seminal day that Members of this House attempt to learn British Sign Language so that we can do our bit, as well as those in our community who are going through the training courses that the hon. Lady articulated before.

860 It is important to reflect on how this Bill came about, what it seeks to achieve, what more can be done in this area and, fundamentally, to honour those who have made it their life's work to improve the lives of the deaf and hearing loss community.

865 I have enjoyed a close working relationship, as I know the hon. Lady has, with our deaf and hearing loss community, and I am very pleased that the Government has listened to our community and their Opposition. We note that we have played our part in bringing a motion before this House to encourage the law in this area and we are pleased to see the Government follow where we have led politically on this issue. But today is not about political point scoring, as I did say in relation to a question that was put before this House last week. Today is about unity across the floor of this House, today is about the celebration of deaf and hearing loss rights, today is about setting aside discrimination, and today, most importantly, is about establishing a platform for us to put into action the steps that need to be taken to provide important resources to our deaf and hearing loss community.

870 The people who should be applauded for this Bill are our deaf and hearing loss community, who have for decades been ignored, to be fair, by successive Governments, in particular the present Government, who have been in office for the last 10 years, and whilst this Bill will finally recognise British Sign Language and is supported by our deaf and hearing loss community, much more work will need to be done on the ground to make provision of British Sign Language in our community a reality. It is, no doubt, as the hon. Lady has said, a step in the right direction, and whilst it has the support of the entire House no doubt, there is a real and substantive need for change in the area of BSL provision.

880 As David Buxton, Chair of the British Deaf Association, said on the BSL Bill receiving Royal Assent in the British Parliament:

While today is a day to celebrate, we are all aware that this marks the first step on a long path towards truly equal access to public services, information and opportunities for BSL users in Great Britain.

885 The same is true here, our home. When responding to the publication of the Bill, GHITA Chairman Edgar Triay described it as a milestone but one that needed to be matched with real action with the establishing of the BSL Advisory Board on implementation of the provisions of the Act, a rolling out of information in GHA and educational establishments.

890 The hard word does not stop at the passing of this legislation, and whilst, for the first time, it recognises British Sign Language as a language and is a welcome step towards a more inclusive and accessible society, the proof of the pudding is in the eating and we must ensure the daily lives of our deaf and hearing loss community are improved by better access to BSL provision across all public services, most importantly education and health. It is an initial step in building a road map so that the deaf and hearing loss community can access services where there is a lack of provision.

895 I must say when the deaf community approached me eight months ago and since the House last met, I was shocked that in 2022 we effectively cannot provide BSL interpreters, qualified and experienced, so deaf members of our community can communicate with their doctors, nurses, RGP or other public services. You only have to reflect for one moment – and I think I was responding to a question that we had put in this House and the Chief Minister engaged on ... You only have to reflect for one moment the daily basis and the impact that hearing and speech have on everyday life: not to be able to communicate with your doctor about how you feel, so that a diagnosis can be properly informed; not being able to tell your teacher about the support you

need at school; not being able to tell a pharmacist what medication you need; not to understand an emergency situation, such as when a fire alarm is triggered; and not being able to watch the news, importantly, in order to understand what is going on in your community. God forbid not to understand the Chief Minister's Statement last week on the treaty, and, indeed, potentially this afternoon in relation to Gibdock!

We need to make sure that the Bill before the House is not a token Bill and that there is a meaningful and genuine understanding within Government and the wider community of the real and urgent need to back this Bill with action – namely, the provision of BSL support: qualified interpreters across our public services, including broadcasting.

We will support this Bill. As we have said, it is a start. It cannot be a token Bill. It must be a signal to our deaf community that we hear you and we have your back. We must now, without delay, take important steps to increase accessibility, so that our deaf community feels included in our community.

Lastly, Mr Speaker, and by no means least, I wish to recognise GHITA Chairman Edgar Triay, Joe Brugada and the many others who have pushed forward in relation to deaf and hearing loss rights; and, of course, Bobby and Ana Maria Gomez, who are on their massive walk from Gibraltar to the north of the Iberian peninsula, and whilst we sit in this air-conditioned Chamber they make the epic hike of half a marathon each day in the scorching Spanish sun to raise awareness of deaf issues in our community. We must match this massive effort and the efforts of GHITA and recall the daily struggles of our deaf and hearing loss community by ensuring that BSL resource is made a top priority.

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

Mr Speaker: The Hon. Marlene Hassan Nahon.

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

I welcome this long-overdue Bill and commend the civil society groups whose lobbying has made it possible. Eight years of fighting for the rights of the disabled have given us all an example of how to unite to achieve lasting political change, and their efforts are being extremely successful in giving visibility to a collective that has been marginalised in Gibraltar for far too long. In this case, it is the work of GHITA, and in particular its chairman, Edgar Triay, that deserves praise and recognition. I also think it is fair to thank the Hon. Elliott Phillips, who presented this topic as a motion following an appeal to MPs in this House by BSL advocates, a motion which has, in turn, spurred this Bill.

Unfortunately, as we have seen in the past, policies such as this one often become a purely symbolic exercise. This Bill will be empty of substance if it is not accompanied by rigorous implementation, the investment of public resources and a profound cultural and institutional change. Currently, in Gibraltar, we are far from providing adequate levels of accessibility for deaf people and BSL speakers. Government press conferences and other institutional messages are also not, by default, subtitled and therefore still not inclusive for deaf people. We need BSL interpreters on public counters, in educational and healthcare environments and the widespread introduction of hearing-loop infrastructure in our society. We need BSL to be introduced in our education system in order to bridge the hearing divide that exists in our society.

We need to do much more to ensure that we provide equal opportunities to the most vulnerable members of our society, and I hope that this Bill, which I shall be supporting with my vote, is the first of many changes to come.

Thank you, Mr Speaker.

Mr Speaker: Does any other hon. Member wish to contribute? The Hon. Prof. John Cortes.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I will let my hon. Friend the Hon. Samantha Sacramento rebuke the

preposterous claims from the Hon. Mr Phillips that we have followed anything that they did in this – or anything else, for that matter. If we had followed their lead, we would not have got anywhere in the past seven years and all the achievements would have not been there.

I can say that some years ago, when I was Minister for Health and my hon. Friend was Minister for Care, we worked very closely together and we took landmark steps in response to approaches from GHITA and from Mr Brugada and his family, because it was clear to us that there was absolutely nothing in place to support and help those who have hearing impairment. We took steps then. I can remember some of them, including the text messages for the Health Centre, the provision of online connections when there was a need to have a consultation with somebody who could work in sign language, and many other things which were not in place at the time.

Today's step, as we all agree, is a hugely significant one and I want to congratulate my friend the Hon. Samantha Sacramento for taking it. Knowing how determined she is in everything she does, I am absolutely convinced that it will not just be something that lies on the statute book, and that we are making tremendous progress and we will continue to do so in the future.

Mr Speaker: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I want to agree with one of the things that Mr Phillips has said, which is that today is a historic and seminal moment. It is a historic and seminal moment because we are adding a language to the official languages of Gibraltar. That is not something that can be done easily, it is not something that can be done without considerable thought and considerable preparation, and so today is historic and seminal and that is how I would have described the presentation of this Bill by the hon. Lady, the Minister with responsibility for equality if he had described it in that way himself. And so we are in agreement.

Mr Speaker, when something is historic and seminal it is a pity to sully that moment with party politics, but that is exactly what the hon. Gentleman has done. The Hon. Prof. Cortes has been absolutely right to say that there is no question of this Government following hon. Members – absolutely no question, because the hon. Members have presented policies in this House which are entirely contrary to the progress that we have represented.

In the time since we were elected in this place, what they have told us to do is not to open the Development and Planning Commission to the public, not to facilitate minutes, but to keep them entirely confidential, as they were. And when it comes to the particular issue that we are dealing with, this Government is not for one moment following a motion that the hon. Gentleman put without consulting with the Government – that is to say without gauging whether or not the Government would support it.

This Government is following the advice of the Minister with responsibility for equality, the advice of those who advise her and the work done by GHITA – not just in the work that they have done recently when they were outside my office and I was able to become involved in a discussion with them where they explained a lot of the issues about BSL, in particular how BSL had been in the process of becoming an official legislated-for language in the United Kingdom, not just in the context of the Westminster Parliament's legislative action, but in the parliaments of the nations that make up the United Kingdom: in the Welsh parliament, in the Scottish Parliament, the last one being the British Parliament for England rather than for the whole United Kingdom.

It is therefore, in my view, totally wrong and it is totally misleading the public to suggest that the Government is somehow following the Opposition. In fact, what hon. Members need to reflect on is that this is a Government Bill. It is not an Opposition Bill, it is not a Private Member's Bill – which is what the hon. Gentleman's motion called for. This is a Government Bill. It has been given Government time, it is going to be passed with Government votes, and if there is anybody who is entitled to claim the credit for this, it is the NGOs, the one that the hon. Lady mentioned – GHITA – and the ones that the Hon. Minister mentioned. I will say a little more about that in a few moments.

How can the hon. Gentleman get up and say that we have been ignoring the deaf community?
 1005 It is all very good to say things in the context of trying to score party political points – and I see him shaking his head, but that is what he said – but when you say things when you want to make a party political point, you have to make a serious party political point.

And so, let us reflect on what we found when we followed them into Government. We found absolutely no provision whatsoever. We were elected into Government and immediately the hon.
 1010 Lady started to make provision for British Sign Language to be provided at events for the Government. There are not enough people to help us with this and that is one of the challenges, but immediately we were providing British Sign Language on National Day and on other occasions.

I do not know whether in saying that we have ignored people who are suffering from hearing loss, tinnitus etc., the hon. Gentleman has forgotten that in our manifesto for the 2015 election
 1015 we had considerable provision in respect of the deaf, and indeed in our manifesto for the 2019 General Election. I imagine that we want to forget these things because I am talking about elections that they lost, so they do not like to think back, but we have more provision on page 109 of our manifesto – ‘Working with GHITA’, ‘A strategy to deal with deafness’, ‘Screening children for deafness’, ‘A study on hearing loss’, ‘Hearing aids’ and ‘Services for the deaf’ – and there we
 1020 set out again:

We established the use of a British Sign Language interpreter on National Day and we are committed that this will always be provided for as long as we are in Government.

The way that we provide for this, to ensure that it continues when we are not in Government, is to entrench it into legislation, which is exactly what we are doing today.

I hope that GHITA sees that it has support across the floor of the House, but we should, I think, be hesitant to get into a competition of showing GHITA who supports them more or less. But if a
 1025 competition is what hon. Members want, the Government that they led did nothing and the Government that we lead has incrementally done things and now has brought this Bill and is going to pass it. I think, frankly, therefore, that it ill-behaves any of us to play a party political game on a day that we have said is historic and seminal.

Having said that, I was surprised to hear the hon. Lady say that this is long overdue when I have
 1030 certainly not heard her voice on this issue at all, before. It is surprising that somebody who has not raised the issue, who has not campaigned on the issue and who has not even brought a motion says that something is long overdue. (*Interjection by Hon. Ms M D Hassan Nahon*) Well, then, Mr Speaker, in that context, it must have been long overdue for her to do something about it, and in saying that at least – which I do not recognise is the right approach – we are recognising the
 1035 works of the relevant NGOs, she is recognising that we recognise the work of the NGOs and therefore I hope she will not be saying that we do not listen, because we have listened and she was wrong to say that it was the motion that had spurred on this Bill: completely wrong.

The Government has certified this Bill today as urgent for a reason: because if we had not certified it we would not have been able to proceed with it until 27th May, which means we would
 1040 not have been able to come back to it until the next meeting of the House. There is no reason why we should not be getting on with the things that GHITA wants us to be getting on with, and that is what we are going to do, get on with the things that the people who have a need in this area want us to be doing, rather than simply continuing to engage in a baseless exchange on the party-political aspects of who did what, when.

What we have to recognise is that there are two people with a link to Gibraltar – one of them is a Gibraltarian, and they are a married couple – walking to raise funds for people who have difficulties with hearing. What we have to recognise is the incredible work done by Edgar Triay. We have to recognise and remember that he is supported by people like Mrs Facio Beanland, who gave an extraordinarily moving talk in February 2020 at one of the Gibraltar Talks about the
 1050 difficulties that people with hearing loss suffer. We have to recognise that for many years Joe Brugada has been campaigning on this issue. He described himself as wanting to be a thorn in my

side until we took the steps that we had to take, and here we are taking them. His daughter, and her husband as well, and Jackie Dalli and Tony Gomez. These are the people who deserve recognition today for the work that they have done – and many others, I am sure, who I cannot name-check because I simply do not know their names.

This is not about some sterile argument between some politicians on a hot day, late in May, about who did what and who said what, when; but if it were, hon. Members have to remember that the only ones who can do are the ones sitting on this side – and doing we are, Mr Speaker.

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

Hon. K Azopardi: Mr Speaker, can I –?

Mr Speaker: Can I just interject before we continue? I would just like to read out something that I thought might be useful for today, but mainly for the future, about the way we cover the general principles and merits of Bills. It says here:

Members must confine discussion to the main purpose and the contents of the Bill and not deal at length with matters not provided for therein. The reference may be made to such matters if related to the Bill. It must be confined to the Bill as printed.

We tend, many times, to stray from this. I am just reminding Members what is required of everyone.

Hon. K Azopardi: Mr Speaker, of course that is right, but as we are midstream in the debate on the principles of the Bill and certain things have been said beyond that passage, with your indulgence on this occasion I would like to respond not just on matters which are relevant here but also the things that have been said, because at the end of it that passage could have been read also a bit earlier. Certainly, going forward, I think that is an important passage that Your ... that Mr Speaker has read. I was about to call you Your Lordship – but not yet!

Mr Speaker, this is indeed a day that is a cause for celebration, as has been said on both sides of the House, and I agree that the true heroes of this are the people who have had been mentioned by the Chief Minister and my hon. colleague Mr Phillips, and also those who have suffered silently and have wanted more assistance, more help, and are slightly frustrated and have encouraged Members of the House to vote in favour, as indeed we are. It is a cause for celebration that this is happening and, indeed, that we are taking these steps forward. I hope that this framework – because it is only a framework – provides a basis for us to move forward and deliver that package of support for people who have these hearing issues.

In saying that, the Chief Minister in his contribution seems to take any opportunity to engage and widen the debate beyond things that are not in the principles itself. He may criticise my hon. colleague Mr Phillips for having taken a particular stance, he may not have liked the comments that he was making, but with all due respect, Mr Phillips's comments were restricted to the subject matter of the Bill – but he widens it to who improved the planning processes. It has nothing to do with the Bill. If he really wants a history lesson on who opened up the planning process, well, it was not them first, because when we inherited the Government in 1996 we first injected provisions on public participation, which they improved – and I am the first to acknowledge they improved subsequently in 2011, but life did not begin in 2011 when the hon. Member took that chair. The GSLP were not first in office in 2011. We can all play history lessons, but it is a jaded process, and when the hon. Member talks about the motion that my colleague Mr Phillips presented on British Sign Language, still relevant to the principles of the Bill but he casts aspersions as if we did not consult on this motion, it is a peculiar view of democracy, **(Two Members: Hear, hear.)** because democracy ...

This is what we are supposed to do as parliamentarians on this side of the House. We are supposed to raise issues, hold the Government robustly to account. Sometimes we can get things done by agreement, sometimes we can get things done by persuasion, but motions can be presented by first showing them the draft motion, or they can be presented because it is our democratic function. Or is he saying that he is only willing to agree a motion that is first put to him? I would say, Mr Speaker, that is a slightly peculiar form of democracy because it might be that I file a motion on which he says, 'I never thought of this, and this is a great motion.' If I were sitting on that side, I might say, 'This Opposition motion is bang on point – I actually think we are going to support it,' but he is saying, in a slightly warped kind of view of democracy, that unless we negotiate it with him he is unwilling; he is going to blind himself in a party-political partisan kind of view to saying no, just because the Opposition have done what we have been elected to do by the people of Gibraltar. It is a matter for him.

And then he goes on to talk about what they have done on sign language and so on. I congratulate them for things they have done in a positive sense. I honestly do congratulate them if they have made improvements for people who are vulnerable people in this community or people who want things. But he casts that point on the basis that it is a sort of lecture point: 'I am not taking lessons from the hon. Members on the other side,' and all of that. It is slightly aggressive on the basis of a Government that does no wrong. He really needs to calm down. *(Interjection by Hon. Chief Minister)* He needs to calm down, Mr Speaker. He really does need, on this issue which actually we agree on, to calm down. *(Interjection by Hon. Chief Minister)*

This Bill, which we are supporting, will hopefully provide a basis for significant improvement for people who have hearing disabilities, and we think that is a great step forward. It was signposted by my hon. colleague's motion. It has been put in the body of a Bill by the Government. We have supported it. We are going to vote in favour. It will, hopefully, deal with the frustration that we hear from people on the ground in this community, and we think that this will be a step forward – and that is why we are supporting it, but on the basis that I have indicated.

Hon. E J Phillips: Hear, hear.

Hon. Chief Minister: Mr Speaker, at least he made it in time to make a speech.

Mr Speaker: The Hon. Samantha Sacramento.

Hon. Miss S J Sacramento: Mr Speaker, how regrettable that the Members opposite have turned this Bill, which was something landmark and representing positive progress, into an attempt at party political point scoring. It is not something that I would have wanted to deal with in that way, but given that the hon. Member Mr Phillips, in his intervention, made it party political, I am left with no choice but to answer the points that he raised in that respect.

The hon. Gentleman started by saying that this was not about political point scoring but proceeded to make two party political points. The first one was his attempt to take credit for the presentation of this Bill. In the hon. Member's mind, this Government that has a Minister for Equality and a Ministry for Equality, both of which enjoy an excellent relationship with NGOs in this respect and were already working on this ... No, he ignores that point, he ignores that fact, he ignores the reality and he wants to believe, himself, and by extension he wants the community to believe that his motion was a trigger for this. I therefore have a responsibility to clarify, given that I am the Minister presenting this Bill, that nothing could be further from the truth.

When, regrettably, the Leader of the Opposition aggressively tells us that the motion was ignored, the point that we need to make is that ... I will paraphrase what the hon. Gentleman said. He said that in an ideal situation we would have agreed with the motion and said, 'Oh, this is fantastic, we agree with your motion.' But no, the reason we did not reply to the motion was because had proper protocol and Parliament etiquette and courtesy been extended, had the hon.

Member opposite informed us that the GSD – Mr Speaker, perhaps if I could have silence in the Chamber, I could hear myself think. *(Interjections)*

Mr Speaker: I have to say that it is really unparliamentary to be murmuring – *(Interjections)* It applies to both sides. *(Interjections)* No, I said it applies to both sides, but it is rude and unparliamentary. It works for both sides. *(Interjections)* No, I am making it –

Hon. Chief Minister: No, Mr Speaker, I was heckling, not murmuring. *(Interjection)*

Mr Speaker: As I said, the last group of persons who were murmuring were the Opposition and that is why I directed my view towards them, but I accept that both sides are guilty of this practice – and it should stop; it is not right.

Hon. Miss S J Sacramento: Thank you, Mr Speaker.

My team at the Ministry for Equality and I were really positive and really excited about doing this today, and it is so regrettable that we are being dragged into this by the Opposition, but because they raise it I need to address the issues.

I am going to raise the issue of a technicality, which is a parliamentary process which the general public may not understand, but given that they want to take credit for this, it is important that the public do understand the procedure and the technicalities. The Hon. Mr Phillips presented a motion for there to be a Private Member's Bill on the matter, which would have required the majority of this Parliament. This is a Government Bill. So, we find ourselves in a situation where the hon. Member has found an interest in BSL – and I thank him for that and I commend him for that – but if the hon. Member had done the normal thing, which most Members on the other side do when they find themselves in the situation, called me and said, 'I want to propose a motion to Parliament that will give us this end result,' I would have said, 'Don't worry about it, we are already working on this Bill.' Therefore, the hon. Gentleman cannot pretend to take the credit for the Government Bill that has been presented today, because work was already well on its way. This is the business of the Ministry for Equality, who were already engaged with GHITA and other stakeholders in this, because there were other people whom we were speaking to in this respect, and the foundation work had already been commenced. So, absolutely not, Mr Speaker. As the person who presents this Bill, I can tell the hon. Gentleman very clearly that he was not the trigger for it; it was the advice of the Ministry for Equality and the people we engage with who were the trigger for this.

The hon. Gentleman Mr Phillips also makes another point where he tries to score party political points and which is, indeed, inaccurate. Quite apart from clearly not listening to what I said in my original speech, as well as what I said in answer to Parliament questions last week, Mr Phillips says that we cannot provide British Sign Language interpreters. He does not accept, and we have heard it not only from myself but also from my friend the Hon. Minister Cortes that when he was Minister for Health we made arrangements for BSL provision, initially in the Health Authority because it did not exist. So what we have is a contract between the Health Authority and a provider, for BSL. We have a procedure where if someone who uses BSL needs to see a doctor, they make arrangements in advance by text message, notify the Gibraltar Health Authority that they need to see a doctor so an appointment can be made for them electronically – something which did not exist before either. So there are arrangements for them to be able to make electronic appointments and there are arrangements for them to be expected, and therefore, in the meantime, as much provision as possible. Arrangements will be made for a British Sign Language interpreter to be there to assist. Sometimes, of course, if it is an urgent situation and it is an emergency, it may not be possible to make those arrangements. On that basis, as an alternative to that and as a contingency we have an app, where a British Sign Language interpreter will be available online. For the hon. Gentleman to try to pretend to the community that there are no facilities for people who require British Sign Language is not accurate, and therefore I cannot leave it unanswered in this House.

Mr Speaker, it was more eloquently put by the Leader of the Opposition when he said that more assistance can be provided, and that is what I said in my speech. This is not our starting point, this is a progression of our starting point from 2011 and all the things that we have done in relation to progress on British Sign Language, and we have now entrenched and enshrined it in legislation so, as the Chief Minister said, it will have longevity and posterity because it is now on our statute books. That is an accurate reflection of what we have done, and not what the hon. Gentleman was trying to pretend was the reality.

On the final point, the hon. Gentleman seems not to have read the Bill, because the Bill makes provision for accountability. Section 3 of the Bill clearly states the public authorities the Bill places this responsibility on, because the hon. Gentleman mentioned particular institutions and they are, of course, captured by the Bill. There is provision for accountability, and therefore the Government will have to hold these entities to account, to ensure that the intention of the Government in passing this Bill is actually happening. I hope that the hon. Gentleman now understands and rests assured of the intention of the effect of this legislation.

Mr Speaker, I cannot emphasise enough that a day when we should all be together as a Parliament to speak about the progress that we are making and the inclusion of people with disabilities by the passing of this Bill has been dragged down by the Member opposite because he wanted to make party political points, because he wanted to take the credit for the work that the Government has done.

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

Mr Speaker: I now put the question, which is that a Bill for an Act to recognise British Sign Language as a language of Gibraltar, to require the Minister for Equality to report on the promotion and facilitation of the use of British Sign Language by public authorities, and to require guidance to be issued in relation to British Sign Language be read a second time. Those in favour? **(Members: Aye.)** Those against? Carried.

Clerk: The British Sign Language Act 2022.

British Sign Language Bill 2022 – Committee Stage and Third Reading to be taken at this sitting

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

Pensions (Widows and Orphans) (Amendment) Bill 2020 – First Reading approved

Clerk: A Bill for an Act to amend the Pensions (Widows and Orphans) Act. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Pensions (Widows and Orphans) Act be read a first time.

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

1245 **Clerk:** The Pensions (Widows and Orphans) (Amendment) Act 2020.

**Pensions (Widows and Orphans) (Amendment) Bill 2020 –
Second Reading approved**

1250 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

This is a short Bill that is designed to give effect to my commitment in the Budget speech of 2007 to bring about legislation to enable the widows and orphans provisions to be open to certain members of the community who had evinced an intention to wish to be covered by the provisions of what is known as WOPS.

1255 I recall, Mr Speaker, that at the time we first had debates in this House about this matter, you were, at that stage, the Clerk, not elevated yet to the role of Speaker, and the former Chief Minister used to remind us all in the House that you were the last remaining member of the Civil Service on WOPS.

1260 In 2017, I said, during the course of my Budget address, at paragraphs 505 and 506, the following:

Also in relation to pensioners, the Government has been approached by a number of those entitled to re-enter the Widows and Orphans Pension Scheme who were not married to their current partners at the time that they retired. The law states that any marriage of the pensioner whose rights would be assigned to a widow or orphan who was not married by the time he retired would not be eligible to entitlement. This is grossly unfair and is based on an old law which has not kept pace with modern life.

– in fact, Mr Speaker, the original Bill comes from 1961 –

It is, in any event, an issue that affects only a handful of those who would re-enter the old WOPS scheme. The law will therefore be changed to allow for marriages after the retirement of the contributor if he opts back into the scheme to count also.

[...] The window to re-enter the WOPS scheme [...] will be open again, from midnight tonight until 30th September 2017, to allow those who have previously been denied membership on the basis of the application of this aspect of the law to apply.

1265 That was done, and subsequently we published a Bill, which fell when the General Election was called in 2019 and we then republished a Bill on 20th February 2020 which would deal with the changes that needed to be made. The Hon. Mr Feetham asked me about the progress of the Bill at the last session of the House, and having regard to the Bills that were still outstanding I have seen it is possible for us to take it today.

1270 Mr Speaker, 20th February 2020 was almost exactly six weeks before the pandemic began. I hope that that helps the House to understand the reason why this Bill has not progressed. We have done precious little of the ordinary legislating that we do in this time. We have brought some extraordinary Bills that we have had to deal with. Indeed, in 2020 we did not even have an Appropriation, we had an emergency Appropriation. As I have already said, we have already given a commitment to all those who registered in time that the absence of the Bill would not prevent us from giving them the benefits that they might have registered for.

1275 I believe it is now time for the Bill to be passed. Hon. Members will see it is actually a Bill which has very little effect. It has the effect of making some amendments to deal with the issue that I raised in my Budget speech and permitting, under the relevant provisions, a resumption of

contributions where that is relevant – although I do not think there is anyone in the service who will be involved in that.

1280 And so, Mr Speaker, I move that the House should now approve this Bill, which I think is one that all sides agree needs to be put in place to give effect to this part of the Budget Statement of 2017.

1285 **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. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, the Opposition is going to be voting in favour of the Bill. It is a very welcome Bill and it will be very welcome in particular to those who are affected by it.

1290 I have had an opportunity now to consider the Bill in the light of the statute that it amends, and in my view it does deal with a concern that I have had at the back of my mind, and I do not for one moment hesitate in saying this. At the end of the day, we are not here ... although we are here to, of course, make political points in the right way, we are not here to make political points that may cause concern amongst those who may be affected.

1295 The point that I was concerned about was, because the commitment by the Hon. Chief Minister was made in 2017 – as he rightly says, the Government published a Bill but that Bill went by the wayside because the House dissolved and the Bill had not been brought to Parliament; a new Bill was then published in 2020 – whether the time period from 2017 all the way to today, in 2022, had the propensity to cause a prejudice, in particular to the widows of those contributors or ex-public servants who may have died from 2017 to 2022, or whenever the Bill is taken. In fact, the combination of the amendments together with section 18A(2) of the Act that we are amending
1300 will allow a contributor's widow to make the contributions if her ... or his wife, or whoever it may be, the partner, has died in that five-year period. I have no hesitation in expressing my view that that is the effect of the amendments when taken together with the principal Act, and for those reasons I have no hesitation in saying, on behalf of the Opposition, that we will be supporting the Bill. *(Banging on desks)*

1305

Mr Speaker: The Hon. the Chief Minister.

1310 **Hon. Chief Minister:** Mr Speaker, I am very pleased to hear that from the hon. Gentleman. I think I have given an indication that the thing that he says concerned him should not concern him, and I am very pleased that he has de-concerned himself in that respect.

1315 What I would say is that one of the things that they have always criticised that we introduced, which was the principle of commutations, has meant that there are fewer and fewer people who are going to be interested in respect of this particular Bill, going forward. It is true that they were not supportive of that, but I think it has worked very well. Then again, they were not supportive of so many things that have worked so well, not least ... I am just remembering the things that they used to say about the Future Job Strategy, let alone commutations and how they were going to ruin us. And so I am very pleased, Mr Speaker, that they are going to support this Bill.

1320 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Pensions (Widows and Orphans) Act be read a second time. Those in favour? **(Members: Aye.)** Those against? Carried.

Clerk: The Pensions (Widows and Orphans) (Amendment) Act 2020.

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

1325 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill be taken today, if all hon. Members agree.

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

1330

COMMITTEE STAGE AND THIRD READING

1335 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now resolve itself into Committee to consider the following Bills clause by clause, namely the Pensions (Widows and Orphans) (Amendment) Bill 2020, the University of Gibraltar (Amendment) Bill 2021, the Employment (Bullying at Work) (Amendment) Bill 2022 and the British Sign Language Bill 2022.

In Committee of the whole House

**Pensions (Widows and Orphans) (Amendment) Bill 2020 –
Clauses considered and approved**

1340 **Clerk:** A Bill for an Act to amend the Pensions (Widows and Orphans) Act. Clauses 1 and 2.

Mr Chairman: May I interject at this point and point out that in the title and commencement it refers to the 'Act 2020' – should that not be 2022?

1345 **Chief Minister (Hon. F R Picardo):** Mr Chairman, yes, I am grateful. Because the Bill has been on the Order Paper for some time now, the Act will have to be read as 2022. The Bill is still the 2020 Bill, but the Act will have to become the 2022 Act, which is clause 1.

Mr Speaker: Clause 1 stands part of the Bill.

1350 **Clerk:** Clause 2.

Mr Chairman: Clause 2 stands part of the Bill.

1355 **Clerk:** The long title.

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

**University of Gibraltar (Amendment) Bill 2021 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the University of Gibraltar Act.

Clauses 1 to 3.

1360 **Minister for Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Chairman, in the same way as we needed to amend the year, we need to do so in clause 1.

1365 **Mr Chairman:** Clause 1 stands part of the Bill.

Hon. E J Reyes: Mr Chairman, if I may: in clause 3(12) I propose that where it says 'For section 22 substitute' that part now reads 'Subject to subsections (2) and (3)' as opposed to subsections (1) and (2).

1370 **Hon. Prof. J E Cortes:** Absolutely, Mr Chairman, we agreed that earlier, so that is ... I think we agree on both sides.

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

1375 **Clerk:** The long title.

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

**Employment (Bullying at Work) (Amendment) Bill 2022 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Employment (Bullying at Work) Act 2014.
Clauses 1 and 2.

1380 **Mr Chairman:** Clauses 1 and 2 stand part of the Bill.

Clerk: Clause 3, as amended.

1385 **Mr Chairman:** The amendment in clause 3 which was circulated earlier in the month, if the Opposition is content with that.
Clause 3, as amended, stands part of the Bill.

1390 **Hon. G H Licudi:** Mr Chairman, you have just indicated the amendment circulated earlier in the month. Is that an amendment which was circulated today or yesterday?

Hon. Member: No, it was circulated on Monday.

1395 **Mr Chairman:** I clarify that: it was earlier in the month, but it was really on 25th May.

Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares): Yes, it is the one I sent Mr Speaker to give notice that I would be moving the amendment.

1400 **Clerk:** The long title.

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

**British Sign Language Bill 2022 –
Clauses considered and approved**

Clerk: A Bill for an Act to recognise British Sign Language as a language of Gibraltar, to require the Minister for Equality to report on the promotion and facilitation of the use of British Sign Language by public authorities, and to require guidance to be issued in relation to British Sign Language.

1405

Clauses 1 to 7.

Mr Chairman: Clauses 1 to 7 stand part of the Bill.

1410

Clerk: The long title.

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

**Pensions (Widows and Orphans) (Amendment) Bill 2020 –
University of Gibraltar (Amendment) Bill 2021 –
Employment (Bullying at Work) (Amendment) Bill 2022 –
British Sign Language Bill 2022 –
Third Reading approved: Bills passed**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Pensions (Widows and Orphans) (Amendment) Bill 2020, the University of Gibraltar (Amendment) Bill 2021, the Employment (Bullying at Work) (Amendment) Bill 2022 and the British Sign Language Bill 2022 have been considered in Committee and agreed to, some with amendments.

1415

I now move that they be read a third time and passed.

Mr Speaker: I now put the question, which is that the Pensions (Widows and Orphans) (Amendment) Bill 2020, the University of Gibraltar (Amendment) Bill 2021, the Employment (Bullying at Work) (Amendment) Bill 2022 and the British Sign Language Bill 2022 be read a third time and be passed.

1420

Those in favour of the Pensions (Widows and Orphans) (Amendment) Bill 2020? (**Members:** Aye.) Those against? Carried.

1425

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

Those in favour of the Employment (Bullying at Work) (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

1430

Those in favour of the British Sign Language Bill 2022? (**Members:** Aye.) (*Interjection*) Thank you. Those against? Carried.

Chief Minister (Hon. F R Picardo): Mr Speaker, given that we have now dealt with all of the business of the House, I move that the House should now adjourn *sine die*.

**Procedural –
Leader of the Opposition’s motion on mental health
to be deferred to a future meeting**

1435 **Hon. K Azopardi:** Sorry, Mr Speaker, if the Chief Minister will give way, I just wanted to record the fact that I have a motion standing in my name on the subject of mental health. I have agreed with the Hon. Minister for Health to defer it to another meeting, so that a meeting can take place between us and the hon. Lady on the issues.

**Procedural –
Private Member’s motion re British Sign Language withdrawn**

1440 **Mr Speaker:** I must enquire about the motion taken by the Hon. Elliott Phillips: is that to be withdrawn or remain on the Order Paper?

Hon. E J Phillips: Mr Speaker, in relation to the advances made today, I will be withdrawing that Bill – given, of course, the Government has indicated it would oppose it in any event, but it is withdrawn.

1445 **Mr Speaker:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, it was not a Bill, it was a motion, and it is not that we would have opposed it, it is that it became hypothetical as a result of the Government’s action.

1450

Adjournment

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

1455 When we return, in June, depending on how Government business progresses but in order to give hon. Members a heads-up, I do intend that June should be the month in which we take the Budget, the Appropriation Bill. I am in contact with the Leader of the Opposition about dates. Unfortunately, at the moment, the dates that the Government considers are the ones we need to take may not be convenient. It may not be possible to move them, but we will obviously try to come back to deal with the Appropriation debate on dates when all Members can be here, if possible.

1460

Mr Speaker: I now propose the question, which is that this House do now adjourn *sine die*.
I now put the question, which is that this House do now adjourn *sine die*. Those in favour?
(**Members:** Aye.) Those against? Passed.
This House will now adjourn *sine die*.

The House adjourned at 6.08 p.m.