



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.02 p.m. – 9.54 p.m.

Gibraltar, Wednesday, 23rd November 2022

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The Gibraltar Parliament

The Parliament met at 3 p.m.

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

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

PRAYER

Mr Speaker

ADMINISTRATION OF OATH OF ALLEGIANCE TO HIS MAJESTY KING CHARLES III

Clerk: Meeting of Parliament, Wednesday, 23rd November 2022.

Order of Proceedings: (i) Oath of Allegiance.

The Chief Justice administered the Oath of Allegiance to the Hon. R M Clinton and the Hon. E J Reyes.

CONFIRMATION OF MINUTES

5 **Clerk:** (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 19th, 20th, 21st and 24th October 2022.

Mr Speaker: May I sign the Minutes as correct?

10 **Members:** Aye.

Mr Speaker signed the Minutes.

ANNOUNCEMENTS

Tribute to William Scott, former Member of the House

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

15 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is unfortunate that, once again, as the House resumes its business for a new meeting, we must start remembering one of our brethren, one who was a Member of the House of Assembly, in this case William (Willie) Scott, who was a Member between 1980 and 1984 and who passed away in the period of the adjournment, aged 81.

Willie was a Member of the Opposition when he was a Member of our predecessor House of Assembly with the Democratic Party for a British Gibraltar (DPBG), which was led by the father of one the Ministers in my Government, Peter Isola Snr. That was in the period from 1980 to 1984.

Anyone who knew him would describe Willie as a staunch defender of the rights of the people of Gibraltar, one of those people who was totally against the Lisbon process and the Strasbourg process, and indeed he was, as ever, in good company having walked out of the House with Joe Bossano and Bob Peliza in protest at those agreements.

Mr Speaker, I would ask, once other hon. Members have been able to express their condolences, that we mark his passing with a minute's silence. I certainly express the most sincere condolences of the Government – and, indeed, I am sure, of the whole House and the people of Gibraltar – to Brena his widow, to Tracy his daughter and to the rest of his children and family.

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

Hon. K Azopardi: Mr Speaker, it is my pleasure to join with the Chief Minister in marking the passing of Willie Scott and, indeed, passing our condolences on this side of the House to his family.

Willie, as the Chief Minister has said, was a Member of the Opposition during the time of, partly, the closure of the Frontier and he was a Member of this House when there was a partial opening of the Frontier, a crucial period for Gibraltar. I have remarked on other occasions, on the passing of former Members, how difficult it must have been to govern – or, indeed, to be a Member of the Opposition – in Gibraltar at those times, with the extreme proximity of the citizen to the Members and indeed at a time when Gibraltar was in real distress, in particular because of the closed-Frontier situation that put us in a very difficult economic and political situation.

Willie was not just very active in politics, he was a keen cricketer and I know my friend Edwin Reyes, who was a member of the same cricketing side, will remember him fondly and may wish to also say something about that. Willie made a tremendous contribution to Gibraltar politics and sports and we remember him fondly, and certainly our best wishes go to all of his family.

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Mr Speaker: The Hon. Albert Isola.

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

I rise because of my personal engagement with Willie as a very young man, late teens, when he was working with my father in the DPBG, as the Hon. the Chief Minister has already mentioned. I still can hear his very deep voice bellowing in the party headquarters as documentation, manifestos and sheets were being prepared.

Willie was always an absolute gentleman. He was a caring individual. His size belied his tenderness and he was always an absolute pleasure to be with from my side and from the years I spent standing close to him in his political time in this House and other places around Gibraltar.

My sincerest condolences to Brena his widow, and all members of his family on his unfortunate passing.

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Mr Speaker: The Hon. Edwin Reyes.

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

I concur wholeheartedly with the Chief Minister, the Leader of the Opposition and my hon. colleague Mr Isola.

Willie will be remembered in this House for his contributions to politics and the betterment of Gibraltar as a whole. I simply want to add that I want to thank Willie for the happy memories that he certainly left with people like myself on the sports field. Willie, actually, was nominated Gibraltar Sportsman of the Year some time towards the end of the mid-1970s, but it was during that era of the 1970s – we are talking of some 45 years ago – that Willie was really the cornerstone

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of what was Grammarians Cricket Club ... on paper – when we were out in the field he did not want the limelight, so he always nominated someone else to be the captain. It was a great experience to share the cricket field with someone like Willie. Believe it or not, on the same side as us, on the Grammarians, we had the late Maurice Figueras playing, so I leave it to your imagination what the conversation was like at teatime at cricket. We talked about everything except cricket because politics, certainly in the days of the closed Frontier in the late 1970s, did dominate the day.

I thank Willie for all his contributions on the sports field and in Parliament, and I am sure the Almighty will reward him for his heart and his love for Gibraltar.

Hon. Chief Minister: Mr Speaker, I move that the House should now hold a minute's silence.

The House held a minute's silence.

Welcome back to Mr Clinton and Mr Reyes

Chief Minister (Hon. F R Picardo): I am grateful, Mr Speaker. May I also quickly add that it is a pleasure to see Mr Clinton back in the House. I know that he was fit and able to join us at the last meeting but unfortunately he caught COVID just in time. It is a pleasure to see him back. I know he has had a difficult summer and, despite his very difficult questions, it is always a pleasure to see him here, and also a pleasure to see that Mr Reyes has recovered from COVID.

Personal Statement by Mr Clinton

Clerk: (vi) Papers to be laid; (vii) Reports of Committees –

Mr Speaker: The Hon. Roy Clinton has been granted leave to make a short Personal Statement. The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker, and I thank the Chief Minister for his kind words on behalf of myself and my colleague Mr Reyes. Fortunately, it was a very mild COVID, so nothing too dramatic.

Mr Speaker, thank you very much for permission to make a statement. If there is one matter that we perhaps all take for granted it is our good health. I was reminded of the fragility of our existence only days after the last meeting of Parliament, which was on Tuesday, 5th July this year. As a result of what was, I thought, a routine medical check-up, it was found that I required an emergency heart bypass operation, despite having absolutely no symptoms. I was admitted to intensive care at St Bernard's Hospital on Monday, 11th July, flown to London on Thursday, 14th July, and on Friday, 15th July, at St Thomas' Hospital in London, I underwent open heart surgery resulting in a quintuple bypass, which I did not even know was possible. I am glad to report that the surgeons and doctors are satisfied with my progress and I should make a full recovery in the coming months.

To say I am thankful is perhaps an understatement, as without the speed of intervention I might not be standing here today. I wish to place on record my most sincere thanks to the medical staff at the Gibraltar Health Authority, including the consultant cardiologist, the team at intensive care, the ambulance staff, the cardiac rehab team, Sponsored Patients, and, of course, the nurse who accompanied my wife and me all the way to St Thomas's. The surgeons and intensive care staff at

110 St Thomas's performed a medical miracle and, without any exaggeration, I literally owe them my life.

Perhaps the most touching and personal care was received while I was staying at Calpe House in London awaiting medical clearance before we could fly home to recover. My wife May, overnight, became my nurse and carer, patiently changing dressings and literally holding my hand as I struggled to perform simple tasks such as crossing the road. I cannot express my gratitude enough. The staff at Calpe House were fantastic. They offered constant support and assistance. Indeed, the other patients resident at Calpe House were uplifting in providing simple words of encouragement in a way that only a Llanito would understand. Until you have to use Calpe House as a patient it is difficult to understand the oasis it offers in London and I cannot praise it highly enough.

120 Also worthy of praise are the Gibraltar Cardiac Association, who also have offered unconditional advice and support.

I have been asked by many whether my outlook on life has changed and perhaps I should take it easy in future. I accept I have certainly been given a warning shot not to take my health for granted, but I am still fundamentally the same person. In that respect, it is my humble intention to continue in politics for as long as I think I can make a worthwhile contribution and my party and the electorate share that view.

125 Finally, I would like to thank all my family and friends who have enquired after my health and provided or offered support, as indeed have you, Mr Speaker, and parliamentary colleagues on both sides of this House.

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

Chief Minister (Hon. F R Picardo): Mr Speaker, if I might just, on behalf of the whole House ... As I said earlier, it is a pleasure to see him back. If I can just hope that it was nothing to do with my Budget that led him to the difficulties he had and say how important it is to highlight, given how he has told us he was diagnosed, that people should attend those regular check-ups.

135 I have been asked by a Member opposite what I am wearing on my lapel. I am wearing the Prostate Cancer Support badge. This month, we are dealing with highlighting awareness of prostate cancer. Whether it is a well woman clinic or a well person clinic, we must attend to our health. There is nothing more important, as we have said.

140 Can I welcome his remarks about the GHA and Calpe House? I know that none of those give us a free pass on things that might go wrong in the GHA, which we are all here to better understand and improve, but so much goes right in the GHA and I am grateful to him for having highlighted that, and in particular I am grateful for his remarks in respect of the staff of Calpe House. The Government and the Trustees of Calpe House have committed to the new Calpe House, but really it is the staff at Calpe House who give it its heart and I am very pleased to hear him recognise their work in that way.

145 Mr Speaker, I do hope he is not going to take it easy from now on and that he should take it easy on the Government because we very much welcome having him as a Member of the Opposition in this House for many years. I am very pleased to see him back.

Questions for Oral Answer

BUSINESS, TOURISM AND THE PORT

Q409/2022

**Montague Park project –
Update re progress made**

150 **Clerk:** (viii) Answers to Oral Questions.
Question 409/2022. 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 progress it has made with its 2020 proposed Montagu Park project?

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, due to other financial priorities, Montagu Park has been delayed. Having said that, I am looking at how we could possibly revive this project.

160 **Hon. K Azopardi:** Mr Speaker, is the Minister in a position to say whether the delay will just impact on the implementation of the project or whether it will also impact on the actual scheme itself? Will it entail a review of the Montagu Park aspect of it, which was only part of a much wider press statement they issued back in 2020, which included all sorts of things, but just focusing on Montagu Park, which was described as affecting the area between Chatham Counterguard and Montagu Curtain and including a cycle lane the length of Fish Market Lane through the junction, through Market Place and Chatham Counterguard – so that anyone who is listening can remember what the Government was talking about then. Is it going to impact on the actual scheme itself or just the timing?

Hon. V Daryanani: Mr Speaker, as the Hon. the Leader of the Opposition says, this project was from Fish Market Road, all the way through Montagu to Chatham, and then there was meant to be a cycle lane which would lead us into Reclamation Road and then on to Queensway.

175 Yes, it is definitely going to impact on the timing. We are trying to see how we can get this project going again. There are issues – costs, obviously. This project was first planned before we spent £350 million-odd on COVID, so I think we need to take all those things into account, but as I said, I am looking at ways we can revive it.

180 **Mr Speaker:** Next question.

Q410-11/2022

**Business Improvement District scheme –
Current status; Fees paid re independent ballot**

Clerk: Question 410/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the current status of the Business Improvement District scheme?

185 **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 411.

190 **Clerk:** Question 411/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the amount of fees paid to Isola in respect of the conduct of the independent ballot for the BID scheme, and also provide a copy of their engagement letter?

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

Hon. V Daryanani: Mr Speaker, I refer the hon. Member to the Government's Press Release 790/2022, which sets out the current status of the Business Improvement District Scheme.

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Isola were paid £14,821.15.

The Government will not provide copies of engagement letters, as these are commercially sensitive and to do so would disadvantage the taxpayer.

205 **Hon. R M Clinton:** Mr Speaker, I thank the Minister for his answer.

If I can perhaps go back to my first question, Question 410, in respect of the current status of the Business Improvement District, if my recollection of the Government Press Release is correct – and I am happy to be corrected if my recollection is not – the words used were 'moratorium' and that current businesses that had received levies were not being required to pay them, and there was a suggestion that anybody who had paid the levy would be refunded.

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I would be grateful if the Minister could advise if my recollection is correct; and also, if it is the case that there is a moratorium, can he point us exactly to which bit of the Business Improvement Districts Act 2021, or indeed the Business Improvement Districts Regulations 2021, he is operating that moratorium under?

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Chief Minister (Hon. F R Picardo): Mr Speaker, insofar as the hon. Gentleman reflects what was set out in the Government Press Release, his recollection is correct.

Insofar as his question about the moratorium, it is very simple. This is a piece of civil legislation. There is a requirement for the Government to activate enforcement in order to bring about the enforcement of those aspects of the legislation and the Government is not bringing about the enforcement of the legislation.

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Hon. R M Clinton: Mr Speaker, forgive me, but my understanding of the process – and, again, I am happy to be corrected – is that a ballot was organised under the Business Improvement Districts Act 2021 and in accordance with the regulations under that Act. As a result, a ballot holder was identified, who held a ballot, and I presume that the ballot holder then certified a result. The result of that ballot presumably being in the affirmative, the Government then would have put into operation the Business Improvement District. Otherwise, I do not see how the billing authority would have issued bills. So, as far as I can work out – and I confess I am not a lawyer – everything that is envisaged under the Act has been complied with, and therefore the bid is in operation.

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There are provisions throughout the legislation where there are powers of veto, there are powers to make amendment and there are powers to terminate, but I do not see any power to have a moratorium, so I would be grateful if the Chief Minister could clarify exactly what legal instrument he is relying on to effect a moratorium. Is this moratorium, in effect, a termination of

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the BID? I am just not clear. Of course, from the point of view of the people who are against it, as opposed to the people who are for it, there obviously has to be some certainty.

Hon. Chief Minister: Mr Speaker, the provisions the hon. Gentleman is referring to are provisions of our civil law. Our civil law has engaged to make the BID active and what we are doing is not enforcing those parts of that civil law – I want to emphasise that this is not a criminal statute – which enable the Government and the BID to pursue those who have not paid the amount which the law requires that they should pay. So the moratorium is just what we might refer to as a forbearance to sue for the balance that might be due from somebody in respect of the amounts they have to pay.

The Government does not want to, in any way, amend or terminate the BID until we have had an opportunity to hear all of the representations from all of the parties who have wished to engage with the Government as a result of the issues that have arisen with the BID. So we do not want to act to terminate and we do not want to act to amend until we have all of those representations in. At the same time, we will not act to enforce in the civil law – because that enforcement is within our control – the payment of the amounts required under the legislation. And so the moratorium is a self-imposed forbearance to sue for the balance due in respect of those bills.

Hon. R M Clinton: Mr Speaker, I beg you indulgence – this is something that we need to develop. I understand what the Chief Minister is saying, but of course he must appreciate that the BID scheme is set up under a corporate structure and, on a voluntary basis, there are directors of the scheme and they have incurred costs in good faith, I would say – office rent, computers, staff etc. He will appreciate that they cannot operate indefinitely under a moratorium if they do not know whether they are a going concern or not. How long do you envisage this moratorium would last?

Hon. Chief Minister: Mr Speaker, I do not entirely accept the characterisation that the hon. Gentleman has made, and I do not think anything turns on it in respect of his question, which is how long will the moratorium last. What we are saying is we want to engage with those who are representing those who are against the BID and those who are in favour of the BID continuing. We want to understand why this controversy has arisen, we want to understand better whether the BID has extended itself beyond the areas which the Government was consulted on, and then we will be able to make a decision. We hope to be able to do that very soon, but it is a reality, as I am sure the hon. Gentleman will appreciate, that we are a small administration. With the negotiations in respect of the future relationship between the United Kingdom and the European Union in respect of Gibraltar ongoing and reaching, hopefully, a peak very soon, it is not possible to prioritise all matters, and so it is not possible for me to give the hon. Gentleman an answer to how long the moratorium will be required to continue, but we do hope to be able to engage on these matters very quickly because we do understand that those who are in favour of the BID and those who are running the BID have entered into contractual obligations in respect of their liabilities.

Hon. R M Clinton: Mr Speaker, I am going to move on to the second question. I think the leader of ... (*Interjection*) may want to ... I was going to come back to the second question.

Hon. K Azopardi: If my friend is moving on to the second question, can I just ask on this issue: in the press release that the Government issued they said that one of the purposes of the moratorium was that it was able to meet the Chamber, the FSB and a representative, I think they said, of the BID. Has that meeting taken place?

Hon. Chief Minister: No, sir.

Hon. K Azopardi: I think it has been some weeks now since that meeting, and of course we understand that, for the reasons the Hon. Chief Minister has just given, there may be, obviously, attention being focused on other things, but has a meeting been diarised at least for it to take place; and, if not, does the Chief Minister agree that, for the explanation given by my hon. colleague Mr Clinton, it is important to get some clarity one way or the other for people who are on one side of the scheme or another, and indeed for the scheme itself, which was subject of legislation in this House?

Hon. Chief Minister: Mr Speaker, the meeting has not yet been diarised but it is on my officers' list of meetings to be fixed at short notice as soon as we are able to fix them.

Priority is something which is always in the eye of the beholder. In most instances, those who want a meeting with the Chief Minister want it because they think that their thing is important and more important than any other thing. I recognise here that there are issues which relate to third-party liabilities which need to be resolved, but it has not been possible to fix the meeting any sooner, as yet, and given the disparate individuals that we have, I do not want to set up a meeting that is going to be likely cancelled, delayed etc. Because my diary is a dynamic one, it is on the list of meetings that might be set at short notice when there is a clear moment when it can be held.

Hon. Members should know that it is the Government's intention to have that meeting, to try to resolve this issue, to try to bring our good offices to bear to see whether it is possible to resolve the issue in a way that ensures that those who are against have their concerns dealt with and that the BID can continue, but if that is not possible, the Government was always very clear from the beginning that this was only something we would do if businesses wanted it to happen. That is why we insisted on the vote.

There are now concerns being expressed about how the vote was managed, or indeed how the expanse of the vote was dealt with and then who the consequences and liabilities of the BID have been visited upon who might not have had an opportunity to vote. I need to get to the bottom of all those things. There are only certain hours in the day. It is impossible to deal with more matters than one tries to deal with – I hope the hon. Gentleman, in all the criticism he will make of me, will not suggest that I am idle any minute of the day – so if it has not happened yet, it is because it has not been possible for it to happen yet.

Mr Speaker: The Chief Minister has given a full explanation and full answer to your question. We are now going to move on to Roy Clinton.

Hon. K Azopardi: Yes, he has, but I had a follow-up on –

Mr Speaker: I do not think there can be a follow-up because he has explained the reasons why he has not been able to have a meeting. *(Interjection by Hon. K Azopardi)*

I would ask the hon. Member the Leader of the Opposition to resume his seat and I will ask the Hon. Roy Clinton –

Hon. K Azopardi: Mr Speaker, can I just say that there was a follow-up because I wanted to ask him something which is not about the diarisation of the issue but something of public importance in the context of what he has said, as a follow-up question.

I think Mr Speaker has said that the Leader of the Opposition can ask a couple of questions on issues raised by other Members, and that is all I am seeking to do. It is a short question, with your leave.

Mr Speaker: You may.

Hon. K Azopardi: Mr Speaker, we can all agree, I think, with the hon. Member when he says that ... Certainly he is not idle, let me just say that. The Government had made clear that it was supporting the scheme because the business community was in favour of it, and I think on this side of the House we also made clear, at the time of the passage of the Bill that became the Act, that we did so on that basis as well because of the assurances that had been given.

The hon. Member says that it is important to get to the bottom of it. Of course there has been a positive vote by a small margin, by a minority of the people entitled to vote for the scheme. So if he were to get to a point in the consultation exercise where he thinks that there was something with the ballot procedure that was unsatisfactory in some way, given that there has already been a vote in favour, is it on the table that the Government would contemplate a fresh vote, a fresh ballot? Otherwise, how do you really determine whether people are in favour or against it?

Hon. Chief Minister: Mr Speaker, I think the hon. Gentleman will agree with me that his question is based on a number of hypotheses. He is asking me what I would do *'if I reach the conclusion that ...'* and *'if I think, therefore ...'* I am not going to ask you to rule that the question is therefore out of order; I am simply going to ask him to accept that I do not know whether I will be anywhere near those determinations, and if I am near those determinations, I do not know whether what he is postulating as the potential outcome is the only logical potential outcome.

I have given some thought to this matter, and I can already imagine that there are potentially other positions that one could take. I do not want to explore those because they mean that I do not have the freedom of action when I am around the table to understand and hear potentially even other options.

I would put it this way: if the hon. Gentleman would like me to be inclusive of the option that he puts, and that is to say that all options are on the table – and I would have thought that that is what all parties would consider to be reasonable ... in other words, that we have the consultation with them now about the shortcomings that appear to have arisen here, with a blank canvas as to potential solutions, I think that is what will be in everybody's interests.

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker. If I could just move on to my second question, Question 411, I am grateful to the Minister for advising that the fee paid was about £15,000, but he says that the Government will not give us a copy of the engagement letter on the basis it is commercially sensitive. Of course, the Minister will appreciate that the nature of the ballot is not something that happens every day or every year in Gibraltar, so I do not see how it can be commercially sensitive to anyone. And, of course, being a ballot, it is definitely not covered by any form of legal privilege. But perhaps the Minister, if he is not willing to hand over a copy of the letter, would confirm that there was an engagement letter signed by, I presume, his Ministry, and that the engagement letter sets out in great detail – and I expect more than just one page – how the ballot would be conducted by whom and what processes and procedures were to be followed in terms of the independent ballot, such that an independent audit of it would be satisfied that all steps had been taken, as would in, say, the context of a general election, in that the ballot itself would pass an audit test in the way it has been done, the way ballots have been sent out and recorded, that the population has been correctly identified and all necessary contingencies have been thought of. Otherwise, if the engagement letter is not that detailed, then I fear it would be very difficult for the ballot to be deemed to be safe. I would be grateful if the Minister could advise that, indeed, the engagement letter is, as I suggested, as detailed.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is raising with us exactly the issues that are being raised in the context of the discussion, that those who are against the bid are raising with us – the integrity of the ballot in terms of its franchise etc. So, for the reasons I gave the hon. Member earlier and I gave the Leader of the Opposition, the Government does not want to get

390 into the substance of this until we have had an opportunity of meeting with all of the interested parties, not even to comment on what the hon. Gentleman is referring to.

An engagement letter sets out charge-out rates etc., sets out what rates the Government is charged versus otherwise-available charge-out rates of law firms etc. That is what is commercially sensitive about the engagement letter, not the particular work to which it relates. That aspect of an engagement letter would not usually be commercially sensitive. It would say 'to represent you in x, y, z', and that thing would be publicly known, but it then sets out the terms on which an entity is represented, in this context the Government.

Given that there is competition between law firms and hon. Members opposite represent some law firms, we think it is not in the interest of the taxpayer that we should be circulating the engagement letter, which contains that commercially sensitive information. We would not do it with an engagement letter that was provided to us by one of the law firms which hon. Members opposite, not just the ones who are here, represent, for that reason. Neither is there any custom of governments, in particular the Westminster government, sharing engagement letters, because they can disclose aspects which are privileged even if they are dealing with the organisation of a ballot.

Mr Speaker, a ballot is not a referendum and a ballot is not an election. A ballot, in this context, is more akin to a poll, and so what we need to understand is what the extent of the franchise was at the time, whether that was correct franchise at the time, but whether in fact the extension of the BID which has been referred to – and the hon. Gentleman will have seen that public reference of an extension of the BID area and application – has gone beyond those balloted or entitled to be balloted, whether or not they responded.

I do not want to get into that issue at the moment. I want to try to resolve this, not to have a political argument with the hon. Gentleman over it, and I would ask him to give the Government the time to be able to address these issues in order to be able to resolve them in the manner that is in the best interests of those who are representative of those who are against the bid and those who are in favour of the bid – that is to say the traders in Gibraltar, whether they are on one side or the other – to try to achieve the best thing for Gibraltar PLC.

Hon. R M Clinton: Mr Speaker, I appreciate what the Chief Minister is saying. As regards commercial sensitivity, we would, of course, accept a redacted form of engagement. We can blank out all charge-out fees, though we know what the total cost of the exercise was. We would happily accept an engagement letter that is so redacted, but if he is not of a mind to give us the letter in a redacted form, could he at least perhaps answer one simple question: was it the Government that signed that engagement letter?

Hon. Chief Minister: Mr Speaker, it was the Ministry, yes.

Mr Speaker: Next question.

Q412/2022

Morocco –

Actions to secure tourism and business opportunities

Clerk: Question 412/2022. The Hon. D J Bossino.

Hon. D J Bossino: What specifically is the Minister for Tourism doing to secure tourism and business opportunities with Morocco?

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

435 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the Government continues to work to re-establish air links with Morocco through contacts in the airline trade. These links fell, due to the pandemic. They represent a great way to establish and maintain links of tourism and a business nature with our neighbour to the south. Separately, the Chief Minister has engaged in a number of visits to Morocco to seek to establish stronger links, and
440 announcements which show those links bearing fruit are expected in coming months.

Hon. D J Bossino: Mr Speaker, apart from improving – well, resuming, rather than improving – the air links, what specifically ...? He did mention it in his Budget speech and he talked about how extremely important it is to have the links with Morocco and that he looked forward to new
445 opportunities after Brexit, especially those linked to tourism and business, but I do not think I have had much in terms of detail, other than in relation to the air links question. Can he be more specific than he has already been in his initial reply?

Hon. V Daryanani: Mr Speaker, as I said, we will be making an announcement in the coming
450 months.

Hon. D J Bossino: Can he not give me a flavour of what that announcement is likely to entail and involve? As usual, the hon. Member is not being particularly helpful in his replies and he is always very –
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Mr Speaker: That is unnecessary. Just ask the question. *(Interjection by Hon. D J Bossino)* No, you have to ask the question. *(Interjection by Hon. D J Bossino)* Ask the question, get an answer.

Hon. D J Bossino: Mr Speaker, I have asked it, but I think the hon. Member is going to reply.
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Chief Minister (Hon. F R Picardo): Yes, I am going to reply, Mr Speaker.

Hon. D J Bossino: Is he replying, Mr Speaker, in relation to all the questions –?

465 **Hon. Chief Minister:** Well, Mr Speaker, I am going to reply – *(Interjection by Hon. D J Bossino)* Mr Speaker, I am going to reply because the Hon. Minister for Business has referred the hon. Gentleman to meetings I have had which will relate to the announcements that we hope will be made, but if he does not want an answer ...

I think that the hon. Gentleman is almost not wanting answers so that he can get up to say that he is not getting answers, which is in keeping with his style. He goes around places wanting to say that they are dirty and being disappointed when they are clean, it seems to me.
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The position is –

Hon. D J Bossino: That is entirely irrelevant to the question I have asked.
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Mr Speaker: Please resume your seat. I chair the proceedings here, not the hon. Member. Chief Minister, will you please continue?

Hon. Chief Minister: Thank you, Mr Speaker.

480 The hon. Member cannot give him the flavour of what is going to be said, for reasons which are in the interests of Gibraltar. In other words, the hon. Gentleman knows that we are in the middle of a negotiation. That negotiation involves the United Kingdom, it involves the European Union and it involves Spain, as a member state of the European Union. What the hon. Gentleman is pressing me to do may disadvantage Gibraltar, because what we are hoping to achieve may not
485 be achievable by giving him a flavour of something. Indeed, already by pressing us, those who listen to every word that we say and analyse the transcript of these proceedings even before

Hansard has been published will be looking to see where they have to try to stop us from achieving what we have been trying to achieve.

490 If the hon. Gentleman wants to press us further, I will ask myself whose bidding he is doing. I hope that he is doing the bidding only of the people of Gibraltar, and that he is just too foolish to realise that he is –

Mr Speaker: That is unnecessary and hurtful.

495 **Hon. Chief Minister:** Mr Speaker, the reason I think it is not unnecessary is because the hon. Gentleman is either unable to see that what he is doing is unhelpful to Gibraltar more widely, or, if he is able to see it, must therefore be pursuing that course for a reason which is not the public interest. It is very simple. There is no way out of the horns of this dilemma. He either understands that what he is doing is not helpful to Gibraltar or he does understand it and does not care.

500

Mr Speaker: I want to remind Members that we are here to deal with the issues and not make comments on one side or the other about other issues which are not connected directly with the questions and the answer.

505 **Hon. D J Bossino:** Mr Speaker, the hon. Member made a comment about the cleaning of estates. What has that got to do with anything in terms of the questions I have asked? He has then, in effect, admitted that his hon. colleague to his right was less than open, and he has stated a reason as to why.

510 **Mr Speaker:** Please ask the question, Hon. Damon Bossino.

Hon. D J Bossino: I will ask the question. The Hon. Minister said that the Hon. the Chief Minister had made a number of visits to Morocco. Can I ask him the dates of these visits?

515 **Hon. Chief Minister:** Mr Speaker, I have not, for one moment, indicated anything that suggests that the Hon. Minister has admitted something; far from it. And my comment in relation to estates was based simply on the contradictions that the hon. Gentleman sets up for himself. He seems to ask about one thing when he is appearing to want to achieve the other, and I think that is a perfectly valid comment to make.

520 Frankly, the continued pursuit of these matters, even in relation to the dates of my visits, for the reasons I have already indicated to him, is not particularly helpful. I know that he laughs from a sedentary position and I know that what is happening is that Gibraltar and its interests are getting caught between his ambition to lead the GSD and to try and put himself above the parapet on everything and what are the things that matter to our people.

525 Can he agree with me – we have known each other for many years – that if the senior elected politician of the people of Gibraltar is saying to him that it is not in our interest that I say more, he should not pursue it for now, especially given the very live political context in which we are finding ourselves? Let me just remind him again: we are in the last throes of a negotiation between the United Kingdom ... Mr Speaker, I really do not see what it is that is making him laugh with mirth,
530 *(Interjection by Hon. D J Bossino)* but we are in the last throes of a negotiation between the European Union and the United Kingdom involving Gibraltar, and that involves the member state Spain, and this is our other nearest neighbour to the south. If he is not sighted on the politics of Morocco and the European Union – Morocco and Spain – then I do not think that he is doing all of the research that he needs to do before he pursues issues of this type.

535

Hon. D J Bossino: Mr Speaker –

Mr Speaker: This will be the final – (*Interjection*) Please! I am the person who presides over the proceedings, not the hon. Member. I am going to ask you to put your final question. Thank you.

Hon. D J Bossino: Mr Speaker, I have hardly opened my mouth. I am not suggesting I want to preside over the meeting, all I am ... I can make, by way of comment ... just as he has made in relation to me a highly political comment – which I find acceptable, quite frankly. I do not mind that.

Mr Speaker: I have commented on both sides that that is not acceptable. I have said it. I have addressed it to you as an hon. Member of the Opposition and also to the Hon. the Chief Minister, so let's leave that aside and ask the question.

Hon. D J Bossino: What does the relevance of my personal ambitions in relation to a leader of this party and the leader of this community, which I have said openly on television ...? I have no problem with that. I have said so in the past. What has that got to do with it? Why is that relevant to the question I have asked?

My question was a very simple question. In the Hon. Minister's answer – I think it must have been his written answer – he said that there had been various visits by the Chief Minister to Morocco. All I have asked for are the dates. This is why I was laughing. Is he now seriously suggesting that because of my questions in relation to how many times he has visited and on what dates he has visited Morocco, when they themselves have said that they have visited Morocco, *he* has visited Morocco, I am going to put in jeopardy, at the 11th hour, the negotiations between Gibraltar and the EU and Spain? Seriously?

Can he just answer the question? On which dates did he visit Morocco?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman really needs to chill. He needs to chill his attitude here and his attitude to trying to achieve the leadership of his party by any means. He needs to go back and look at what he said. He did not get up and ask me for the dates of my visit to Morocco. He got up and made a preamble, which was party political, designed to achieve a point against the Minister, which it did not achieve. That is the reality of what he did. So then he gets up and paints himself as a saint, to pretend that all he did was get up and ask for a date, which he has not been given. That is not the case, and neither have I said that he is putting in jeopardy the 11th-hour treaty between the United Kingdom and the European Union in relation to Gibraltar. I have said he is putting in jeopardy other things, not that – that that is the political moment, the political moment of the negotiation is where we are, and that is putting in jeopardy other things. But he cannot quite see that because he is really ... For the first time in his life, I see him as the epitome of the person spoiling for a fight. He has spent his life being the person running from a fight.

Finally, Mr Speaker, the last thing I would do, in relation to his question about dates etc., is refer the hon. Gentleman to the answer I gave a few moments ago.

Mr Speaker: Next question.

Q413/2022

Sea Breeze floating hotel – Government support for application filed with DPC

Clerk: Question 413/2022. The Hon. D J Bossino.

Hon. D J Bossino: Does the Government support the application for the *Sea Breeze* floating hotel filed with the DPC?

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, as far as the Government is aware, no application has been filed with the DPC.

590 **Hon. D J Bossino:** Mr Speaker, I have the minutes of the DPC in relation to 14th September, as he is being super-technical and trying, again – September 2022 – not to answer the –

Mr Speaker: This is unnecessary. Just ask the question. (*Interjection by Hon. D J Bossino*) No, you need to ask the question. (*Interjection by Hon. D J Bossino*) Please ask the question.

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Hon. D J Bossino: I must say, it is going to make these proceedings pretty boring. [*Inaudible*]
The reference 1/3 80-29 says ‘*Sea Breeze* small boats marina’ and there was a consideration of the Town Planner’s draft screening opinion. Is that the technical issue that he is relying on – that it has not been a formal application because it has to go through the screening first?

600 The reality is that this issue has been the subject of press comment. He and I ... Well, he did not engage on that occasion because again he was not particularly forthcoming in any replies because he did not give any in the press releases which we issued back in autumn of 2021 in relation to this issue. There was an article which appeared in the UK press with diagrams, pictures and all, showing this floating hotel on the northern side of the small boats marina, and there had
605 been very intensive, proper investigative journalism conducted by GBC which suggested that the Government again was not particularly being forthcoming in its replies – and I can go through them. Can he please tell us openly whether they are supportive of this application, or not?

Hon. V Daryanani: Mr Speaker, I am sorry, but there is simply no application to the DPC.

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Hon. D J Bossino: Mr Speaker, I think I understand what he is saying, but the reality is it has been discussed by the DPC and it is being reported in the press that this matter is before them, albeit on the basis of a draft screening opinion. Is that the reason for his answer? Is he saying it is not ...? I think the Hon. Chief Minister is going to reply for the hon. Member once again. Is it the
615 fact that there is not a formal application until the screening process is initiated and completed? Is that the answer? Can he not say whether they are supportive of this bid, or not?

Chief Minister (Hon. F R Picardo): Mr Speaker, I am going to reply again out of utter frustration with the hon. Gentleman because he is really, like never before, seeking to box with his own shadow.
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There is no application before the Development and Planning Commission. The hon. Gentleman knows, or should know, what the screening process is for and what that will lead to. Until the application is made and is before the DPC, the Government cannot see what the application itself is, the detail of the application, where it goes and whether the Government is
625 engaged to support it or not.

I know that the hon. Gentleman will now get up and do another political fandango around this issue, but we are trying to be as forthcoming as possible. This is not a question of there having to be investigative journalism or anything else. This is a question of projects going through various different phases, and at different phases the Government being engaged in different aspects of
630 it. He is asking about the wrong phase – he is jumping the gun again.

Hon. D J Bossino: At least, as I have asked him on at least one occasion, if not two, the press reports by GBC, as a result of their investigations, showed that initially when GBC had asked

Government whether it had any knowledge – not whether it supported it or not, whether it had any knowledge – of the project, which is the one that we are discussing today, the Government said insofar as it was aware, none of the proposals involved this vessel, and they speak to various people in relation to floating hotels. When GBC learnt who the owner of this particular vessel was, a Mr Richard Hunt, they asked the question again. The Government said Mr Hunt is one of a number of investors who have approached the Government about operating a floating hotel in Gibraltar.

The *Sea Breeze* ‘floatel’ is the subject of a glossy brochure showing CGI drawings of the vessel berthed in the Mid-Harbour marina at the location that was put out to tender. It is all very specifically set out in this brochure, showing that the location of that particular floating hotel is by the small boats marina. This is a matter of public interest and, yes, it is political. That is what we are here for. We are a political Chamber. I need to ask him whether he supports this or not, whether looking at this is something which the Gibraltar Government would support or not – and not be technical about there not being a specific application for planning under the DPC.

Hon. Chief Minister: Mr Speaker, this is a political Chamber and it appears that their politics is to be against everything, and our politics is to judge things when they are mature. That is why, when there is an application, we will be able to make a determination, based on that application as it is then, of whether or not we support it, because we will make a careful analysis of what the proposal actually is before determining whether we support it on behalf of the people of Gibraltar.

They will apparently be against everything, even though the things that they may be against may be the things that they were arguing for. That is to say Mr Bossino will very happily come here and say, ‘Why haven’t you got more hotel beds in Gibraltar?’ and in the same session ask us why we are supporting the bringing of more hotel beds to Gibraltar.

Being in government is a much more serious business than tying oneself up in contradictions, like the hon. Gentleman is insisting on doing today.

Hon. D J Bossino: Frankly, Mr Speaker, that is a bit rich from the Hon. Member, talking about contradictions, just looking at the analysis of the answers that were given to the press in relation to this issue.

But let’s talk about more hotel beds, shall we? Let’s talk about that and an extra hotel. Let me read to the Hon. Minister, if he cares to, on this occasion, reply to me rather than allowing the Chief Minister to reply on his behalf – and it is probably because of the mess that he is making of the Ministries he leads. He says –

Mr Speaker: Again, you are being very ... The hon. Member must stick to a straightforward question and resist the temptation to make unnecessary and unhelpful comments.

Hon. D J Bossino: Then, apart from that hotel, he talks about the announcement of one more hotel, potentially, he says, by the end of the year. Sorry, that is my question to him ... But then he refused ... Sorry, that was my question. So that has obviously piqued my curiosity and I wanted to know which hotel it is. When he said no, he said, ‘Mr Speaker, I cannot say more.’ Can I ask him whether this is the new hotel?

Hon. Chief Minister: Mr Speaker, I rise because the hon. Gentleman has made a statement about the Hon. Minister’s competence, and I must tell him that I have seldom worked with individuals who have the commitment and competence of the team that I am surrounded by in Government today. The Hon. Minister for Tourism and Business is one of the most able and competent people I have worked with. Frankly, if all we are going to do is attack each other on the basis that the hon. Gentleman has attacked the Hon. Minister this afternoon, I think it is unfortunate that we are going to allow Question Time to descend to that. Question Time is for something different. We can have debates on issues and motions etc.

I am frankly surprised at the hon. Gentleman, because this is not the Damon Bossino I know. This is not the temperate person I know. What has he done to the temperate Damon Bossino we all thought we knew? Where is that person now? What is this newfound fever that we seem to have found to drill down into minute detail, not on issues of huge substance but on any issue which might enable him to show, in the few Ministries that he has been entrusted with in a way that keeps him away from the serious business of opposition, to try to pretend that he has that level of competence?

To me, it is clear what is happening, Mr Speaker, and it has nothing to do with the magnificent work that Vijay Daryanani is doing; it has more to do with who he wants to be in the future, and the Hon. the Leader of the GSD can see him coming a mile off.

Mr Speaker: Can I –? (*Interjection by Hon. D J Bossino*) Please –

Hon. D J Bossino: Is that reply allowable given the control that I am being subjected to? Was that a type of reply allowable under your rulings? (*Interjection*)

Mr Speaker: Please –

Hon. D J Bossino: I mean, really!

**Parliamentary exchanges –
Statement by Mr Speaker**

Mr Speaker: I am going to read something out which I drafted a few days ago on the basis of how the situation was deteriorating in terms of the relationship between the Members of the Government and Members of the Opposition. I am going to read this out to you because I think it is very apropos.

‘Whilst I fully appreciate that the adversarial style of parliamentary exchanges often gives rise to robust verbal clashes, I have noted that recently,’ and today in particular, ‘there has been a significant increase in the number of instances of words having been spoken which are unnecessary and disrespectful. If the trend is for a higher level of discord to become a notable feature for the remaining part of this Parliament, I urge hon. Members to exercise moderation and continue to conduct parliamentary business in a constructive and meaningful manner in furtherance of their role as elected representatives of the people of Gibraltar.’

I want everyone in this House to bear that in mind. I am not picking on anybody. I am just saying that this is how the business in the House should be conducted, with respect and understanding, and I will not tolerate the use of unnecessary, hurtful words being exchanged between both sides of this House.

Chief Minister (Hon. F R Picardo): Mr Speaker, can I, on behalf of the Government, very much welcome your statement? No doubt we will transgress that ruling inadvertently, as will Members on all sides, and I ask you to, please, pull us up when we do. There is a lot of division in society today, and I do not mean just in Gibraltar. Social media, I think, has served only to sow division, to magnify differences in a remarkably negative way. So, if we fail to live up to that standard – and no doubt we will, and no doubt I will be the worst on this side of the House – please, Mr Speaker, we urge you to pull us up on it because we must hold ourselves up to a higher standard.

I have no doubt that I speak for all Members of the House when I reflect in that way in respect of your ruling. As we move into an election year, I know that tempers will flare and we have to maintain our tempers to ensure that we give the best of ourselves for our people, which is what

we are here to do. We are not here to score cheap political points. There are plenty of other places where we can do that.

735 Question Time, as I have often been reminded by you and by previous Speakers, is about information, and too often it descends to a political debate. Sometimes that is accepted by a Speaker and you give us the rein to do so, and sometimes it is not, and we must all abide by your rulings in that respect. I, for one, am grateful and I acknowledge if I have transgressed that this afternoon.

740 **Hon. D J Bossino:** Of course, Mr Speaker, what the hon. Member has said nobody can disagree with. The thing is ... No. It is being suggested to me that I should sit down, but the reality is if, as most of us are, who are politically dedicated and find the art of politics a very interesting art indeed, and activity ... Many of us will watch the House of Commons. They do not fare that much better than we do, but invariably many of the exchanges are allowed because it gives the place a bit more colour and more of a political chamber atmosphere. It is not a question of asking
745 questions and then getting the answers.

There are two things. If the hon. Member says that I am more feverish and asks where is the temperate Mr Bossino, it is because of the frustration that I am experiencing as a result of the answers I am getting. That is all, but I think that is fine, Mr Speaker. That is absolutely fine. *(Interjection)* No, not at all. It has nothing to do with leadership ambitions. *(Laughter)* But I do
750 hope that from now on ... Let's see how long it lasts, as he says, but as he himself has admitted, he is normally the biggest culprit in relation to this, so – *(Interjection by Hon. Chief Minister)* Amen to that.

**Q413/2022 continued – Sea Breeze floating hotel –
Government support for application filed with DPC**

Hon. D J Bossino: Mr Speaker, I am not sure that he answered this precise question. Is the floating hotel – the subject of this question – the new hotel that the Hon. Minister referred to? I
755 think it was not in the House but on the back of an interview he gave to one of Gibraltar's magazines.

Chief Minister (Hon. F R Picardo): Mr Speaker, it was the leader of the party that he represents who used to remind us in this House – and I think, on reflection, probably rightly – that not
760 everything that happens in the House of Commons should be imitated or held to be the best representation of how democracy is run, and that was the mantra on which he stood for election in 2011 behind Sir Peter Caruana.

I do believe that there are elements of the traditions of the House of Commons in London which we should all seek to emulate because it is the mother of all parliaments, and there are
765 aspects of how business is done there which frankly are not edifying and do not lead to a better democracy. The Speaker of the House and the Leader of that House are the first to say that in that respect it requires some reform, and I wanted to address that in what the hon. Gentleman has said.

Mr Speaker, he also is calling on us to adopt a procedure which I think he would find unhelpful,
770 because under that procedure he would have asked me one question, he would have asked the hon. Gentleman perhaps one question, we would have given an answer, the Chair would be unable to influence the answer and he would not be able to ask many supplementaries, and certainly not the number of supplementaries that he is asking now, which are, as I understand it, a million miles away from the original question that he asked. So he brings upon himself the
775 procedures of the House of Commons, I think, either not realising that they would not avail him of assistance to be able to pursue issues in the way that he is pursuing them this afternoon,

although it would be more raucous; or not knowing what those procedures are and misunderstanding how that House is run.

780 As to the substance of the question, Mr Speaker, I will allow my hon. colleague to answer, as it relates directly to his Ministry.

785 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, it might be the one that he is referring to, as we said a few months ago when the hon. Member questioned us on this. As we said, there were several parties interested in bringing a floating hotel to Gibraltar, but we also have other parties who are looking to build a hotel in Gibraltar. So, a little bit of patience. The hon. Member will understand that these are all commercial in-confidence. It is very difficult. We cannot, over the floor, give information on names and which hotel might be interested and which hotel might not be interested. So I think we will have to wait a little bit before we can expect an announcement.

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Mr Speaker: Next question.

Q414/2022
Tours and tour guides –
Regulation

Clerk: Question 414/2022. The Hon. D J Bossino.

795 **Hon. D J Bossino:** Let's see if the calmer Mr Bossino returns. (*Interjection*) Yes, well, it depends what the replies are like. (*Interjection by Hon. Chief Minister*) But you are going to be responsible for the other guy returning.

Please state how the provision of tours and tour guides is regulated.

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, all tours provided in Gibraltar have to be operated by a licensed guide under the Transport Regulations Part VI (105-115) Licensing of Guides and Sightseeing Tours. The Gibraltar Tourist Board is responsible for the granting of these licences to successful applicants who pass their written and oral exam. The initial cost of the licence and exam is £50 and the licence is renewable every two years for a fee of £20.

810 **Hon. D J Bossino:** Is the Minister able to make some comment in relation to the enforcement of that? I will tell him why I have asked the question, and that may assist him in the reply. It was commented to me down Main Street that somebody had heard a tour guide, in Spanish, giving a tour and talking about historical facts which were completely off the wall. He is nodding his head, so he must be aware of what issues arise.

815 Can I ask him what his Ministry is doing in order to ensure that the relevant statutory provisions are enforced? I am not sure whether those statutory provisions allow them to enforce anything. He says it is a process of application and regulation in the sense of giving a licence to an individual to call him or herself a tour guide, but I wonder if there is any way of enforcing the thing that I have just described.

820 **Hon. V Daryanani:** Mr Speaker, he says it has been brought to his attention, and actually it has been brought to my attention very recently, too, that we have guides coming in from Spain, but remember, these guides who come in from Spain come in with a transport company, a tour

operator that is Spanish. Like I said, it has been brought to my attention and he has now brought it to my attention and I will definitely be looking into it, but the enforcement side is something that ... We need to see how we can do it, but yes.

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Hon. D J Bossino: And in terms of seeing how we can do it, would that entail the introduction of any legislative initiative in order to address a lacuna in relation to that? Has it gone that far in terms of the analysis, or is he talking more about on-the-ground enforcement?

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Hon. V Daryanani: It is more of an on-the-ground enforcement. One of the things we were looking at was the possibility of maybe providing a local guide alongside the guide who comes from Spain, so that they do not give out wrong information.

Q415/2022
World Travel Market –
Details of recent visit

Clerk: Question 415/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Please provide the following details relating to the recent visit to the World Travel Market. There are five sub-points: (i) who compromised the Government's delegation; (ii) the total cost of the trip, broken down into air travel costs, lodgings and entertainment; (iii) who the Minister or any member of the delegation met at each event; (iv) what new business has been secured as a result of the trip; and (v) the duration of the trip.

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

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Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, the Government delegation compromised myself, Mr Kevin Bossino, CEO of Gibraltar Tourism, and Tracey Poggio Magnus, Head of Media and Marketing, Gibraltar Tourist Board, London. The cost of the trip was as follows: air travel, £619; lodgings, £1,977.78; entertainment, nil. The duration of the trip was three days. Mr Bossino and I met with people across the whole spectrum of the travel trade, including travel agents, tour operators, airlines, possible hotel investors, event planners, wedding companies and several travel journalists.

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A lot of hard work goes into these marketing efforts. Competition is fierce and it is extremely important to keep the Gibraltar brand name at the forefront of the travel industry. Our hotels are full, our flights are full, Main Street is busy, cruise calls have recovered very quickly and will grow next year. All this is the business that we are attracting.

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Hon. D J Bossino: Well, I suspect a lot of that business is as a result of the lessening threat, thank God, that COVID represents. You hear it a lot that there is an extra buoyancy in the travel market, certainly from the UK, as a result of people having saved money during the closed months as a result of the COVID restrictions, and they are wanting to travel.

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Is there any reason why the hon. Member has not made any public announcements following the visits, as we are normally used to from him, with the nice pictures in the press and interviews?

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

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Hon. D J Bossino: Yes, it is true. No particular reason –

Hon. Chief Minister: [inaudible].

Hon. V Daryanani: No particular reason, Mr Speaker, but the hon. Member has criticised me on many occasions for issuing too many press releases and for photographs with celebrities, he has said, in the past.

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Hon. Chief Minister: Damned if we do, damned if we don't.

Hon. V Daryanani: Absolutely. Mr Speaker, if he likes, next time I will issue photographs with the celebrities that I am –

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Hon. Chief Minister: Just send them to him.

Hon. V Daryanani: Yes.

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Hon. D J Bossino: It is because he has done it so often in the past that I am actually totally shocked that he has not done it on this occasion. I wonder if it is because maybe it was a bit of a flop.

Mr Speaker, this may answer the suggestion I made that it may have been a bit of a flop and that is why he has not made an announcement about this, but can I ask him whether he has the intention of attending the same event next year?

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Hon. V Daryanani: Mr Speaker, it is early days, but all I will say is that we have been attending this trade fair for the last 25 years. Consecutive Governments have been attending this trade fair in London. As you know, the UK market is very important to us, but it is very early days to take that decision at this moment in time.

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Hon. D J Bossino: And in relation to that, can I ask him a further specific question? Has he thought if there is any flexibility in terms of reducing the costs in relation to any future attendance?

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Hon. V Daryanani: Mr Speaker, everything that we are doing at the moment we are doing very carefully. There are many events that we are not going to, simply because of the cost, so we are always looking at reducing costs.

Q416-17/2022

Wizz Air –

Update re engagement/developments

Clerk: Question 416/2022. The Hon. D J Bossino.

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Hon. D J Bossino: What further engagement has the Minister for Tourism had with Eastern Airways?

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

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Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, I will answer this question together with Question 417.

Clerk: Question 417/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Are there any further developments with regard to Wizz Air?

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

Hon. V Daryanani: Mr Speaker, conversations with both airlines are ongoing.

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Hon. D J Bossino: In relation Eastern Airways, once again I need to ask him if he can be a bit more forthcoming in terms of his replies. It seems to be the usual *modus operandi* of the hon. Member. I think that is fair criticism and is not breaching any of the recommendations that, Mr Speaker, you have suggested we follow.

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He said, in relation to Eastern Airways, during the course of his Budget address, that he looked forward to engaging with them – and by ‘them’ it is Eastern Airways – later on this year. This was after an explanation as to why Eastern Airways, which he had welcomed with a lot of fanfare and hosing the planes, as we were used to seeing during the COVID years... I was telling him that he should be a bit more circumspect to suggest that this was as a result of all his efforts and had more to do with the fact that we had the green lane access to the UK ... They said, actually, that flying to Gibraltar was, in effect, not economical unless they had government assistance, which he said he was not willing to provide.

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Can I ask him, given that he was very specific during the course of the Budget address that he would be meeting with Eastern Airways later on this year, how many meetings he has had and when?

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Hon. V Daryanani: Mr Speaker, you do not necessary have to meet people. Nowadays I have all the CEOs on WhatsApp, managing directors of airlines on WhatsApp – that is the relationship that we have built up – so I am constantly talking to all the airlines. You meet some face to face; some you just communicate with.

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Hon. D J Bossino: But can he tell me how many of those communications he has had with Eastern Airways and Wizz Air, and what his view is as to the progress that those communications are having and whether they will have any fruition and we will have those airlines coming back here to Gibraltar again?

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Hon. V Daryanani: Mr Speaker, it is extremely difficult to try to attract a new airline. It is very difficult to maintain routes sometimes, because at the end of the day ... Just to give you an example, easyJet operates 927 routes. Gibraltar is one of them. It just to puts it into perspective. I think the Member opposite, unfortunately, is just trying his best to make political capital out of this.

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I have told him in the past, and it is really disappointing because I have also told him to be careful on the public statements he makes regarding airlines. These can be damaging for Gibraltar, because all this is commercial in-confidence. I cannot come out here publicly and tell him about the discussions I have. If he wants me to count my WhatsApp exchanges with people from Eastern, I can do that. Is that what it is all about? We are working continuously with the airlines that operate at the moment and the ones that do not operate at the moment.

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All I can tell him is to be a little bit patient. We are working extremely hard behind the scenes. Myself and the CEO, Mr Bossino, since he has come in, already met with both the airlines that are operating out of Gibraltar, only last month, and we will hopefully have face-to-face meetings with Eastern and Wizz. Just for him to know, next week the CEO of Wizz Air will be in Gibraltar, so that will be a meeting that we will have with him regarding Gibraltar.

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Hon. D J Bossino: Mr Speaker, I will ignore the usual, quite frankly, political statements that he makes in reply to the answers that I made. (*Interjections*) I will ignore that, Mr Speaker. Clearly it is causing some consternation to some Members opposite. But let me just ask him ... In fact, I have asked him, but he has not replied. The question has been put in terms of what he thinks are the possibilities of these two airlines coming back to using Gibraltar. On Eastern Airways he said very

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specifically during the course of his Budget address that they would only be able to do so if there
965 was financial assistance from the Gibraltar Government. I am assuming that the reply he gave to
himself during the course of that Budget address, which was that the Government was not able
to do that, still applies, so it must be that he is looking at other possibilities in relation to Eastern
Airways. But can I ask him specifically whether he is now considering providing government
financial assistance; and secondly, what he thinks the chances are of these two airlines returning
970 to Gibraltar?

Hon. V Daryanani: Mr Speaker, it would be very easy to provide that financial assistance and
ask them to start flying here, but we are not prepared to do that. We are continuously talking to
them to see if we can look at some other form of assistance. We are not in a position to provide
975 any financial assistance, and he is aware of that. Whether there is a possibility for both of the
airlines to come back, yes, there is a possibility.

Hon. D J Bossino: He said there is a possibility. I have asked him how he rates the chances of
that happening, whether he is confident. I am not asking him to reveal any commercially sensitive
980 information. I am not asking him to do that. All I am saying is what impression does he have ...
whether he is able to say that he is confident that these airlines will be coming to Gibraltar, or is
it just a question of ongoing discussions which will lead to nothing?

Chief Minister (Hon. F R Picardo): Mr Speaker, that question calls for the Minister to speculate.
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Mr Speaker: May I ask the Hon. Chief Minister, please, to not mention that information?
(*Interjection by Hon. Chief Minister*) It does not help.

Q418-19/2022

Airport radar –

Maintenance checks; assurances received from MoD re flight interruptions

Clerk: Question 418/2022. The Hon. D J Bossino.

990 **Hon. D J Bossino:** What further updates can the Government provide in connection with the
maintenance checks being carried out to the Airport radar, as reported by GBC?

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

995 **Hon. V Daryanani:** Mr Speaker, I will answer this question together with Question 419.

Clerk: Question 419/2022. The Hon. D J Bossino.

1000 **Hon. D J Bossino:** What assurances has the Government obtained from the MoD in connection
with flight interruptions owing to radar maintenance works?

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

1005 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the Airport radar
is currently fully serviceable. The report made by GBC was as a result of information entered in
error on the Airport website, which was corrected.

The only flight disruptions experienced recently have been due to weather.

Hon. D J Bossino: I am not sure whether that answer is accurate. In fact, I have here a *Gibraltar Chronicle* report. It must have been more or less the same date as the GBC report. It does say that the radar is currently undergoing maintenance checks by Aquila – so it is quite detailed – engineers. It may be the case that ... I think what he was referring to is that that was the reason given for the diversion of a particular flight, but in fact that was not the reason. I think that was amended. I think that is what the hon. Member is referring to. But I am putting that to one side. I am asking him about the reports – which one must assume are true; they are very specific, and I have made my own separate inquiries – that there are in fact radar maintenance issues which are being addressed by this company, presumably on instruction of the MoD.

I understand that this does not fall under his remit. What does concern me – as indeed it concerned me at the time when I asked a question in relation to HR issues which were having an impact on flight landings at Gibraltar Airport, and I mentioned it last week – is the interruption of these flights. I think it connects very nicely with the question and answer session we have had in relation to Eastern Airways and Wizz Air. The *Gibraltar Chronicle* quotes ... I am assuming it is the MoD. It says it is possible that some flights in the future will be affected by this until the issue is rectified. I would ask him to say what the Government is doing in relation to addressing and minimising the possibility of flight cancellations becoming a reality, now not only as a result of human resources issues but as a result of the maintenance works that need to be carried out on the radar.

Hon. V Daryanani: Mr Speaker, the question he is asking has nothing to do with the radar. Going back to the radar issue, I think he is referring to the flights that ... This was on Sunday, 13th November, when there were three flights – one from Manchester, which came in, another one from Bristol that came in, and there was another one from Gatwick, which did not come in and was diverted due to low cloud over Gibraltar, not because of the radar. But there was an issue insofar as the radar ... The reason was that it was incorrectly put into the website and GBC caught on to it and reported it, but this was obviously corrected immediately, once it was brought to our attention.

Hon. D J Bossino: But again his response is not accurate. Question 418 says ‘What further updates ...?’ and this is on the back of the yes, it was as a result of an inaccurate reason being given for the flight being unable to come to Gibraltar Airport, but that must have led to the journalists asking the questions and filing this report. I quoted him the *Gibraltar Chronicle* article talking about maintenance being carried out to the radar and the possibility of that having an impact on flight arrivals. The question is very specific. If he has got it wrong, then that is fine, but I said, ‘What further updates can the Government provide in connection with the maintenance checks being carried out to the airport radar, as reported by GBC?’ I am not talking about the reasons that were given, which were erroneous, in relation to the inability of that particular flight to come to Gibraltar. I am asking specifically about the maintenance checks on the radar. If he does not have the information because he does not understand the question, it is a matter for him.

Hon. V Daryanani: Mr Speaker, as you know, it is not the Government that carries out the checks. The MoD carry out, continuously, maintenance and the serviceability of the radars. They are continuously doing this. There is an obligation to do it. It is nothing to do with the Government.

Hon. D J Bossino: Mr Speaker, it impacts on one of the sectors of our economy, which is tourism and flight arrivals. There is a quote from the *Gibraltar Chronicle* – I am assuming it is quoting the MoD – that says it is possible that some flights in the future will be affected by this until the issue is rectified. All I am asking is whether he has made any inquiries in relation to this and what can be done to minimise that as far as possible, hopefully to zero, so it does not have any impact on

1060 flight arrivals to Gibraltar Airport. Or is the question also having a sensitive effect on some of his negotiations?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman is asking the Government about something one entity, which is not the Government, said to another entity that is not the Government. The Government is not answerable here for what the MoD told the *Chronicle*. What
1065 the Government has told him is that we have received assurances that whatever maintenance has to be carried out will not affect flight arrivals in Gibraltar – for the fourth time.

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q420/2022

GHA waiting lists – Operations across all disciplines

Clerk: Question 420/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J
1070 Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state the waiting lists for operations across all disciplines within the GHA?

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): Yes, Mr Speaker. Surgical waiting lists as at 15th November 2022 across all disciplines are as follows: Cardiology, seven; Dental PCC, 16; ENT, 123; General, 479; Gynaecology, 136; Minor Ops, zero; Ophthalmic, 17; Dental, 119; Paediatric Dental, 29; Orthopaedics, 468; Paediatrics, two; Pain Clinic, 99; Plastics, 105; Vascular, three.

Hon. K Azopardi: Mr Speaker, does the hon. Member have a schedule that he is about to give me, or has he just rattled off those numbers and thought that I was taking a note? It was at speed and I certainly did not take note. (*Interjection*)
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Hon. A J Isola: Mr Speaker, it is a short list and I have just read out what I have been given. I am happy to read it out again a little bit slower, if he would prefer: Cardiology, seven; Dental PCC, 16; ENT, 123; General, 479; Gynae, 136; Minor Ops, zero; Ophthalmic, 17; Dental, 119; Paediatric Dental, 29; Orthopaedics, 468; Paediatrics, two; Pain Clinic, 99; Plastics, 105; Vascular,
1085 three.

Hon. K Azopardi: I am grateful to the hon. Member for re-reading his answer. Normally he gives us a schedule. That is why I was not taking a note. He is usually quite diligent with his schedules.

1090 Mr Speaker, can I just look at some of those, if I may, and perhaps the hon. Member can assist us with a bit more information? The question was about waiting lists for operations across disciplines. Some of them are low figures, but I can see that in some specialties – orthopaedics, for example, and in general surgery – they tend to be higher numbers, almost 500 patients waiting for surgery in orthopaedics or general surgery. Can he give us a sense of the kind of waiting time
1095 that that translates into, in some of the higher disciplines?

Hon. A J Isola: Mr Speaker, no, I cannot. I do not have that information. What I can tell the hon. Member is that, as you would expect, in areas that are high ... Obviously the waiting lists here, as in the United Kingdom and all over the world, as a result of COVID, are far greater than they would have been before. As a result of that, the Director General is taking specific steps in the ones that are higher – which, no doubt, he will easily recognise – to see (1) how we are doing, what we are doing and whether we can do it better; (2) getting in support to clear some of the backlog, and, with the first step that I have mentioned, hopefully it will not arise again once we have cleared the backlog; and obviously the third point is that if there is an emergency operation, then that is not on this list. Urgent operations are dealt with far quicker than those on this list. These are programmed theatre arrangements. Those are the three steps that you would expect me to tell you and are exactly what is being done. For example, in orthopaedics we have two experts coming in January to help us with some of that work and also to help in advising us how we could be working in a more efficient way in ensuring that we do not run into backlogs.

This is a common problem around the world, as the hon. Member will know, and we are working extremely hard to see how we can bring that list to acceptable levels, which it is currently not at, in the future.

Hon. K Azopardi: Is there a sense of how long it would take to take it to acceptable levels? Clearly it has now been 18 months, I suppose – a bit longer – since the last lockdown, so I appreciate that it does not happen immediately, but it has been a while now. How long does the GHA think it needs in the discussions it is had with the hon. Member? How long do the managers think they need to break it down into acceptable levels? There will always be a waiting list, of course, but to acceptable levels.

Hon. A J Isola: Mr Speaker, I think that is exactly the point. There will always be waiting lists, but I think what COVID did was massively increase those waiting lists, and that takes longer than it would normally have done to deal with. For example, in cataracts we have moved very quickly to deal with those waiting lists by bringing people in for a week at a time to clear those waiting lists. That has enabled us to be far more efficient.

In terms of by when I think we will recover the waiting lists from COVID, I would not like to even guess. For me, I would certainly like to know within a three-month period what those timescales will be. So within a relatively short period of time, I would like to know by when we will have some normality in waiting lists, and that is where I fully expect to be by February 2023.

Mr Speaker: Next question.

Q421/2022
Radiology –
Waiting time for scans

Clerk: Question 421/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, in relation to radiology, can the Government state the waiting time for those needing all scans?

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 waiting times for scans in relation to radiology are as follows. X-rays are walk-ins,

all of them, so there is no waiting time; ultrasound radiologist, 11 weeks; sonographer, one week – urgent ones are done within two weeks; CT scans, three weeks – urgent ones are done within the same week; for breast screening there is no waiting time, but there is a two-year protocol – in other words, it is the repetition every two years for these to occur; breast symptomatic, one-stop clinic, one week, within the week; MRI routine are three weeks and urgent are within the same week.

1140 **Hon. K Azopardi:** Mr Speaker, on the ultrasound, which is the 11-week one, is this also subject to some kind of analysis by the GHA and some kind of COVID backlog which they are dealing with? Or is this within the realms of a normal expected waiting time for ultrasounds?

1145 **Hon. A J Isola:** Mr Speaker, there is a process, and do not forget that these are programmed ultrasounds and they are not urgent. The waiting list used to be between five and six months. It has now been reduced to 11 weeks. I know that because I asked the question when I saw that the answer struck me as being high and I was told that they are working to reduce it further, but that it is on the way down and coming down from a much higher number.

Q422/2022
Bespoke ambulances –
Anticipated cost

1150 **Clerk:** Question 422/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Can the Government state the anticipated cost of bespoke ambulances for Gibraltar, as referred to by the GHA's Director General in his public presentation on Monday, 14th November 2022?

1155 **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 anticipated cost of the two bespoke ambulances that had been commissioned by the GHA is £159,188.22.

1160 **Hon. K Azopardi:** So £159,000, loosely, for each ambulance, or for two? That is the total for the two ambulances? I see. So around £78,000 each? Okay, let's use loose language, £80,000.

Does the Minister know what is the bespoke part of the ambulance? What is the regular cost and what is the additional part that has been paid to make it a bespoke ambulance in accordance with the specifications of the GHA?

1165 **Hon. A J Isola:** Mr Speaker, I do not know what that number is. What I can tell him is that, as he has predicted in his question, there is a cost for the vehicle and then there is a cost for adapting it to the needs that we have in Gibraltar. That is the bespoke element of the vehicle purchase.

1170 The need for these ambulances is obvious and the tender process that was followed when it was acquired obviously led to the specifications that led to it becoming bespoke. I think it is very good news that we will have these two new ambulances, as well as a first new responder vehicle that has been sponsored privately; and then one of the older ambulances that will no longer be used as an ambulance is to be converted into a mobile health unit, which I have talked about before in respect of the further advancement of care within the community.

Q423/2022

**Chief Pharmacist's remarks re wasted prescription medicines –
Why no Government comment**

1175 **Clerk:** Question 423/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Can the Government state why it has not picked up on what the Chief Pharmacist has characterised as shocking and a tragedy, the nearly £1 million of wasted prescription medicines?
1180 I think it is that there are £1 million of wasted prescription medicines.

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):
1185 Mr Speaker, the first point I would make is that the up to £1 million was an estimate based on the two-week exercise that was carried out by the GHA, where they found some £40,000 worth of medication being dumped back.

The reason why this has been referred to and made public is precisely because the Government and the GHA are focusing on the pharmacy, prescriptions, excess use of antibiotics and wasted
1190 medicines. As the hon. Member should know, the GHA has co-ordinated a 'DUMP' campaign as part of this process to remove outdated medicine and raise awareness on this.

Q424/2022

**GHA Director General –
Extension of current contract**

Clerk: Question 424/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

1195 **Hon. K Azopardi:** Mr Speaker, can the Government state whether it intends to extend the current Director General's appointment beyond the 18-month interim period due to expire in July 2023 and whether it has yet identified a permanent successor as stated in its Press Release 916/2021?

1200 **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 would like to extend the Director General's contract. Discussions are currently ongoing, but the Director General has always been clear that he views his tenure here
1205 at the GHA as interim.

Hon. K Azopardi: Sorry, I missed the end part. I do not know what ...

Hon. A J Isola: I will read the answer again. Mr Speaker, the Government would like to extend
1210 the Director General's contract. Discussions are currently ongoing, but the Director General has always been clear that he views his tenure here at the GHA, as Director General, as interim.

Hon. K Azopardi: From that observation, which is really to pass on what the Director General views his role as, when he says that he views his role as interim he means that he does not view

1215 himself as sticking around on a permanent basis forever. But 'interim', of course, is a word that can be defined in different ways. It does not necessarily mean that he is going to stay only until July 2023. If he is extended beyond that period, I suppose you could take the view he is still here for a short or interim period, so I am not sure whether the observation really adds much to the answer.

1220 Is it the desire of both the Government and the Director General that there should be an extension beyond that period of July 2023?

Hon. A J Isola: Mr Speaker, I started off in the answer by saying Government would *like* to extend, and I then qualified it by saying the Director General sees his appointment as interim. The press release that announced his appointment in December 2021 specifically stated he was an interim Director General of the GHA on an 18-month contract.

1225 Government would very much like to extend that contract. The question is whether the Director General is prepared to or not, and those are discussions that we are currently having. There are many other issues in the life of the Director General that are not relevant to this, but are certainly relevant to his personal position as to whether he is able or wishes to carry on for an extended period after that. I would very much like to extend this contract, I think he is doing an incredibly good job for the GHA and for the community, but we shall see how successful I am, or otherwise, in respect of persuading him to stay.

1235 **Hon. D J Bossino:** Is there a time period within which that determination will need to be arrived at? I am not sure whether contractually there may be something there. In other words, what I am trying to drive at is that it is not that we will find out in July 2023 whether it is going to be extended or not. Is he able to shed some light in relation to that?

1240 **Hon. A J Isola:** There is no possibility of that happening, because if there is not going to be an agreement reached – and my answer specifically says that we are having discussions – then in the short term the hon. Members would see an advert coming out for that position, which is what there would have to be to ensure that by next July, or before, we are in position with either a deputy *in situ* or someone else coming in to replace at the end of that period. Discussions are ongoing and I hope to be able to report back long before July 2023.

1245 **Hon. K Azopardi:** But just on that point, if I may, the Director General was brought in on a specific programme of reforms and he has been quite vocal and associated himself very personally with the reform process that he has taken charge of. So clearly the hon. Member will agree with me that if he is not going to be the person carrying on that reform process, you would want to know that pretty quickly. When you are recruiting someone at the top of the tree it is not something that can be done in a short period of time. Even if you were to recruit the right individual in, say, March, the person might need to give a three-month notice period, for example, which would take you to June. So really, if you are going to start advertising, it seems to me it would need to happen pretty early in 2023. So does the Minister agree that those discussions he is having ...? I know he wants to persuade the current incumbent to stay, but does the current incumbent also know that a decision would need to be taken in principle pretty soon to enable a process to be followed, and does the hon. Member agree that that needs to be given a sense of urgency, so that there is finality in the New Year?

1260 **Hon. A J Isola:** Mr Speaker, we are 10 months into his 18-month contract, and, as the hon. Member has alluded to, the Director General is fully embedded into the desire to carry out the reforms, to see through the vision that we had in appointing him and in supporting him all the way through introducing the project that he is working on. Of course it is critical that we have an early decision on this, and I think the hon. Members will see the results of the discussions that we are already having with him in very early 2023, if not before, because if I am not successful in

extending, then, as the hon. Member has said, we will be wanting to move very quickly to give us time to ensure that we have the best possibility of the best possible replacement should we not be successful in persuading him to stay.

Q425/2022
COVID Response Fund –
Costs incurred in three months ended 30th June

1270 **Clerk:** Question 425/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide a detailed analysis of the Gibraltar Health Authority costs of £1,124,422.65 incurred in the COVID-19 Response Fund in the three months ended 30th June 2022?

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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, as has been the practice since the COVID-19 Response Fund was first established, the detailed information requested by the hon. Gentleman will appear in the annual Estimates Book, as it has done in the past.

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Hon. R M Clinton: Mr Speaker, I think either he has misunderstood my question or I have misunderstood the operation of the COVID-19 Response Fund. Of course we are talking about this year, and he already knows the Estimates Book for 2022-23 has zero budgeted for the Gibraltar Health Authority. In the COVID Response Fund gazetted for 30th June this year, there is a number there of £1.2 million. All I am asking him is can he please give us a breakdown of that number. It has nothing to do with the Estimates.

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Chief Minister (Hon. F R Picardo): Mr Speaker, that number that we would give him at the moment would not be reliable. It would potentially move between the heads, and therefore, for that reason, we do not provide information across the floor of the House until it is final, which is when it is in the Estimates Book.

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The hon. Gentleman receives from us more detailed information than we publish, and I am very happy to agree that the Ministry of Finance should provide him with that information on the basis that it is not published but he has it, and on the basis that it may change, because at the moment what we have is not fixed. There are sometimes moves between subheads of where expenses will have been incurred, but I am quite happy to let him have it on the 'behind the Speaker's Chair' rule. It is not fixed and final until it is in the Book. *(Interjection)*

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Hon. R M Clinton: This is like university ... We can consult ... Sorry, Mr Speaker. I appreciate what the Chief Minister is saying, in terms of the potential fluidity of these numbers. We have always known from day one that these are subject to audits and they are subject to change, and we accept that.

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He knows that I am generally loath to things that happen behind the Speaker's Chair, as much as other Members may accept it, and I think – consulting my colleagues – that we will probably be happy to accept them on this occasion, but I just have to ask what is it that has caused such a ...? Is there a number? Is there something in terms of recurring costs that we just did not think about when the Estimates were presented in the Budget in June/July that has cropped up, which has necessitated the GHA to incur cost that is likely to reoccur for the rest of the year? Or is it

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something ... an invoice that was forgotten and found and therefore attributed to the COVID Fund?

1315 I am just trying to get a sense of where this expense is going to go in the future. Is it something that has a fixed parameter in which we can say it is not going to grow much beyond this, or is it something that just was not identified at the time of the Budget and is likely to be a recurring cost for the rest of the year?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman has used the word 'audit', which I think is the wrong word to use.

1320 Of course some of my young constituents might have referred to it as audit, but the audit is what the Principal Auditor does. It is the checking that would be the issue. At the moment what you have is a reporting and almost a live management account, if I can loosely call it that, which will be subject to internal checks to make sure that things have been booked under the right heads, and he might know that sometimes there are fluctuations in that respect. It is very unlikely, 1325 but possible, that the £1.2 million would change, but where in the subheads the allocation of the £1.2 million might be might be different. But it is possible that the £1.2 million might change because things may have been allocated to COVID which are being used for COVID purposes but are acquired more generally, for example, or are simply badly booked at this stage, and that happens. As he will know, in every financial year before the Book is cast there are those issues.

1330 I think I said to the House at the time when we published the Estimates Book last year, when we had the debate, that the Government's approach was to say we have had two years of pandemic, and together, in this House, we have all tried to work out what the cost of that should be in the Health Authority and we had an Emergency Budget and we provided for PPE on the go with a sort of open cheque book to the Health Authority. What we do not know is what the cost 1335 of dealing with COVID as an almost background virus – another one of the viruses that is active in our community – would be. Therefore, it was not possible to estimate what amount could actually properly be attributed to that. Indeed, one of the issues was should we have a specific cost attributed to COVID, a virus, and should that be for another year or should that be ongoing? For example, we do not have a head in the Estimates for the GHA that says cancer. We have different 1340 disciplines, many of which deal with cancer, but we do not have a cancer head. We do not have one that says flu, apart from perhaps the acquisition of the flu vaccine, but we do not have all of the costs of dealing with the flu. So this is almost a transitional year – and that is what I thought I had explained at the time that I presented the Estimates – where we are coming out of pandemic. It does not feel like we are living in a pandemic at the moment, but of course, until the World 1345 Health Organization says the pandemic is over, you are still legally in a pandemic situation. COVID is in the background. It is a virus. This year is almost a test bed for what estimate we might have to have in the future, if any, specific to COVID.

What he is going to see are very live numbers with decisions not yet finalised as to whether those costs should be attributed to the general heads throughout the GHA, or whether in fact they 1350 will have to be attributed to COVID. That is what I would say to him in the context of where we were when we cast the Estimates Book and where we may or may not go at the end of this year in a way that is designed to do two things: first, to ensure that the GHA has the ability to continue to deal with the COVID virus even after the pandemic and during the last throes of the pandemic; and second, that there should not be any suggestion that there is a blank cheque – however big 1355 or small, it should not be blank in any way – for any spending to be attributed to the head 'COVID' as if anything goes in respect of that head.

I think he would agree with me that that is the prudent way to deal with the matter and I think I have summarised what I tried to say and what the hon. Member said when he presented the Estimates for the Health Authority at the time of the Estimates last time. That is why I am 1360 suggesting that he should have these numbers round the back of the Speaker's Chair, because decisions still have to be made. I do not want him not to see what it is that we are being told should be charged to that head at the moment, but I do not want to be fixed with publication of

that in the detail that is provided for. Of course, in terms of the COVID Fund, he has had the number because I thought it was appropriate that people should see that we were providing this amount and we were being told it was COVID, but the COVID Fund can be adjusted should we make a different decision going forward.

Hon. K Azopardi: Mr Speaker, the alternative to having it behind the Speaker's Chair that I was just discussing with my hon. colleague is to understand a bit more how long the Government needs to get clarity. If the Government says, 'We are going to get clarity fairly soon,' well then we would rather wait and get the figures officially, even if we have to ask again. Or they can send us the figures. They can just undertake to send us the figures on an open basis. If, however, it is going to take much longer, then of course we would take a view on it.

Hon. Chief Minister: Mr Speaker, the Government will make final decisions about this – and this is what I hope I clarified now – as we come to the end of the financial year and we are casting the Book, because then we have seen a full-year effect and we understand what has happened and how things should be provided for going forward. That is why I thought it would be helpful to hon. Members to at least see the numbers, so that we can continue to have one of those much more convivial conversations that we have when the microphones are not on and we have to be a little bit *Llanito* with each other, so that perhaps we could even make decisions about this, going forward, together. We have made decisions about the COVID Fund together. Making decisions about the treatment of these costs going forward together is not something that would be anathema to the Government, but without fixing these figures as they are today with the legitimacy of publication and giving them the that oxygen of legitimacy which we might all agree is not in the interest of the taxpayer going forward.

Hon. K Azopardi: Mr Speaker, it is not a question, but so there is clarity for the Chief Minister, we will, in view of that, accept it behind the Speaker's Chair.

Mr Speaker: Next question.

Q426/2022
Gambling Act 2005 –
Feedback re replacement Bill and any proposed changes

Clerk: Question 426/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise how many responses it has received in respect of the Command Paper on the repealing and replacing of the Gambling Act 2005, and are any changes to the proposed Bill envisaged as a result of the feedback received?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, the number of written responses received is small in number – single figures – but this is because the industry consultation response is primarily being co-ordinated by the Gibraltar Betting and Gaming Association. We have also had direct engagement with firms on the proposals and these are ongoing.

I have no doubt that changes will be made to the draft as a result of this consultation process.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his response. When he says single figures, could he tell us exactly how small a number that was? And in terms of timeframe, does he have a view as to when the amended proposed Bill would come to the House?

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Hon. A J Isola: Mr Speaker, I actually do not have the number. I know it is less than 10.

To put this into context, we started this work in 2015. Then Brexit came along and it was put on the back burner and we focused on other things. Then we brought it back. All during this time we have been talking to gambling operators, both B2Bs and B2Cs, and so when this document came out, it was by no means the first time that firms had seen it. The approach is basically to enable the Gambling Commissioner to have teeth in terms of how he regulates businesses. Under the current legislation, which has been there for over 20 years, you had an Exocet missile, if I can call it that, or nothing, and so the ability of the gambling regulator to take proportionate action is something that has not been there in a sufficient volume. What we are looking to do is to give, like the financial services regulator has, a proportionate mechanism to deal with regulatory breaches. So the teeth will be put in. This will not be a shock and has long been discussed.

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We are also changing who requires to be licensed. For example, we are policing the periphery. In the past, a gambling firm which was not carrying out gambling activity but was involved in gambling – for example, a marketing firm – was outside the net. We are now going to bring that within the net, so anything that touches the reputation of Gibraltar as an online gambling jurisdiction will be within scope, and it was not before. At the same time, we are also looking at whether firms that purport to be gambling firms but are not carrying out that activity in Gibraltar should also be caught – again, those that can affect our reputation.

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The scope we have long talked about with businesses, so I am not surprised by the small number of firms that are directly writing. And, of course, all during this period we have been talking to them directly. I myself have, the regulator has, as have the people supporting us with this work. I hope that by the end of this year – latest, early January 2023 – we will have concluded our consultation process and I would very much like, within Q1 of next year, to bring the final Bill to Parliament for consideration by Parliament.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his comprehensive response. What I am about to say, I can assure the Minister, is not in any way barbed, but I have to use the word FATF. Would he see this legislation as being a necessary part of the Government's response and will assist in getting us off the grey list?

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Hon. A J Isola: No, Mr Speaker, absolutely not, and the reason for that is simple. Under the Proceeds of Crime Act, the gambling regulator, the Gambling Commissioner, is already nominated as, for AML purposes, the supervisor in respect of that work, and so the teeth in respect of AML work is in the Proceeds of Crime Act and he is the appointed supervisor. So it has absolutely nothing to do with it.

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Mr Speaker: Next question.

Q427-28/2022

FTX collapse –

**Impact on DLT licence holders and measures to protect customer assets;
proof of reserve re ZUBR Exchange Ltd**

Clerk: Question 427/2022. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government advise if the collapse of FTX has impacted on any FSC DLT licence holders, and what measures has the FSC taken to protect customer assets?

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 will answer this question together with Question 428.

Clerk: Question 428/2022. The Hon. R M Clinton.

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Hon. R M Clinton: Mr Speaker, can the Government advise whether any proof of reserve was or has been requested of ZUBR Exchange Ltd, an FTX-owned company and FSC DLT licensee?

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

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Hon. A J Isola: Mr Speaker, the GFSC has reached out to licensed firms to ascertain any potential impact and their current exposure. Permissioned firms have confirmed they have little direct exposure to FTX or related companies.

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As part of the regulatory regime, firms are required to have appropriate measures in place for the custody and segregation of customer virtual assets. Customer moneys are required to be segregated.

ZUBR has not been operational in Gibraltar, as they had matters pending regulatory approval. Therefore, it has no customers and thus there is no risk to customer funds. Consequently, there has not been any proof of reserve, as they have none.

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Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answer, and I am glad to hear that there would appear to be little exposure in Gibraltar, but I would bring a couple of matters to his attention, whether he would like to comment on them or not. The first of them is, as he is fully aware, ZUBR – the correct name of the exchange – has formed part of the Delaware bankruptcy proceeding and is listed and identified within the bankruptcy administrator as being part of the dot com silo of FTX. Gibraltar has not, obviously, as yet been mentioned in any of the reports. You probably have noticed, as I have, that there is an article on this practically every day in the *Financial Times*, if not the financial press in general.

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My concern – and again, in a completely constructive way – is that I have just literally searched the FSC website now and ZUBR is showing is a live licensee with a live licence. The FSC has issued no comment whatsoever about this and there is no restriction against that licence. I just wonder whether it would be opportune for the FSC to perhaps make it clear what the Minister has said, that it has no clients and there is no risk. However, looking at the licence, it does not mean to say that it could not acquire clients or assets, and given that the entire structure is subject to bankruptcy proceedings and certainly regulatory scrutiny in the US and other jurisdictions with certain allegations of moneys being missing, it would be prudent for the regulator in Gibraltar to issue its own statement to pre-empt any suggestion that Gibraltar is in any way implicated in anything that may have happened in the group elsewhere, and to reassure outside observers that the FSC is doing its job as it is, as the Minister has said. I would be grateful if the Minister could comment on that, because I cannot see it happening in any other industry – in banking or

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insurance, for example – where a group goes bust in this spectacular way and a subsidiary entity is allowed to continue to hold its licence and operate as if it were business as usual. As you say, it has no clients and it is not doing business, but the licence on the FSC website does not say it cannot do business.

1500 Furthermore, Mr Speaker, if you do a search at Companies House on ZUBR Exchange Ltd, the directors are still listed and one of them is still Mr Samuel Benjamin Bankman-Fried, whom I imagine the FSC will no longer consider a fit and proper person to hold a licence. So either the Companies House information is out of date or something has not quite joined up, but I would have expected that some action would have been taken to remove this individual as a director,
1505 or, having been removed, the records updated and a note, if necessary, attached to its licence on the FSC website to that effect, because otherwise it would appear that this entity could continue trading as if nothing had happened.

Hon. A J Isola: Mr Speaker, the regulator requires to act in accordance with the law. As he may
1510 know, the law has a set process and procedure to follow to revoke the licence of a firm, and that requires them to issue a warning notice, allow a period of time for representations to be made, submitted to the decision-making committee, and then they are the people who have the ability to revoke or suspend the licence. I would fully expect the regulator to be doing that, and that is a process that takes a little bit of time, because it can be expedited – there is short notice and there
1515 are things that you can do to respond quickly. I have no doubt whatsoever that that is being done.

So let's take a step back. I would not expect today to see the directors having resigned, because those can be filed within a period of time; they do not have to be filed on the same day. With respect to the licence still appearing on the FSA website, well, it is going to keep appearing until the licence is revoked, having followed the legal process that the law in Gibraltar requires the
1520 regulator to carry out. I have no doubt whatsoever that that is what they will be doing and that is what they will do.

Is the individual fit and proper? No assessment requires to be made at this moment in time, but I have no doubt that if it was, he would not be deemed to be fit and proper for the reasons we read about every day in the world international press.

1525 In respect of the company itself, the fact that its licence is on the website does not mean that they are authorised to trade. They are two different things. ZUBR was a firm that applied for a licence promoted by other people. FTX then acquired that licence and that required them to do a number of things: change of control and a change of business. Those have not been done yet, so the company is not authorised to trade because its change of business is pending approval, and
1530 consequently, until those processes with the regulator have been seen through, they are not authorised to trade – which is why they have no clients, which is why there is no business, which is why there is no need for proof of reserve, because they have not started trading, because they are not authorised to trade. If they did trade before that authorisation had been approved by the regulator, they would be committing a criminal offence under the Financial Services Act.

1535 I hope I have made myself clear. What I would say is that the regulator has a law in place. It is following that law to be able to get it to the appropriate place, which will lead to, I assume, a revocation or suspension, or whatever it is that the DMC, the decision making committee, comes to after the process is followed.

1540 **Hon. R M Clinton:** Mr Speaker, I fully appreciate what the Minister has said, but given the unusual circumstances of the collapse, this is not a run-of-the-mill licence suspension or revocation. This is something that is as serious as it gets in this type of industry. Personally, I would have expected a much faster reaction from the regulator. I must say that the suggestion that somebody has a licence on the FSA website does not necessarily mean that they are authorised
1545 to trade seems counterintuitive because if you look on the FSC website and you see 'Is this firm licensed or regulated? Enter the name here for consumers,' and you find out if it is regulated ... If I were a consumer, I would say, 'Well, it is obviously licensed and regulated.' There is nothing to

1550 indicate that it is conditional. Certainly what I read in the press – maybe I read it wrong – was that this deal had been completed. Maybe the law firm that issued the press release jumped the gun, but the acquisition by FTX seemed to me as having been an approved and done deal. I do not recall it saying ‘subject to regulatory approval’.

Hon. A J Isola: Change of business.

1555 **Hon. R M Clinton:** Ah, so it is a change of business as well. Sorry. I will let you in.

Hon. A J Isola: Yes. They acquired it – change of control approval – and then the change of business requires to be approved before they can start taking on business. So any consumer who goes on to the website and sees ZUBR as being there is not able to do business with them because they are not open for business. This is the point I make. That is why I can tell him that they have not got a single client, because they are not open for business until they have regulatory approval.

1560 With respect to the first point, if I may answer now the other point he made about moving slowly, you will recall at the time of the Financial Services Bill being discussed in Parliament, Mr Feetham, the hon. Member who talked about it, welcomed the introduction of the DMC because the DMC removed from the regulator the ability to suspend or revoke licences. This was a checks and balances exercise that we did precisely to deal with it, and everybody in this House welcomed that step.

1570 Perhaps we should revisit emergency cases like these, because my concern is not so much this case where there are no consumers, my concern is where there are consumers. But the regulator does have the power, where there are consumers, to move a little bit quicker. In this case it is simply a process that the regulator would require to go through in order to comply with the law. I do not see any issue in going through that process and nobody is in harm’s way and nobody is being impacted upon, and nobody is saying internationally that they were regulated in Gibraltar, so those issues become less relevant. It is clear where the company was being managed from. I do not think anybody is disputing that, and so we are out of harm’s way, thankfully.

Hon. R M Clinton: Mr Speaker, I thank the Minister for his explanation, and again I assure him that I am approaching this from the point of view of protecting Gibraltar as a jurisdiction, as I am sure he is.

1580 If I can move on to my second question, or rather my first question, in terms of contagion risks he says as per the relevant protection of client assets and money rules, which I have a copy of, they are required to comply with certain requirements. I had a quick look at the number of DLT providers over the weekend, and again he can correct me if I am wrong but I count 15 providers, of which I noticed, going through each one individually, 12 have the ability to custody assets, so that would mean 80% of licensees have the ability to custody licences. There was a comment made by, I think, the Deputy Chairman of the Bank of England. It says in normal circumstances most exchanges in the old world, as it were, would not custody assets, there would be somebody else. What we have is the scenario where exchanges are not just trading whatever the object is – call it crypto assets – but there may also be custody, and that obviously creates a much bigger risk in the event where even if they follow these procedures ... They could actually have ticked the boxes and held the assets in custody with another exchange, like FTX, and then suffered a meltdown which probably could not be avoided. But my concern is whether they are self-custody. To what extent would the Minister see that as a risk?

1595 **Hon. A J Isola:** Mr Speaker, the comment by the Deputy Governor of the Bank of England, Sir John Cunliffe, whom he referred to, was calling for regulation. He was saying that we need to have regulation for digital custody holders and providers and for the firms in this space, and that is precisely what we do. I actually think that the reason why we have not been impacted upon is because we have the regulatory standards and we have the principles that we have.

1600 The different core principles that we have address specifically the issues that FCX has suffered from: lack of corporate governance, segregated assets – they did not have them, they were all mixed in together and everyone did what the hell they wanted and they moved money in and out without care for any of the issues that we provide for. Market manipulation – the 10th core principle specifically prevents firms from doing what these guys appear to have been doing. It is
1605 early days yet, but I think we should be looking at our core principles and asking why are the firms we have so little impacted by what has happened when other firms in other places been hugely impacted upon.

And so, instead of looking for the little tiny black spot on a piece of white paper, I think we will be saying actually we have done pretty well, and although there are lessons learnt in everything
1610 that happens and we need to revisit some of those – and the point he has just mentioned could be one of them – the question is what can we do to better protect consumers in our jurisdiction, and that is an exercise that I know the regulator is very alive to and currently doing. I think the fact that we have done as well as we have done in limiting the contagion from this business is something we should congratulate our regulators on and see how we can do even better to
1615 protect consumers in the future than we currently have done.

Mr Speaker: Next question.

Q429/2022
Supported independent living –
Plans to meet demand

Clerk: Question 429/2022. The Hon. D J Bossino.

1620 **Hon. D J Bossino:** Please state how the Government intends to meet the demands for supported independent living for those living with dementia, mental health issues and special needs.

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

1625 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, Government continues to believe in providing sustainable care and support for the most vulnerable in our community. This includes holistic development care plans, improved communication and integration across services, so that packages of care can also be tailored to
1630 meet individuals' specific needs. The overall aim is to provide appropriate care and support to enable individuals to live independently and safely in the community, whilst also promoting choice and autonomy.

Hon. D J Bossino: As the hon. Member, I am sure, is aware, this issue is one ... It struck me,
1635 actually, that it does cross, as I identify them, these three distinct groups ... people who suffer from dementia ... I know that it is a demand which is continuously made by Daphne Alcantara on behalf of GADS. I do not know if the hon. Member saw the really good video done on behalf of those people who have mental health issues, led by Conchita Triay.

There is also a very big issue which I think we are going to be facing as a community into the
1640 future. We heard, I think in the last session, the number of children who have been admitted to St Martin's School in this academic year. I think it numbers 25, and that is going to have a huge impact down the road when those children then become adults and their parents pass away and they will need to be cared for. With the greatest respect, he talks about appropriate care and support and packages of care, but what I am thinking more is something along the lines of a bricks

1645 and mortar approach in terms of having a centre – whether the Government has plans in relation to this, to have a centre to house and to address the needs of these three disparate and individual groups.

1650 One of the complaints that I hear, one of the issues that I hear, is that whilst you may have a carer or a nurse who visits person X, she or he then needs to visit person Y in a different flat in a completely different place in Gibraltar, and that causes issues. It causes issues of delay, transportation, all the rest of it. So I wonder if, dare I say, the Government has more ambitious plans in relation to addressing the needs of these three distinct groups.

1655 **Hon. A J Isola:** Mr Speaker, the truth is we can never do enough – that is the truth – in providing the care that the hon. Member is referring to. But I think at the same time as I say that, we also have to recognise the enormous steps that have been taken since we came into government. At the moment, we have, for example, 21 people living in care – supported independent living. When we were elected there were three. We have increased that by 19 – 19 out of 21. But can we do more? Yes. Should we do more? We would like to. And so the areas the hon. Member is touching upon in terms of a specific facility to be able to care, the answer is yes, we are looking at that. We are looking at all the different areas in which we can co-ordinate across the various providers of these services to improve the level and quantity of care that we provide. But of course, as the hon. Member knows, there is a cost and there are competing causes for that increased cost, and so what we are doing is seeking to evaluate how best we can make use of that budgetary allowance, 1660 if I can call it that, to provide better care across the different services, not just now, but more importantly in the future.

I think the demands on our service providers are increasing and when I meet with the Head of the Care Agency, he always tells me about the increasing numbers that he is facing. That is something that we are very alive to, very aware of and seeking to see how we can do that ourselves by working closely together with the Ministry of Housing, my hon. Friend at the GHA, 1670 the Care Agency, looking at how we can all, together, provide different care to what we have been doing in the past by more and new. And so yes, we are alive to that and we are determined to see how we can do something significant to achieve that.

1675 **Hon. D J Bossino:** Can I press him a bit further? When he talks about the possibility of doing something new, he says we can never do enough and you are evaluating how to make best use of the funds and that we are looking at this and that. Is there anything specific that I can ask him to commit to at this stage, in terms of addressing these needs? It is a pressing issue, and what struck me at the time of the issuing of the video is how it is something which does really cut across these 1680 three different, distinct groups and it is a demand which all three different groups are making. I think that we, as a society, need to address this in terms of our medium- and long-term plans.

I have not crystallised my thinking in relation to this, and I would want to discuss it with the groups further, but I think that something that may need to be looked at is building, dare I say, a centre with sufficient rooms in a centrally located place. It may not be the ideal solution, but I 1685 think it is something which needs to be considered and looked at, unless the hon. Member is able to tell me that he has considered it but has discarded it as a possibility. I am trying to get him to commit further as to whether he has considered what specific initiatives he can come forward with in order to address these concerns.

1690 **Hon. A J Isola:** Mr Speaker, I am not going to commit to anything further at this stage, for the reasons I have already given.

We are looking at what we can do more. I have mentioned the work with my colleagues and I am also looking at how the GHA and the Care Agency – who each have their own ideas, and at the end of the day all of these desires are based on the advice that we receive from the professionals 1695 in each of these areas, and so it is a question of pooling those.

1700 For example, a permanent facility is one of the matters that is being considered as one of the issues. It is way too early to see if the different agencies themselves agree on whether we should do that or not. There are many different bits of the jigsaw that are being discussed, both with the ministerial colleagues working on this and the different agencies, so there are too many moving parts for me to be able to commit to anything more than I have said, other than we are alive to it, looking at it, and I hope to be able to come back within a reasonable period of time – do not ask me what that is – with something further.

Mr Speaker: Next question.

Q430-31/2022

**Proposed funeral home near North Front Cemetery –
Whether to be privately managed; provision of mortuary facilities prior to construction**

1705 **Clerk:** Question 430/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, is it intended that the proposed funeral home near the North Front Cemetery will be privately managed?

1710 **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 together with Question 431.

1715 **Clerk:** Question 431/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, can Government confirm what arrangements will be made to provide mortuary facilities to bereaved families before the construction of any new funeral home near North Front Cemetery?

1720 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Hon. A J Isola: Mr Speaker, the proposed funeral home near the North Front Cemetery has not been either commissioned or managed via the GHA.

1725 With regard to mortuary facilities for bereaved families, the GHA has already made alternative arrangements within St Bernard's Hospital.

Hon. K Azopardi: Mr Speaker, the Minister says it will not be managed privately. Is that how I understood his answer?

1730 **Hon. A J Isola:** Mr Speaker, I said the proposed funeral home near the North Front Cemetery, which is, I gather, where the question originated from, has not either been commissioned or managed by the GHA.

1735 **Hon. K Azopardi:** I see. Well, the question was will it be privately managed? I was not asking whether the GHA were going to manage it. Is there any other public body that is going to manage it, or is the answer to my question yes – in other words, it will be privately managed?

Hon. A J Isola: Mr Speaker, the Government has issued an expressions of interest in respect of providing that service. Until we receive those proposals, we will not know whether it is intended

1740 that they be outsourced, done at Government cost ... We just have no idea until we see what the results of that expression of interest are. The point I am making is that that proposal, that expression of interest, has not been either commissioned or managed by the GHA. It is being done by Government, not by the GHA.

1745 **Hon. K Azopardi:** I understand that. Neither of my two questions, if the hon. Member looks at them again, mentioned the GHA. The first one is directed at finding out whether it is going to be privately managed, and he answered it is not the GHA. That is not the answer; it is either yes or no. And the second asks the Government to confirm what the arrangements for bereaved families are. He has answered that question by saying the GHA has made alternative arrangements.

1750 In respect of the first question, if we go back to that, the hon. Member reminds us of the expressions of interest process, which we are aware of, hence the question. But is it not the case that the expressions of interest process was started on the basis that there must have been at least an in-principle view taken that you either want there to be private management or not of this facility? I just do not follow the circle that he is trying to take me round.

1755 **Hon. A J Isola:** Mr Speaker, I am not trying to take the hon. Member in any circle. The Government issued an expressions of interest for reasons that it did. Those could be, for example, that somebody made a proposal to us and it was therefore felt that we should put it out to an EOI before any further steps were taken. But the expressions of interest is issued by Government in the normal way, and then people are free to submit whatever proposals they wish, whether that be that they are privately managed and licensed or leased to Government or whatever that may be. So that is the first aspect.

1760 In respect of the second aspect, Question 431/2022, I said, with regard to mortuary facilities for bereaved families, the GHA has already made alternative arrangements within the Hospital.

1765 **Hon. D J Bossino:** But presumably the Government has made a policy decision to privatise this aspect of a service which was originally provided by the GHA. Is it the case that if and when this does go ahead ...? I know he has explained that it needs to go through the EOI, and presumably that decision will not become final until some point in the future. Is it the case that should they go down that route, the services which have traditionally ...? I am not sure about currently being provided at St Bernard's Hospital as a result of COVID. That may have changed; I am not too sure. Will that come to an end? I have received expressions of concern as to the ending of that facility within the Hospital facilities. Some people have come to me with the suggestion that it is culturally something that we have been used to for so long, that that service is provided by the GHA within GHA premises in the Hospital.

1775 **Hon. A J Isola:** Mr Speaker, the GHA at the moment is carrying out a space utilisation exercise to understand what areas they are using, what they could use better, who has more space, who has not enough space. Before we reach any formal conclusion as to whether it is the mortuary service as opposed to a funeral home, I think they are two ... You could argue they are the same thing, but they have, in my view, two potentially different outcomes. So we are looking at whether, within the framework that the GHA currently has, the space it currently has, we are able to provide adequate mortuary services or not. At the same time as that is happening, there is a funeral home – potentially, depending on the EOI that is being issued by Government – which could meet some or all of those requirements separately. So at this moment in time, the Government's intention is to ensure that there is provision of that service somehow and we are just not yet concluded on who, how or where, as a result of these two exercises ongoing. The place where the original mortuary was, since COVID has been used for other services, and I would hope that once we have that space utilisation survey back with us, which I expect to have before the end of this year, we will be far better placed to understand what we can and cannot do within our own areas which would meet the needs that we wish to service.

Hon. K Azopardi: There was a slight delay in my supplementary and I am grateful for the hon. Member asking because I was trying to pull up the expressions of interest on it, but can I just ask on that last point that the hon. Member made? Does the Government accept then, or is it considering the possibility, that the mortuary might go back to its original location? That is my first question, and I will just roll up with my second question, if I may – even though it is on the other question – so we will go quicker.

I am staring at the expressions of interest process. It is an invitation and it simply says, ‘The Government invites expressions of interest from developers, investors, organisations interested in developing a funeral home’ and then it has the specifications. By virtue of doing that, surely the Government in principle has decided that it is interested in receiving expressions of interest in relation to that, but that cannot ... Surely the Government has decided already that that home would be privately managed or that it might not be, but hasn’t it taken an in-principle decision that it will be privately managed by virtue of the expressions of interest? I am trying to square that circle.

Hon. A J Isola: Mr Speaker, the hon. Member says obviously it should be privately managed or it might not be. This is precisely why we do an EOI, to understand what proposals may be forthcoming. What are the people who are interested in doing something offering to us to provide that service within the land that we have identified? I think the purpose of an EOI is to understand and to gauge what are the kind of things that could happen and how could it happen. Could it be that somebody builds it for us and we lease it from them, or license it from them? There are many ... I am not going to begin to limit the breadth of what an EOI provides and will give us because it could give us a very extensive range of ideas, some of which we may be more tempted towards than others, and I am not going to pre-empt that now.

With respect to the Hospital, I do not believe that going back to where they originally were is the preference, but let’s await the space utilisation survey to give us a better idea of how and where we can make maximum best use of the space that we currently have.

Hon. K Azopardi: And my final question, if I may, Mr Speaker: what is the difference that the Government sees between that? The reason I put these questions – and he has bunched them together in answer, so we see it almost as the same thing but it might be that the Government does not see it as the same thing. If the Government were to take an in-principle decision to return the mortuary to where it was originally within the GHA premises, does the Minister think still that there is a need for a funeral home elsewhere? Is this funeral home for which you have invited expressions of interest the place to which grieving families will go when someone passes away, i.e. a mortuary, or are we talking about the possibility that there might be two locations of services? And if so, why? We would like to understand a bit more why there would be two locations.

Hon. A J Isola: Mr Speaker, I think it is too early to answer the question fully, but let me say this. We do not know what is going to be proposed, and therefore, how can I begin to share any opinion on whether we believe it is right or wrong, better or worse? I would say also that in other countries – for example, in Spain – you have funeral homes and you have mortuaries. They are not exclusive of each other, you can have both. That is why I said at the outset that there is some overlap but they are not exclusive of each other. It may well be that we have both, it may be we only have one, but until we know what is being offered, how can we possibly discount the other?

Mr Speaker: Next question.

Q432/2022

**Third COVID boosters administered –
Number by resident/non-resident**

Clerk: Question 432/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how many third COVID boosters – fifth COVID vaccines – had been administered by the GHA by 15th November 2022, broken down by residents and non-residents?

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, by 15th November 2022, 3,362 third COVID boosters, which is the fifth vaccine, had been administered, of which 3,268 were to residents and 94 were to non-residents.

Hon. K Azopardi: As I understand it, this fifth vaccine, the third booster, they started offering it, I think, about two or three months ago, so the take up is slow – would the Minister agree?

Hon. A J Isola: Yes, I would agree, Mr Speaker, and that is the reason why, on 18th November, the GHA issued a further press release publicising the introduction of the flu vaccine and the ongoing availability of the third booster, the fifth vaccine.

Mr Speaker: Next question.

Q433-35/2022

**Mental health patients –
Number attending St Bernard's Hospital; number seen by GPs at PCC;
number given anti-psychotic or anti-depressant medication by GHA**

Clerk: Question 433/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how many attendances were there at A&E at St Bernard's Hospital for mental health reasons in the calendar year 2021?

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 434 and 435.

Clerk: Question 434/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how many patients were seen by general practitioners in the Primary Care Centre for mental health conditions in the calendar years 2020 and 2021?

Clerk: Question 435/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how many people were administered anti-psychotic or anti-depressant medication by the GHA in the calendar years 2020, 2021 and 2022 to 31st October 2022, giving a breakdown by each year?

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

Hon. A J Isola: Mr Speaker, there were 370 attendances at A&E for mental health reasons in the calendar year 2021.

1885 The number of patients seen by general practitioners at the Primary Care Centre for mental health conditions was as follows: 2020, 4,031; 2021, 4,221.

The number of people who have been administered an anti-psychotic or anti-depressant medication by year is as follows: 2020, 4,007; 2021, 4,182; 2022, 3,939.

1890 **Hon. K Azopardi:** Mr Speaker, can I just ask ...? On the first question, which is how many attendances were there at A&E for 2021, he said 370. In 2020 there were 1,047 attendances at A&E for mental health reasons. Can the Minister comment on the difference, why there is such a lower number in 2021?

1895 **Hon. A J Isola:** Mr Speaker, I am not sure where his number has come from, but from the information I have, the number I have given is the accurate number, and I am certainly not going to guess as to what the reason could be for any change in that number.

1900 **Hon. K Azopardi:** I think the Minister has misunderstood my question. I asked him for the stat for 2021, he said it is 370, and I have said to him that in 2020 there were 1,047 attendances at St Bernard's Hospital for mental health reasons. So can he comment on the difference, why there is a marked drop in attendances being logged as mental health reasons in the next year? Is that a logging issue, or is it that there has been some kind of analysis within the GHA or a shift of patients into another service?

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Hon. A J Isola: My response was where is that 1,000 number?

Hon. K Azopardi: From the Mental Health Strategy that the GHA has produced.

1910 **Hon. A J Isola:** Mr Speaker, the hon. Member will recall in the last sitting of Parliament that he referred to a number of 1,846 people being prescribed medication for mental health conditions by the GHA, and the number he said in that press release on 20th October ... that he had asked to check why there had been a drop from 4,000 to the one five ... I know it is not the question, but I will come to the answer. In that press release in October, the day after we had the meeting of
1915 Parliament, he said, 'How could it have been 4,000 and now it is 1,846?' The reason is simple. The reason is because the question that was asked was receiving medication at that date. There was no time span. The answers that he has asked for today are for a 12-month period, which gives you the 4,000, but the 1,846 that he referred to in his press release – in my view, totally wrongly – confused one number with the other.

1920 The reason I give that information, the reason I say this, is because I am loath to comment on difference on numbers, like the one the hon. Member has mentioned, in case, as happened in the press release they issued last time, you are not comparing like with like, and the result of that is you give a distorted impression of the reality. This is something that is far too serious for me to bring this down to a numbers game, and so I am not going to comment on what the difference is,
1925 but I will certainly go back and seek to understand, based on the hon. Member's question, why there is a discrepancy, because the numbers in 2020 – in total patients – 2021, 2022 are actually very similar and therefore consistent. So if the hon. Member's question and the numbers he is using are consistent, then there is something to look at, but I need to be sure that we are comparing like with like, and that, at this moment in time, I am not able to do.

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Hon. K Azopardi: Mr Speaker, that was quite a roundabout way of saying he does not know the answer. *(Interjection)* No, Mr Speaker, if I may – *(Interjections)* He started with not the

question that I was asking, because I was actually asking him to comment on the difference between the stat that had been given in their own Mental Health Strategy of 2021-2026. He asked me where I derived the information from. I derived it from their own document, which says that in 2020 there were 1,047 attendances at A&E for mental health reasons, and it went on to comment on the analysis. They published the Mental Health Strategy, so when I ask what is the number for 2021 and he says it is 370, my question is: is there a reason behind the fall? The reason might be something to do with the strategy, so I was giving him the opportunity to comment on it.

If he says he does not know, then I would be grateful if he does obtain the answer and perhaps he can write to me on that basis, because I do agree with him that it is not a numbers game and nor am I, in my questions, seeking to play a game. Indeed, the reason for my question, which was Question 435, about how many people were administered anti-psychotic and antidepressant medication, was because there was a discrepancy – he knows that we had that discussion about it, last time we were in Parliament, when he gave that number of 1,800, but that was Mr Phillips’ question, which I was fielding for Mr Phillips because he was absent from the Chamber – I thought that I would table the question in exactly the same format which I had tabled originally when I got that number of 3,900. It is pretty much the same one that – (*Interjection*) No, not for the 1,800. He needs to understand what I am saying. I am saying that he answered 1,800 in respect of a different question – I accept that – and that is why I have tabled a question now, Question 435, based on the same wording that I tabled when he originally gave an answer, which I said to him last time was out of sync with the 1,800, which was closer to 3,900. Those stats I can see are similar for 2020, 2021 and 2022. The numbers of people receiving anti-psychotic or antidepressant medication are within the frame of 3,900 to 4,100 – loosely speaking, 4,200 people.

Does he agree with me that that is a statistic that the GHA needs to analyse and factor in, in their strategising on the issue of mental health? My view – personal view only – would be that I would be concerned to see those figures, but of course I am not an expert and I would want to seek expert advice. Will the Minister agree to seek expert advice on these numbers?

Hon. A J Isola: Mr Speaker, the Minister does not agree with the premise of the question, and the reason why is really quite simple. The hon. Member has said that last time in Parliament, fielding Mr Phillips’ question, he asked a question that was different to the one he has asked today. Yes? I agree it was different, but his press release did not say it was different. His press release said:

A statement continued: ‘While that in itself is a number of concern the Leader of the Opposition Keith Azopardi asked the Minister to check how that answer had been prepared because of possible inaccuracy of the statistics. In a previous answer given to him in January 2020 the Government had said that almost 4000 people were on anti-depressive and antipsychotic drugs.
‘It is important to get to the right number ...

Hon. K Azopardi: Yes, it is.

Hon. A J Isola: Yes. So the Member opposite, the Leader of the Opposition, is telling the community that he needs to check the number because Government said 1,846 and 4,000 to the same question. He has just accepted now that they were different questions. I agree with him, we have to get the right number, so I am not going to accept the premise of the question, which is that we are comparing like with like, for the reasons I said before. What I also said to him was that if the numbers that he is referring to are like with like, then I most certainly will go into detail to understand why there is a difference, but I am not accepting it at this moment in time, like I did not accept it last time, but it did not stop them issuing a press release the day after, comparing one answer with another answer which had got nothing to do with each other, because the first one said medication on a particular day and the second question – the 4,000 this time is correct –

is for a 12-month period. If we are going to compare one with the other, let's please compare like with like.

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Hon. K Azopardi: Mr Speaker, the hon. Member really needs to listen to my question and see through the red fog in his mind, because on the one hand he says let's not play political games, and then he basically starts making political points about press releases. None of what I said in that press release, by the way, which he has quoted, was inaccurate. It reflects accurately the debates that we had in this House before, where we both agreed – I thought we had both agreed – that there needed to be accuracy in the numbers, and we had had that exchange. That is all that press release did. It reflected that exchange, where it is important. I thought we had both agreed that it was important for there to be accuracy in the numbers because we both agreed that mental health is an important issue.

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That is not the question that I am asking today. I am asking him a question which he has not answered because he has gone off on a tangent answering something else which he thinks I have asked, but I have not asked. What I asked him to comment on is the statistics he has just given me on Question 435, where there are between 3,900 and 4,200 people having anti-psychotic or anti-depressant medication. Does he think that is a serious thing that requires analysis by the GHA, on which he will seek expert advice?

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Hon. A J Isola: Mr Speaker, I have already answered the question. What the hon. Member needs to understand is that he is asking me questions about numbers and all I am saying to him is I am not going to accept that we do not compare numbers that are like for like, which is exactly what he did on 20th October in issuing a press release where he compared one number, which is for a totally different period – it is a non-existent period – to one that was for a 12-month period.

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If we are going to compare numbers and if you want me to take responsibility for those numbers, I have no problem at all, but let's compare like with like, because the evidence on the record is that the press release of 20th October does precisely the opposite. I know the hon. Member does not want me to go back to that press release, but it is not that long ago. It is actually a month and two days, or three days ago.

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Chief Minister (Hon. F R Picardo): They are embarrassed by it.

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Hon. A J Isola: He says himself it is important to get the right number, having just put two numbers together ... that is like two and two make 12. They have nothing to do with each other. All I am saying to him is if, when I look at the numbers, there is a discrepancy and we are comparing like with like, I will look at it. That is what I am saying to the hon. Member, but I am not sure if they will, because from the track record I suspect that we may not be looking at like with like. That is all I am saying. Are the numbers 4,000 in 2020, 4,000 in 2021 – and I am guessing it will be 4,000 in 2022 with the month and a bit that we have left – concerning? Yes, and that is why we are doing the work that we are doing to address that and see how we can provide support to all of those people.

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Mr Speaker: I think the question has been thoroughly aired (**Hon. K Azopardi:** Well –) and the answer has been given to the Leader of the Opposition (**Hon. K Azopardi:** Mr Speaker –) regarding whether the Hon. Minister is prepared to look at those figures again –

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Hon. K Azopardi: Yes, but I –

Mr Speaker: – to clarify and confirm the accuracy.

Hon. K Azopardi: Mr Speaker, with all due respect, can I just say this? I wanted to ask one final question on this, because they bunched up these things. First of all, he has gone back to my press

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release. That is not the question I was asking. I was not asking him to – *(Interjection)* I know he likes that point because he thinks it is an attractive political point from him, but that is not what I was asking. I was asking him to comment on the stats he has given me, the like-for-like stats that he has given me on Question 435, 2020 and 2021. And yes, you have 10 months for ... But this is the supplementary that I want to ask him, because I do not want him to go round the edges again like he has for the last two questions. He has accepted that they are serious numbers and he said that they are doing something about it in the context of their work. What is it that they are doing precisely in relation to that?

Hon. A J Isola: Mr Speaker, he would have to ask me that question specifically, rather than the statistical question that he has asked me. If he wishes me to get a comprehensive response from each of the professionals engaged in that provision of service, I would be very happy to provide that to him, but to be clear, the question he has asked me in Questions 433 and 434 is not the 1,000 number that he seeks to compare the 370 that I have given him to. *(Interjection by Hon. K Azopardi)* Of course you are. *(Interjection by Hon. K Azopardi)*

Hon. Chief Minister: Mr Speaker, I am very conscious of the fact that you have been in the Chair for three hours and listening to all of us with varying degrees of patience, so I wonder whether this might be a convenient moment to pause, if only for 15 minutes, and then come back with the temperance that you said you expected of all of us.

Mr Speaker: The House will now recess for 15 minutes, to return at 6.15.

The House recessed at 6.04 p.m. and resumed at 6.20 p.m.

Q436/2022
GHA facilities –
Digitisation of mental health records

Clerk: We continue with Answers to Questions.
Question 436/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what steps are being taken to digitise the paper notes of patients at Ocean Views and any other mental health records that are not digitised in other GHA facilities?

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 plan is to digitise all GHA medical records, including Mental Health. In the interim, some of the new pathways, including the Crisis pathway, and Children's Services have already been set up on EMIS.

The GHA has programmed to commence the full digitisation process in March 2023 and the entire project, including legacy files, should be completed within 12 months.

Hon. K Azopardi: Mr Speaker, to be clear on what they are trying to achieve when he says that the plan is to digitise all – which we welcome on this side of the House – does that mean that they are digitising all historical records, or is it historical records up to a certain point and not beyond that?

Obviously, the GHA must have a vast number of paper records, and if they are digitising, can he give us information as to the digitisation process? In other words, is it simply records from a

2075 certain date, or is it that they are going far back in time? Obviously we would welcome the widest possible exercise, but we are just seeking an assurance as to the width of it.

2080 **Hon. A J Isola:** Yes, Mr Speaker, the process has started and is ongoing. For example, paediatrics is complete and the GHA is currently working through St Bernard's Hospital outpatient activity. The intention is that by 12 months after March 2023 – in other words, February 2024 – all medical records, including legacy files, should have been completed. So the answer is everything, including legacy records, by March 2024.

2085 **Hon. K Azopardi:** And just on that, can I ask: all medical records, presumably, of all living patients on the GHA register, but not ...? What does he mean by legacy files?

Hon. A J Isola: Historical.

2090 **Hon. K Azopardi:** Yes, historical, but in respect of what, living patients but presumably not deceased patients – is that right?

Hon. A J Isola: Legacy files in respect of patients' historical records, who are still alive. I think it is what the question was aimed at. Yes.

Q437/2022

Mental Health Act 2016 – Code of practice re interpretation

Clerk: Question 437/2022. The Hon. the Leader of the Opposition.

2095 **Hon. K Azopardi:** Mr Speaker, is the code of practice to help the interpretation of the Mental Health Act 2016 ready?

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

2100 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the code of practice, which is a very extensive document, is in draft form and in the process of being finalised.

2105 **Hon. K Azopardi:** Mr Speaker, that is no different to the position as it was when the National Mental Health Strategy 2021 document was published, where, in that document, on page 4, it said:

the Code of Practice to help interpret implementation of the Act needs to be finalised and implemented

Can the hon. Member explain to us why it is taking so long, given it is such an important document?

2110 **Hon. A J Isola:** Mr Speaker, I think for that very reason. The document is over 300 pages long. It has been the subject of consultation with all stakeholders. That takes time. It is in its fourth draft at this moment in time. It is in the process of final evaluation before it comes for a policy steer on a number of issues where decisions are required to conclude the draft, by which time I would then hope to be able to finalise and publish the code.

2115 It has been the same answer for a very long period of time, but a huge amount of work has gone into it since that time.

Hon. K Azopardi: I certainly had not appreciated it was a document of that order, so I can see that. Does the hon. Member have a sense of when he would hope ...? I am not going to hold him to it, obviously; I will not be issuing any press releases on this issue, on the timescale. But does he have a sense of when he would like to aim to get this code of practice out there?

Hon. A J Isola: Mr Speaker, I do not mind if he issues a press release, provided it is accurate. That is my only complaint.

2125 I would hope and I am requesting that it be ready for publication in Q1 of 2023.

Q438/2022
Reporting to FATF –
Whether deferred and reason why

Clerk: Question 438/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, has – and, if so, why has – Gibraltar deferred reporting to the FATF?

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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, Members will recall that the FATF report and action plan were dated June 2022, as ratified by the FATF plenary of that date. The next FATF plenary was held in October 2022. If Gibraltar wished to have reported in time for consideration at the October plenary, we would have been required to make written submissions in August, a few months after the June report. Realistically, no meaningful progress on the action plan could have been made in that time. Interestingly, it was the FATF secretariat that actually suggested to us that we could delay any submission to a later plenary once significant progress could be demonstrated. This is exactly what we are doing.

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Hon. K Azopardi: I think the hon. Member has indicated to the House before – and he will correct me if he has not precisely said this, but I thought in my recollection he had said that they were aiming, within 12 months, in effect, to try to get us off the Grey List, which would put us somewhere in May/June next year. Are we still on target for that? Is there going to be a plenary before that, for us to be able to manage to get across that line on the ...?

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Hon. A J Isola: Mr Speaker, the process is not quite that simple. We are in the process of finalising, this week, our written submissions to the FATF in respect of the significant progress that we have made since June 2022. Those will be submitted next week to the FATF, following which there will be a consideration of those written submissions. There is likely, then, to be a questions and answers in respect of that written representation, which we will be required to answer within a very short timescale. There is then an acceptance of those written submissions, which takes you to the next stage of a Q&A, face to face in Paris, like we did last time, which would be in the second week of January 2023, and if that progresses well, there would then be a recommendation to the plenary – the next one after that, which I think is in April – to proceed with recommending ... Sorry, not the plenary ... the recommendation that in the June plenary Gibraltar should come off the list if they are satisfied with the progress that we have made during that time.

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2160 So we are on track for continuing to progress in the way that we have previously stated. There
is a huge amount of work ongoing now amongst the relevant regulatory authorities and law
enforcement agencies. We are only reporting in respect of the two recommended action points,
not everything else; it is simply on those two action points. As I have said in my answer, the reason
why we did not ... and we were very surprised to have read the commentary because it was
2165 actually FATF that said, 'There is no point reporting now, it is too early, you have not had enough
time to show any progress.' So we are doing it in the way that we have to, to be able to make an
application to be delisted in June of next year, because there is a very detailed process that is
followed when you have to go through plenaries before you get to the plenary in June by this
process of written representations, answers to further questions, face to face, and then a meeting
2170 that approves that, and then you go to plenary for their ratification on that decision.

Hon. K Azopardi: And just finally, can I ask – and I am grateful for the hon. Member giving us a
description of the process – is the Minister going to take an interest in that process? Let me put
the question in a different way, because obviously he is taking an interest in the process, but it
2175 just took me back a bit to ... Clearly, it seems to me, in the description of the process, that the
face-to-face meeting in Paris will be hugely important for Gibraltar, and so I was going to ask the
Minister who will lead the Gibraltar delegation in that. I only ask that because I do recall from my
time on that side of the House when we were trying to persuade the FATF to put us on the White
List, on one of the original White Lists that we had ... we did have a delegation go to Paris, which
2180 was led by me when I was Minister for Financial Services, and it was important to show
governmental support at that level. Is that something that he intends to do at that face to face, or
is somebody else going to head the delegation?

Hon. A J Isola: As the hon. Member will know, because he has been there, these sessions are
2185 very factual and deliberate. By that, I mean that there is no time for chit-chat. I led the one to
Paris earlier this year and I was allowed to speak for three minutes, which I did. I just set the
context in terms of the political commitment that the Government has not only to meet, but to
comply with what was being proposed and anything that happens in the future. I fully intend to
do the same again at the next one, if I am allowed to. They are factual and deliberate. They are
2190 not interested in politics; they have politicians walking out of doors promising the Earth and they
are not delivering. Fortunately, I was in the position, last time, of being able to demonstrate that
we delivered 73 of the 75 recommended actions, or 75 of the 78 recommendation actions. I agree
it is important, and so, if I am allowed to be there I most certainly will be.

I have every confidence in the work that the team has done. When I was there last time at the
2195 Q&A, where they answered questions for about five hours, the professionalism in the team
answering the questions was really incredibly impressive. I have said this before and I will never
tire of saying it. I was hugely proud to sit behind them and listen to them deal with very intrusive
questions and detailed and specific questions across the whole array of AML and [inaudible]
activity, not just in Gibraltar but elsewhere. I fully expect we will go through that same process
2200 again in January.

Mr Speaker: Next question.

HOUSING, EMPLOYMENT, YOUTH AND SPORT

Q439/2022

**Europa Sports Complex –
Temporary management and manning system**

Clerk: Question 439/2022. The Hon. E J Reyes.

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Hon. E J Reyes: Mr Speaker, further to the answer given to Written Question W37/2022, can the Minister for Sport explain the temporary management and manning system currently in place at Europa Sports Complex whilst we await a final long-term agreement?

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

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, the answer remains the same as my answer to Written Question W37/2022.

Hon. E J Reyes: Mr Speaker, the answer given to Written Question W37 did not actually explain [*inaudible*] the temporary manager. It said there was some arrangement in place, but I am asking for an explanation of who or what is running the place on a day-to day-basis, who oversees what. What is the management system?

Hon. S E Linares: In relation to the current management, it is a continuation of the people who used to do the project management. Therefore, the company that was doing the project management of the whole of the complex, we are continuing with them running the place. But I can tell the hon. Member that I have had meetings this week and I am sure to have one more meeting next week, where I will see the end of the Europa, as in to do with the management arrangements, which I have explained before will be run by basically the three sports it is the home of, and a trust and all that, which I have already explained in the House.

Hon. E J Reyes: Thank you, Mr Speaker, that helps a bit.

2215

In the other part, in respect of the manning of the place, am I correct in concluding that the same people who have been employed by the project managers and so on are the ones who continue in situ – confirmation that there is not either GSLA or any other Government-related body that are actually manning the premises on a day-to-day basis?

2220

Hon. S E Linares: Well, as I have just said, the GSLA have nothing to do with it. It is an extension of who were the project managers that are still running it, as in to do with employees. Once we have the management agreement, it will be up to the trust to employ people, and if they feel that they want to re-engage the people who are now the employees of the project manager's company, and if they want to carry on with them, it is up to them. I would not intervene in that. It is up to the trust to run the place after, and therefore I would not be ... A government should not say, 'Well, you have to take on those who are there,' because those who are there now are employees of the project management team.

2225

Q440 and Q448-452/2022

Employment Tribunal cases –

**Number of current cases; number awaiting appointment of Chairman and date of filing;
appointment of Lead Chairperson; effect of reforms**

Clerk: Question 440/2022. The Hon. E J Reyes.

2230 **Hon. E J Reyes:** Can Government update this House if there have been any changes to the number of cases currently going through the Employment Tribunal process since the last answer provided to Question W39/2022?

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

2235 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Questions 448 to 452.

Clerk: Question 448/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

2240 **Hon. E J Reyes:** How many claims filed with the Employment Tribunal are awaiting the appointment of a Chairman?

Clerk: Question 449/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

2245 **Hon. E J Reyes:** Of those claims filed with the Employment Tribunal that are waiting for the appointment of a Chairman, please state the month and year the claims were filed?

Clerk: Question 450/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

2250 **Hon. E J Reyes:** During his 2022 Budget speech, the Minister for Employment committed to a 'Lead Chairperson, who will be appointed shortly and will also be carrying out the functions of President of Chairpersons' in relation to the Employment Tribunal. Has that occurred?

Clerk: Question 451/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

2255 **Hon. E J Reyes:** Does the Minister for Employment believe, as he said in his 2022 Budget speech, that the Government's reforms will also ensure that all Employment Tribunal cases are heard in a timely and judicious manner?

2260 **Clerk:** Question 452/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

Hon. E J Reyes: Does the Minister for Employment still stand by the statement he made in his 2022 Budget Address that the reform of the Employment Tribunal in recent years has delivered an effective, modern tribunal system?

2265 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

2270 **Hon. S E Linares:** Mr Speaker, in answer to Question 440, the changes to the number of cases currently going through the Employment Tribunal process are as follows: awaiting appointment of Chairperson +3; awaiting appointment of mediator +2; awaiting mediation outcomes -3; awaiting response +4; undergoing hearings or directions +3; and awaiting judgments -3. It is important to note that the status of these claims is extracted from live data and is constantly changing as cases progress across the various stages.

2275 In answer to Question 448, the total number of claims filed with the Employment Tribunal which are awaiting the appointment of a Chairperson stands at 59.

In answer to Question 449, awaiting appointment of Chairperson by date claim received are as follows: 2020 – January 1, October 3, November 1, December 1; 2021, January 1, February 2, March 1, April 1, June 1, July 3, August 5, September 3, October 4, November 3, December 3; 2022 – January 1, February 1, March 2, May 5, June 9, July 7, September 1.

2280 In answer to Questions 450 to 452 – which includes Question 451, obviously – I stand by what I said in my Budget speech. Since the introduction of the Employment Tribunal reforms in 2016 there have been an average of 50 cases filed per year. The total number of outstanding cases for 2020 and 2021 stands at 33. The hon. Member – and I am referring to the hon. Member Mr Feetham – may recall that services across Gibraltar and beyond were halted, with facilities reduced, in compliance with COVID-19 restrictions. Given the above, this shows, in my opinion, the success of these reforms.

The Employment Tribunal reforms were undertaken in consultation with the stakeholders and have successfully introduced rules which are straightforward, making the Employment Tribunal accessible to all, whether they be employers or employees, without added financial burden.

2290 Mediation services are provided to parties in dispute and the majority of cases settle instead of proceeding to be heard at formal Tribunal settings. This has made the Employment Tribunal more accessible and less costly for the parties involved, thus delivering a more flexible, effective and modern Employment Tribunal system that meets the needs of Gibraltar's modern-day economy.

2295 The recruitment process for the position of Lead Chairperson is currently ongoing. The expectation is to conclude the recruitment process by no later than the end of January 2023.

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

2300 If I may, the Minister made reference that the figures he was giving us were live statistics, that they were obviously constantly changing. Can he give us a date as to when these figures are valid? Is it something that was valid as of yesterday, or perhaps at the end of a previous quarter, so we have an idea for comparison?

2305 **Hon. S E Linares:** Mr Speaker, I am not going to go into the debate that there has been with the Hon. Mr Feetham when he has asked previous questions in relation to this, because most of the statistics are given on a quarterly basis and therefore, because they are live, it is impossible to give him, at one precise time, a number.

2310 As I understand it, it has been given on a quarterly basis, a generic number which deals with the issues of quarterly ... and this has been a debate in this House with the Hon. Mr Feetham because there have been issues, like the hon. Member is now asking me, as to what date is this live from. This might have been live because things are being given quarterly, it might be live before, but these, I can tell you, were the figures that we brought out as soon as the hon. Members put the question. So this is what is now. Maybe some have changed from when he asked the question to today. I cannot verify that, but this is live as from when the question was asked.

2315 **Hon. E J Reyes:** I am grateful, Mr Speaker, that the Minister is trying to explain, which is why, in the prelude in my supplementary, I asked were the figures quarterly or not. But I am not clear. If these figures were as at the end of the third quarter of the calendar year 2022, then it would be as at the end of September, but the Minister ended up saying that the figures were updated as when I posed the question. So would that be sometime in mid-November? Sometimes I even hand in the question before the day – it could even be a day before the deadline, so I am not even sure what date it is the Minister is referring to. He may have been provided with the dates by whoever compiled the statistics for him.

2325 **Hon. S E Linares:** Mr Speaker, the answer I gave out is what is current, which, in fact, is exactly
the same as when the question was posed last time, which is that I said, in answer to Question 449,
'awaiting appointment of Chairperson by date claim received are as follows', and I spelt out the
whole list, which I can give him, if he wants, later on – 2020 January 1, October 3 ... These are
2330 what the figures are. The issue is now these are live then and they are still current because that is
the information that I have been forwarded.

Hon. E J Reyes: I am grateful, Mr Speaker. I look forward to receiving shortly ... but the figures
he is going to give me are a reflection based on what data? I do not know if I am making myself
understood. Is it –?

2335

Mr Speaker: I think you are very clear.

Can you give a date? When were those figures prepared for you?

Hon. S E Linares: They were prepared last week, Mr Speaker, when the question was posed.
2340 Last week when the question was posed, all the questions from Mr Feetham and the hon.
Member, the statistics he has asked for were brought out and put to him today.

Mr Speaker: Would that satisfy you?

2345 **Hon. E J Reyes:** Thank you, Mr Speaker, yes. Give or take 24 hours, one could more or less say
it is of the 16th November deadline. I have to ask, because the Minister made a reference to it. In
wanting this side of the House to accept that some numbers may be much higher than he would
like and so on, he makes a reference to COVID pandemic system and so on. However, there are
statistics he has produced of appointments to be made for a Chairman dating back to January
2350 2020, which is certainly well before the very first ever lockdown. So, even if I take on board that
there have been inevitable delays beyond ministerial control on the appointment of a Chairman,
can those waiting from early 2020 have a ray of hope by having an approximate estimation date?
Will they have a Chairman appointed by the end of this calendar year? Is the Minister in a position
to be able to at least give them that Christmas present?

2355

Hon. S E Linares: Well, I am not Father Christmas, but we can try our best. I can tell the hon.
Member that the post did come out. There were people who applied; I think there were two or
three candidates. When they came back, they were not sure about whether they were going to
take on all the cases or some of the cases, so we are in the process of going back. That is why we
said January 2023 when we were hoping to have the full-time ... Again, it is because it is very
2360 difficult to get somebody to be a full-time Chairperson of the Employment Tribunal. It is very
difficult. We are having issues with that and therefore we are trying to overcome those issues in
order to get the person as soon as is possible, and we are hoping that by January we will be able
to get a Chairperson.

2365

Hon. K Azopardi: Mr Speaker, can I just ask a couple of things? I will just ask them together, if
I may, both things, because it might make it easier. The hon. Member, in the original part of the
answer he gave when he was giving statistics, got to two points in his list where he gave minus
numbers when he was reading. He said 'awaiting judgment -3'. I can understand the positive
2370 cases. I do not understand how there can be anything on his list that says minus. I do not
understand it, so perhaps he can explain – (*Interjection*) I will give way.

Hon. S E Linares: Mr Speaker, this is in relation to the question that was asked previously, and
therefore whatever the number was previously, it is now minus three that number.

2375

Hon. K Azopardi: I am grateful. That clarifies, because I was not following.

In relation to Question 448, which says ‘How many claims filed with the Employment Tribunal are awaiting the appointment of a Chairman?’ he said 59. That is exactly the same number he gave, I think about a month ago, when there was a written question of a similar statistic. That suggests there has been at least no progress – when I say no progress, statistically – in that about a month ago there were 59 and there are 59 now. There may have been some cases where there has been an appointment, but there have been new cases added to the list. I do not know if that is the case or if these are exactly the same cases that are still awaiting the appointment of a Chairman. Is this linked? Is the Minister saying that there will be no cases where a new Chairman will be appointed until you appoint a full-time Chairman? Or is it that some of the cases will be dealt with? And, if so, when will the Minister expect that there should be some progress, because clearly in the last month there has not been any?

Hon. S E Linares: Well, precisely why I have said that we were having issues in the appointment of a Chairperson and therefore the number of cases is still static. These are the numbers of cases that we have, and until we appoint a Chairperson – and I understand the hon. Member might say there are more cases coming, or fewer – we try to lower it down to see if the cases can go to mediation as well. But it is obvious that these 59 want to go to the Employment Tribunal and it is fixed at that number.

Hon. D J Bossino: What are the issues which are impacting on the decision in relation to a permanent Chairman?

Hon. S E Linares: Mr Speaker, it is very difficult to get someone to do the job full time. That is one. And two, it is to do with the funding. It is to do with the remuneration, how we remunerate each case and how each case ... because some cases, as the hon. Member must understand, are more complex than others. These are the issues that are pertaining to trying to get a Chairperson.

Hon. I Azopardi: Is the intention to offer remuneration on a case-by-case basis or on a salaried basis?

Hon. S E Linares: This is what we are actually looking at, to see which is the best one to do, depending ... In a way, it is a formal negotiation with the one candidate who might want to take on the responsibility.

Mr Speaker: Next question.

Q441/2022
Youth clubs –
Refurbishment works

Clerk: Question 441/2022. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Youth provide details of forthcoming planned refurbishment works in respect of all our youth clubs?

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

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, the Youth Service has always had a very strategic refurbishment programme to ensure that premises are always up to standard. The team will continue to assess the needs of all premises, so that we

ensure that any refurbishment requirements are acted upon in a timely manner, as the management team and staff are very conscious of their health and safety obligations.

2425 **Hon. E J Reyes:** Mr Speaker, I heard the Minister's answer, but I was requesting details of the forthcoming planned refurbishment works. I would at least attempt to say this particular youth club is scheduled to have the premises painted, another one is now at a stage in life where it needs its plumbing or electrical works done, or whatever. That, I thought, would have been covered by saying 'provide details of the forthcoming planned refurbishment works' as opposed to an
2430 emergency repair because there has been a water leak. If – I do not doubt – as the Minister says, the Youth Service plans ahead and within the budget says 'These are the refurbishment works we would like to do at this stage in the financial year,' I think by now we could have had some information in respect of the details of those forthcoming works.

2435 **Hon. S E Linares:** Mr Speaker, I asked for information about that, but it is difficult to have details forward looking because of the refurbishment we have done before. So what I am going to tell the hon. Member is that in 2017, our temporary home in La Laguna Youth Club went to the Glacis estate and was refurbished to meet the needs of the premises as a youth club. The Dolphin Youth Club underwent a major refurbishment programme that included the repairing of the roof in 2020,
2440 and the Youth Centre underwent a significant refurbishment programme in 2021. The Plater Youth Club has just recently had its refurbishment programme completed. We are satisfied that at least the four youth clubs that we manage are up to standard, so now what we do is continue maintaining them and when things crop up we will fix them. But the last one was 2017, which was the Laguna, and we are looking at different options from what is now the Glacis Estate Youth Club,
2445 which is the Laguna.

Hon. E J Reyes: I am grateful, Mr Speaker, that the Minister tries his best to provide information, but the information that he is providing is not what I have requested in my question. My question is any forthcoming ... in other words, what is planned for the future? Grateful as I
2450 am – and I am sure the youngsters are even happier than I am for the works that have been done in the last few years, such as the Minister has stated – if he has asked for the information and that has been provided to him, in all honesty the Minister would have to stand up and name and shame whoever is the Government official who has been paid and has not provided information to this House. Can we have some clarification? Is there something planned? Or perhaps he is completely
2455 satisfied and there is no need to incur in any other programme, at least for what remains of this financial year. But we cannot have our cake and eat it. I need that information, if it is available.

Hon. S E Linares: There are no forthcoming repairs, as the hon. Gentleman is asking, because we have done them all before.

2460

Mr Speaker: Next question.

Q442 and Q453/2022

Laguna Youth Club –

Update re new premises; residential building on original site

Clerk: Question 442/2022. The Hon. E J Reyes.

Hon. E J Reyes: Can the Minister for Youth update this House in respect of providing premises
2465 for the Laguna Youth Club within their own housing estate?

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

2470 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 453.

Clerk: Question 453/2022. The Hon. D J Bossino.

2475 **Hon. D J Bossino:** Please state who the new residential building at the site of the Laguna Youth Club is expected to house.

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

2480 **Hon. S E Linares:** Mr Speaker, the Youth Service will soon be getting a new, purpose-built youth club at Laguna estate. Already, discussions have been had between the Youth Service senior team and the developers, who have met to discuss the design of the new youth club. At present, the project is at the stage of obtaining planning permission. Once this has been obtained, there will be further meetings between the developer, contractor, architect and the youth work team. Further meetings have been held with the Laguna Tenants' Association and they have been made
2485 aware of the project. The youth club will be an asset to the neighbourhood.

The residential building at Laguna Youth Club is a purpose-built facility to accommodate pensioners. To date, these types of apartments have only been made available for locals who were eligible to apply under the housing scheme. These apartments will initially be offered to local pensioners who, in their day, purchased affordable homes from the Government and now wish to
2490 downsize and relocate to purpose-built facilities that will cater for their needs. This is an initiative to cater for our youth and pensioners alike, and thus has the full support of our Government.

Hon. D J Bossino: I assume, so that we are completely on the same page, this relates to the notice under the relevant section of the Town Planning Act which was dated 14th November and
2495 signed on behalf of – it does not have a name on this occasion – Community Supplies and Services Ltd, where it says that the development is at the Laguna Youth Club, Winston Churchill Avenue, details of who the applicant is, and it says that it is to construct a new residential building with apartments, day centre, elevated playground and a car park on the ground floor class E3 and so on and so forth. Is that the same one? Are we talking about the same one?

2500 **Hon. S E Linares:** Yes, sir.

Hon. D J Bossino: Can he advise who the developers and contractors are?

2505 **Hon. S E Linares:** As stated in the application.

Hon. D J Bossino: Yes, we have a company, which is Community Supplies and Services Ltd – presumably that is the developer – but can he identify what that company is and who the other one is? Can he just give that information?

2510 **Hon. S E Linares:** Mr Speaker, it is in the application to the planning. The notice of the application gives you the information of who is doing it.

2515 **Hon. D J Bossino:** It gives you the information of one entity, but there are two. Is he saying that that entity represents both the developer and the contractor? We only have information in relation to one.

Hon. S E Linares: We only engage with the developer, not the contractor.

2520 **Hon. D J Bossino:** Fine, but he has referred to a contractor. Does he not have the name of the contractor?

Chief Minister (Hon. F R Picardo): Mr Speaker, it would be unusual to have the contractor before the planning permission because you have not got permission to build the thing yet. The engagement with the contractor is once the planning permission is provided, because a lot of that will be about the internal layout etc.

Hon. D J Bossino: Is he saying that at this stage the Government does not know who the contractor will be?

2530 **Hon. Chief Minister:** Not that we do not know who the contractor will be, but that we are not engaging with the contractor. We are engaging with the developer until the developer formally engages the contractor. That formal engagement has not happened yet, and so it would be premature to talk about the contractor at this stage. *(Interjection by Hon. D J Bossino)* Potentially – very unlikely, but potentially.

2535 **Hon. E J Reyes:** Mr Speaker, coming back to my original question, it is certainly good news that the Laguna Youth Club is moving back to premises within its estate. Can I ask: in comparison to the size of the premises that the youth club used to previously operate from, is the new building – which has to incorporate, now, houses and parking and so on ... will this actually give more internal and secluded external area to the youth club users, or will they lose out in favour of the flats and the parking spaces?

2545 **Hon. S E Linares:** Mr Speaker, I can guarantee the hon. Member that what has been planned will be big areas outside and a big area inside, which the Youth Team, the Tennis Association and everybody we have engaged with are very satisfied with, the excellent youth club that will be there at the Laguna.

2550 **Hon. E J Reyes:** I am glad to hear that, Mr Speaker. I know perhaps I am being a bit liberal, but does the Minister have any information in respect of the temporary premises that are being occupied by the Laguna Youth Club, which actually is physically inside the Glacis Youth Club? Will those premises remain as used, for youth services, or does he have any other plans envisaged for them?

2555 **Hon. S E Linares:** Mr Speaker, the hon. Member remembers that used to be the St Theresa's Parish Hall, which used to belong to the Church – or at least the Church used to hire it out, or whatever. It used to be Father Charlie's storeroom, where he used to store every single piece of furniture he could find, and it was full up to the brim with furniture.

2560 What we did, because of the demand for schools, which we are so proud of having – two magnificent schools, which are St Anne's School and Notre Dame School – is we moved the Laguna from where it was originally ... I always was of the opinion that whilst we were doing construction and all the schools, it was imperative that we had, at least, premises for the youth club. That is why we moved the youth club to the Glacis estate. I am pleased that at least during the years that there has been construction, there has been a lot of work being done by the Youth Service in that youth club.

2565 Now I am happy to say that they are going to get a purpose-built youth club which will have all the amenities that they need, and it will be obviously much better than the Glacis estate one. What will happen to the storeroom, or whatever, as in where it is now, I do not know. The hon. Member will probably have to put a specific question on that, to find out what is going to happen after we leave the Glacis estate old Parish Hall.

2570

Hon. E J Reyes: I am grateful for that. The Minister has been as informative as he can be. I am sure, given the way the Minister finished his answer, Mr Speaker might allow me, say in four months' time, to ask the question as a follow-up because the Minister is obviously saying he does not know at this particular stage what is going to happen with those premises.

2575

Hon. S E Linares: Mr Speaker, I would assume they would go back to Father Charlie, who is the original owner, but again, I am just speculating. It used to belong to the Church, so ...

2580

Hon. E J Reyes: I accept that. Just a small clarification for the record: it does not belong to the Church. I am talking as a primary source of evidence in that respect. Going back to the 1980s, it was something that was licensed out to the Church. We are grateful to Father Charlie, the current parish priest, or priest in charge of St Theresa's, for his co-operation with Youth Services. I do not think there would be a major uproar if it goes back to community use, even if under the management or chairmanship of Charlie, but technically it does not belong to them. It is a Government property within a Government housing estate, which the Government is legally entitled to use for whatever purposes the Government of the day may decide.

2585

Mr Speaker: Next question.

2590

Clerk: Question – *(Interjection by Hon. D J Bossino)*

Mr Speaker: He has a supplementary.

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Hon. D J Bossino: Yes – a supplementary, though, Mr Speaker? There is a lot of information that I think requires quite a number of supplementaries in the answer that the hon. Member has given. There is a way of doing this. I will have something like four or five, but I think it is in the public interest to have this information coming out here today, rather than wait until the next session of the House.

2600

Mr Speaker: Is the hon. Member not pre-empting the replies? Remember that a supplementary flows from a reply given to an earlier supplementary. Please continue with the supplementaries.

2605

Hon. D J Bossino: Thank you, Mr Speaker.
This clearly has Government support. The hon. Member has provided us with the answer in relation to this development. This is a company which is featuring in respect of many other developments and is the subject of further questions on the Order Paper, Community Supply and Services Ltd. Can I ask him, firstly, who is going to be paying for this development?

2610

Hon. Chief Minister: Mr Speaker, the Minister with responsibility for the National Economic Plan is not here today. I do not think it is something that the Hon. Minister for Youth should be dealing with. If the hon. Gentleman wants to ask when Mr Bossano is here, he will be here tomorrow. He has just landed in Gibraltar now.

2615

Hon. D J Bossino: Mr Speaker, I do not have the power or authority to organise how the Government answers the questions. The question has been laid. I do not think it identified any particular Minister, but the Minister for Housing is the Minister who has given the answer. If, with Mr Speaker's permission, one can be allowed to ask that question when the Hon. the Minister for Economic Development is present in the House, then I am willing to take that route.

2620

Hon. Chief Minister: Mr Speaker, what he can do, which would be in order, is lay a question in respect of that company, and then the person with responsibility would be able to answer it.

2625 This is arising out of an answer because the hon. Gentleman has referred to the application to the DPC which is signed by that company, but the question is about the youth club, not about the company that is developing it.

2630 **Hon. D J Bossino:** With respect, the hon. Member has answered two questions. My question is not in relation to the youth club, it is in relation to the new residential building, and I think, given that the hon. Member has not provided that answer, it flows from that answer that I am entitled to ask who is going to be paying for it.

I am surprised that neither the Minister nor the Minister responsible for Finance are able to answer this question in the House and they need to wait for Sir Joe to land in Gibraltar and answer the question for them.

2635 **Hon. Chief Minister:** That is not what he has been told, Mr Speaker. First of all, he does not have to wait for Sir Joe to land in Gibraltar because Sir Joe has landed in Gibraltar. Second, it is not that we cannot answer, it is that the person with responsibility for that is not here. The issue that is being raised, about a youth club and about the building in which the youth club is going to be housed, has been answered by the Minister with responsibility for youth, but he is asking about
2640 a particular company and the person with that responsibility is not here. If the hon. Gentleman wants to be formalistic about it, he should simply file a question at the next meeting of the House about that company.

2645 **Hon. D J Bossino:** Mr Speaker, let's try ... (*Interjection*) Yes, the cost of the development, which I think arises from it, but we have the answer we have had, and I suppose we need to accept it.

Mr Speaker, what type of construction will it be? Is it a modular type of construction, like in relation to the other developments at Coaling Island?

2650 **Hon. S E Linares:** Mr Speaker, it is going through the planning stage and the Chief Minister has just said that we still do not know the contractor. How can I now state what type of building the construction is going to be?

2655 May I also say, in relation to the previous thing the hon. Member has asked who the building is expected to house, so the question is specific to who it is going to house, not who is going to build it, how much it is going to cost and all that. The hon. Member can put all these questions, but it says who is it going to house. I said it will house pensioners and I read out who it is going to house, so I have answered the question.

2660 **Hon. D J Bossino:** The hon. Member has not answered the question as to the type of construction. He does not have that information available, and that is fine. (*Interjection*)

Mr Speaker, all these questions are supplementary. I am entitled to ask them and they arise from the answers given. You would have expected the Minister to be properly briefed and not to have to pray in aid another Minister who is obviously the individual who is the architect behind all of this, and not any of them here present.

2665 But anyway, Mr Speaker, the third question. Third time lucky, maybe. How many units are envisaged to be built?

2670 **Hon. Chief Minister:** Mr Speaker, it is a bit rich, coming from an Opposition where we have seen many of the Members asking questions in respect of individuals who are not here, that they should be referring to a Minister who is not here because his questions were not listed for today and he was travelling because he is out doing his ministerial business.

It is not a question of the hon. Member being briefed or not being briefed, it is a question of what are the questions that they asked. Now he is going off to ask us about the type of construction. Well, they could ask me about any of the projects that I am responsible for. I could be entirely properly briefed on any one of those subjects and I might not be able to tell them

2675 which type of joist the engineers are going to use in the context of the particular building. The
 hon. Gentleman is asking a question that can be said to arise because it relates to the same subject
 matter, but which goes to the engineering aspects of the development. I cannot think that it is
 appropriate to criticise a Member for not being properly briefed simply because you do not have
 that level of detail and simply say it is because another Minister is the architect. That is, frankly,
 2680 not fair and I do not think it is conducive to elucidating information – which the hon. Gentleman
 has not been told he will not have; he has just been told to ask for it and then we will bring it. If
 the hon. Gentleman asks what type of construction is going to be used, the hon. Member will get
 from the relevant individual what type of construction is going to be used, and it might, if it were
 to be modular, not be simply the type that is going to be used in Coaling Island; it might be the
 2685 type that have been used in many other places.

Therefore, Mr Speaker, I think that we have provided the answers. We are properly briefed.
 There is no question of the hon. Gentleman being able to suggest that we are waiting for another
 Minister to be able to provide the answers because he is the architect. It is that they are asking
 about an area of responsibility which he has said, already, publicly, and they know he is dealing
 2690 with because we are the only ones with a post-Brexit National Economic Plan and he is the
 Minister with responsibility for it.

Mr Speaker: I do not think that the Hon. Minister could have anticipated all these rather
 technical questions, but I do understand you want an answer, so either you speak to the Minister
 2695 and give him the questions that you wish to put and he can provide that in his own time, or you
 wait to tomorrow, or you submit the questions in the December meeting of the House. Those are
 the three options.

Hon. D J Bossino: Mr Speaker, I will wait until tomorrow. If I am allowed to do that, I will wait
 2700 until tomorrow, but I think we need to be careful about one thing. We need to be careful about
 not being lulled by the Hon. the Leader of the House into the characterisation that these questions
 are in any way so detailed, going into the engineering of it, that the hon. Members opposite, any
 of them – how many of them are there in the House today? – are not able to answer and that they
 need to wait for Sir Joe.

I had no intention of pointing out, as he suggested earlier, Sir Joe Bossano's non-presence in
 the House. I had absolutely no intention of doing that. *(Interjection)* No, I asked the question and
 he, the Hon. Minister for Housing, has decided to answer it. That is not anything to do with us. So
 he should have been here ready to answer the obvious questions which arise from the answer
 that he has given. It is not correct for the hon. Member –
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Hon. Chief Minister: Point of order. **(Hon. D J Bossino: No –)** Point of order, Mr Speaker. My
 point of order is this. You, Mr Speaker, have ruled that the Hon. Minister could not have
 anticipated the question, and the hon. Gentleman, in what he is saying now, is, in my submission
 to you, challenging your ruling. You have already ruled on whether that was an issue that arose
 2715 from that question, and you have ruled it was not.

Hon. D J Bossino: Mr Speaker, in response to the point of order, may I ask for your confirmation
 that what, in my view, was simply a remark and an opinion over the dicta, and not a ruling, as he
 again is trying to characterise it, to put you on the spot ... That was not a ruling, Mr Speaker, as far
 2720 as I am concerned.

Mr Speaker: I could very easily call it a ruling, but in this instance I think I have to come back
 to what I said earlier on, that the Hon. Minister could not possibly have anticipated the
 supplementaries. Of course, one piece of information that he gave was the name of the developer,
 2725 which is what you, hon. Member, were hoping he would disclose, which meant that you would

then press for all that information, but I think it is rather unfair to ask the Hon. Minister to respond in that respect.

I do not want to make it a ruling, but you must understand what I am saying, and if you want the information you have the option. I am sure the Hon. Minister would not mind providing the information if you give him the supplementaries behind the Speaker's Chair and he can give the information to you in due course. Or, although it has never been done before, we might change the practice and allow in this instance for the hon. Member to ask the Hon. Minister responsible. Or, ideally, you can come back in December and ask the questions afresh in the form of individual questions which are the supplementaries which you have prepared for this particular question.

Hon. Chief Minister: Mr Speaker, thank you.

The practice has built up in this House – I know not under which rule – of hon. Members in the Opposition frequently saying to you, 'Can I go back to a Question 405?' the day after Question 405 was answered, or hours after Question 405 was answered. So they can avail themselves of the latitude that you have given them in that respect. I am surprised the hon. Gentleman feels otherwise.

Secondly, Mr Speaker, I am surprised at the approach that the hon. Gentleman has taken, referring to your rulings as being potentially not deciding a particular issue. The practice under *Erskine May* is that when the Speaker speaks, his word is law. That is to say you do not have to be asked to make a ruling on something for what you have decided to have been decided – that is to say *res judicata*, Mr Speaker – and therefore you have decided that what the hon. Gentleman was being asked for did not arise from his question. There is no *obiter* element to that. It is a ruling, whether you call it a ruling or not. And when you tell us to sit down, you do not get up and say, 'Well, Mr Speaker, can I ask you to rule that you are asking me to sit down?' Your word is law. That is the way that this match is run.

Mr Speaker: I have to say again that in all the time that I have watched the proceedings of the House of Commons, I rarely have ever seen a Member of Parliament challenge the Speaker. Rarely. Here, it has become a matter of course. This is not something that has happened during my time, this has been going on for years, but it is now coming back to haunt this place.

The reality is that if I say something, you should not challenge unless I made a rather big error – then I am quite happy to listen. But frankly, you should not be challenging. I have given you, now, options. So let's refocus, choose the option and then hopefully we will get where you want to get.

Hon. D J Bossino: Mr Speaker, there was absolutely no intention of challenging you. I was simply getting up because of the characterisation of the Leader of the House's remarks. That is the only point I made, and I stand by it, with all due respect.

There was a question in the melee which had nothing to do with what the Hon. Chief Minister describes as a technical question that he is unable to answer and the Minister could not possibly have thought I was going to ask. But the question was asked, and I think surely that is a question the hon. Member can answer, which is how many units? The question was asked. Is that something which the hon. Member does not have available to him?

Mr Speaker: If the Minister is unable to answer the question because he does not have the information, that is his answer – full stop. And if later on you wish to pursue it, then you can ask the question in December. It is very simple, with respect.

Hon. D J Bossino: Mr Speaker, no challenge on my part, but was there an answer? Is the answer to the specific question as to how many units we are talking about here given? Is the answer 'I do not have this information with me – the Hon. Sir Joe Bossano will answer'?

Mr Speaker: We are not even going to go down that stage now.

What you are going to answer is his question. Do you have the information? No. Then what we do is next time round, in December, they ask the question first.

Hon. Chief Minister: Mr Speaker –

Mr Speaker: We are not even going to go down tomorrow now. This man, the Hon. Minister, will give an answer. The answer is that he does not know, or he has not got the information. He has not got the information: fine.

Hon. Chief Minister: Thank you.

Mr Speaker, I want to record, because this is hugely important, that in standing up, the hon. Gentleman once again, as *Hansard* will show, has challenged that your ruling is your ruling, and I think that it is hugely important, whether we are on the receiving end of rulings or not, that we accept your rulings are rulings – full stop. We might sometimes not like them, but my advice to the hon. Gentleman is that in the run of play we usually get 50/50 each, and just to accept that.

Hon. D J Bossino: But, Mr Speaker, no. Why is the hon. Member doing your job? That is what he is doing. He is doing your job. (*Interjections*) No. He is putting –

Mr Speaker: I have to say that that is below the belt.

To you. You cannot say that. You cannot accuse the Speaker of toeing the line or accepting what the Chief Minister has said as the way forward. It is absolutely out of order. It is out of order.

I am going to try to refer to you what I told Members – if I can find it – in October. I have not got it here, but one of the things I said – and it was as a result of the issue we had with the Hon. Daniel Feetham – was that you cannot challenge the Speaker. It is disrespectful and unacceptable. You just cannot do that. It is not done in the House of Commons; it should not happen here. I know it has been happening for years on end. I know it happened with the last Speaker, Speaker Canepa, and he had difficulties because there were challenges left, right and centre, and even before that, but frankly it is not acceptable. No challenges.

What I am saying is that if you have an issue with any decision I take, then please come and see me. We will deal with it behind the Speaker's Chair, or you write to me. We are here for a purpose and the purpose is for the Government to be held to account by the Opposition for its actions, the answers that it gives, its policies etc. I allow that. That is how it should be. The Government have got to account for what they do in this Parliament. That I allow, but if an hon. Member is unable to answer the question because, in his estimation or anticipation, that potential question was not brought into play – (*Interjection*) then you need to accept and not try to build something out of virtually nothing.

As I said, there are the two ways forward now – not three, two. (*Interjection*) No, because you ... Either you speak to the Hon. Minister and seek the information behind the Speaker's Chair, and then I will give you the opportunity in December to ask further supplementaries on it, or you come back in December and ask those supplementaries as questions. I think that is pretty fair.

Hon. D J Bossino: Mr Speaker, simply to make the point that there is absolutely no intention on my part to challenge you. That was not the intention. I do not think, in fairness, that that is what I did. But if I may ask one –?

Mr Speaker: I am grateful for that.

Hon. D J Bossino: May I ask one question? I think there can be very little doubt that arises from the answer he has given, and let's see if this, now, on the fifth occasion, he is able to answer. He said, as I understood it, that the policy in relation to the allocation of these pensioner flats is now going to be relaxed, opened to include those individuals who are benefiting currently from the

2830 Government's housing scheme. Can he tell us what the policy is going to be in relation to the sale of those flats? Presumably they would be downsizing. Does he have that information available to him on what the policy is and can they sell at market prices, things like that, or will that be subject to some control?

2835 **Hon. S E Linares:** Mr Speaker, I refer the hon. Member to the answer I gave before, which I am going to repeat. The residential building at Laguna Youth Club is a purpose-built facility to accommodate pensioners. To date, these types of apartments have only been made available for locals who were eligible to apply under the housing scheme. These apartments will initially be offered to local pensioners who, in their day, purchased affordable houses such as Montagu
2840 Gardens and all the others from the Government and now wish to downsize and relocate to purpose-built facilities that will cater for their needs.

It is very clear who we are targeting, the people who are going to have the opportunity. I hasten to say the hon. Member Mr Reyes will be able to buy his house because he came to this House and said, 'I would like to buy a pensioner flat as well.' He came here and he said it. He will be able
2845 to buy, if he wants to. This is the type of market that we are looking at.

Hon. D J Bossino: With all due respect to him, he has read out the answer again. I paraphrased in my introduction to my supplementary question what I understood to be the answer, and I think I have understood it correctly. What I am talking about are the sale terms, whether there is going
2850 to be any control in relation to the sales. And so, when those individuals want to – as he puts it and I set it out for him in my preliminary to the question – downsize, how can they do it? Is there going to be any control in relation to that? That was my question. He has not answered it.

Hon. Chief Minister: Mr Speaker, if that is his question –
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Hon. D J Bossino: Yes, it is.

Hon. Chief Minister: – then the characterisation that he made of the answer was not, in our view, accurate.

2860 First of all, the apartments will be available for sale, so this is a different situation to the situation where we develop housing for rental for pensioners, where somebody is renting from us a larger property and we move them to a smaller rental so they release the larger property. This is a property that will be made available for sale. The criteria of who they will be sold to will be published, so that people understand what the opportunity is. The price will be published. The
2865 resale price and any potential entailment of the obligation to sell back to the developer will also be published and is being developed as we speak. Whether that entails the potential to hand to the Government a property in ownership of the pensioner rather than sell, or whether there will be restrictions on to whom the pensioner's property will have to have been sold ... All of that is to be developed and published in the same way as we published the criteria for eligibility for
2870 purchasing affordable housing, which hon. Members will have seen in the press releases that we issued at the time, which set out the priorities and who would have first priority etc. All of that is to be settled and published, so that anybody who is interested will see objectively what that criteria is.

2875 **Hon. D J Bossino:** One further supplementary. I am grateful for the reply. I understand that this is full criteria which will be set out in writing when the appropriate time comes, and on that basis perhaps the Minister's reply was simply an overview of what may happen, but he specifically mentioned those who currently enjoy affordable housing. When he talks about the possibility – and that piqued my interest in terms of those individuals who may surrender their ownership of
2880 the privately owned flats – would that be limited to those who perhaps own on a 100% basis those schemes in the affordable homes, or can it be anybody else?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is giving an overview and I am giving an overview because the specific criteria will be set out.

2885 It is potentially not something that will be limited to people who are in affordable housing. Affordable housing comes into play as the manner in which a lot of our community ended up as homeowners rather than as renters from the Government, or renters from third parties, because if you are renting from the Government or if you are renting from a third party, you are eligible to be on the housing waiting list and therefore you are eligible for a pensioner flat. We have a large
2890 rump of people since the what we might call Bossano home ownership revolution of the late 1980s, who, instead of relying on the Government to rent, bought, and those people who bought are getting just as old as the people who rented. The people who rented are able to move to a pensioner flat because they release a larger flat to the Government, and those who buy are sitting on potentially a very attractive capital gain but they then cannot sell to downsize without using all of their capital, or potentially, in an unattractive way, tying up all of their capital late in life. So the
2895 opportunity is to provide something for those types of people who unencumbered the Government from housing them by buying privately and who now would not be able to put all of their capital gain to work to buy something smaller.

This is not an easy criterion. I think we have debated it a little bit in this House; we have debated it a lot internally. We are trying to set it out in a way that is fair. Talking about affordable housing
2900 is the shorthand, but it is actually something that is likely to be available to anybody who is of pensionable age, is a homeowner and is downsizing, but the Government may need to curtail how the gain is realised or may be advised that we cannot curtail how the gain is realised on affordable property which you own 100% or which you own 50% of, non-affordable property that you own entirely, etc.

2905 So it is a moving feast. The policy is being developed. My view is that the only way we will be able to have a policy is if we have an imperfect policy, because there are no perfect policies. As we know from the criteria for affordable housing, whenever you finally think that you have made the right decision and you put it out in writing, 30 other instances come up which you considered but you had to deal with and you had to put another group in priority. So we will do that. We will
2910 set it out as the manner in which these properties will become eligible for purchase by pensioners. I hope hon. Members will agree that we will be doing our best to ensure that these types of persons are able to purchase these properties with the right level of priority and in the right way, as we have debated in this House in some instances, which I hope, when we set it out, will not curtail the very generous offer that the hon. Member made across the floor of the House that
2915 certainly Edwin Reyes will be able to buy. We are talking about that type of purchaser of affordable housing in the past.

Hon. D J Bossino: Mr Speaker, there is one question which I think is also of public interest, and when people hear the reports about this question and answer session will be asking themselves.
2920 I appreciate that the Government may not be able to have that information available to them.

Simply to add an aside, I think it was the Canepa administration that started with home ownership, but it was at the tail end. But anyway, that is a historical point. Clearly, Sir Joe Bossano, in his first administration, went ahead with that policy with much greater vigour.

The question is this: does he have an idea as to timings as to when these still unknown units
2925 will be completed and available for sale? Presumably, around about that time is when we will know what the criteria will be in terms of actual access and purchase of these units.

Hon. Chief Minister: Mr Speaker, I was talking about affordable housing. We can have a debate, if the hon. Gentleman likes, about Brympton and vineyards and when they were brought into the affordable housing net, when the bankruptcy of Brympton happened and how it was saved and all the rest of it. I think anybody who looks at the history of Gibraltar will say that even though in his mid-century he has become extraordinarily *arisco* when it comes to Sir Joe Bossano, his initial approach when he was in his teens, which was to praise him for the affordable housing revolution in Gibraltar, was the right one.

As to timings, I have an idea of timing but I do not want to commit. I do not want to say it is going to happen in three months because if it happens in four months I will be told I was trying to mislead the House.

This is something we have to get right. The process of application to the DPC has already commenced. I would actually venture to say that we are likely putting our toe in the water with this because I think we are going to find that this is an area of potential growth. I think that we need to ensure that with this we also provide for circulation. So I will put out there that I think what should happen is that people should buy for their lifetimes and that the estate of those individuals should be made whole once they no longer need that property, which is likely to happen either because they go to a nursing home or they pass away. They get back what they invested with some, perhaps, cost of money, but that property then becomes available again for the same type of individual. Otherwise what you end up with is that you have developed properties for pensioners to buy that, when the pensioners die, are filled by the teenage grandsons of the pensioners. So, in order to ensure that it is always a pensioner flat, when the pensioner dies the flat has to be once again put into the pool of pensioners. But the pensioner's family and estate should not lose out, so they should have the money back that they invested in there, plus, perhaps – and I am giving hon. Members my thinking; we may end up with something completely different – either the cost of money over that period ... Say, for example the pensioner has had that flat for 20 years. You look at what interest rates or inflation have been in that period and you say, 'You bought it for £100,000, the estate now gets £160,000,' although the market value of that property might then be £½ million. Or you say, 'You get 5% a year for every year that you live here, and if you live here for 20 years somehow ...' But it then has to come back into the development estate, so that it is then available for the next pensioner, because that is what is going to create the circularity.

Hon. Members might or might not recall the, in many respects excellent, speech that the former Chief Minister gave as his valedictory in the Budget for 2015, I believe, where he said one of the things that Gibraltar needs to resolve is that at some stage you have to stop building affordable property because you run out of space. Even if you reclaim to – forget the three-mile limit – the 12 mile limit, you eventually run out of space. So how do you create that circularity in the market? This is not a perfect way of doing so, but it is a way of putting our toe in the water to start to create an element of circularity in the market. If you are offering something which is the sort of one-bedroom which we would otherwise be renting, so that people are releasing their properties and perhaps not at top market capital value, perhaps they can get less. All of those are the things that we have to put into the equation.

I am giving the hon. Member, very honestly, my thinking. He has seen my policy guts on this, but we have not yet fixed on any particular issue to be able to deliver something that we think is important. I think both sides of the House would agree, even if we then disagree on the priorities and how you would set out the criteria. But I think we have all agreed that this is something that needs to be addressed in some way, not just for the Hon. Mr Reyes.

Mr Speaker: Next question.

Q443/2022
Skateboard park –
Plans to relocate

2975 **Clerk:** Question 443/2022. The Hon. E J Reyes.

Hon. E J Reyes: Does Government have any plans to relocate the skateboard park which was previously open at the north-east end of Victoria Stadium complex?

2980 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, His Majesty's Government of Gibraltar has plans to relocate the skate park to the park that will replace the existing Romney Hut car park. I am sure the hon. Member knows where that is. The Skate Park Association is already aware of this and is working with Government.

Hon. E J Reyes: Does the does the Minister have a timeframe by when we should see this actually happening?

2990 **Hon. S E Linares:** Since it is in conjunction with the park, I cannot ... They are together, so whenever the park is going to happen – which we are all hoping is soon – it will be done.

Q444-45/2022
Government housing stock –
Notices to quit and proceedings

Clerk: Question 444/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

2995 **Hon. E J Reyes:** How many notices to quit has the Government issued to tenants, licensees or trespassers of Government housing stock in the last six years, identifying (a) the category – that is tenants, licensees and trespassers; and (b) the year?

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

3000 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this together with Question 445.

Clerk: Question 445/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

3005 **Hon. E J Reyes:** How many proceedings have been issued by the Government to tenants, licensees or trespassers of Government housing stock in the last six years, identifying (a) the category – that is tenants, licensees and trespassers; (b) the year; (c) which court proceedings were issued in; and (d) the outcome in brief terms?

3010 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

Hon. S E Linares: Mr Speaker, in answer to Question 444, notices to quit can only be issued to tenant or licence holders. Trespassers are simply trespassers and can, therefore, not be issued with a notice to quit.

3015 Nonetheless, the information being sought by the hon. Member going back so long is a very laborious and intensive task, and it would not be possible to provide accurate information to the House for anything over three years. The information I can provide is as follows: 20 notices to quit were issued to tenants and licensees in 2020; 18 notices to quit were issued to tenants and licensees in 2021; 17 notices to quit were issued to tenants and licensees in 2022.

3020 In reply to Question 445/2022, I now hand to the hon. Member a schedule with the information requested.

Answer to Q444/2022

Year	Category Tenant/Licensee	Proceeding Location	Outcome
2020	24	7 proceedings withdrawn	
		15 were successfully completed without the need to go to court	Tenancy Terminated
		1 in the Magistrates	Court Eviction
		1 Tribunal	Restoration Notice issued was Upheld
2021	18	7 proceedings withdrawn	
		10 were completed without the need to go to court	Tenancy Terminated
		1 to the tribunal and later to the Magistrates	the magistrates overturned the tribunals decision
2022	28	3 proceedings withdrawn	
		13 were completed without the need to go to court	11 Tenancies Terminated & 2 repayment agreements reached
		3 to the tribunal	x2 are ongoing, x1 Termination of Tenancy Notice issued was overturned by the tribunal
		1 referred back to the Tribunal by the Magistrates	Ongoing
		8 ongoing	7 Evictions ongoing & 1 rent recovery proceeding ongoing

Year	Category Trespasser	Proceeding Location	Outcome
2020	3	3 Magistrates	Eviction
2021	7	5 were completed without the need to go to court	Evictions
		1 currently under Judicial Review	Ongoing
2022	0	1 Magistrates	Ongoing

3025 **Hon. E J Reyes:** Mr Speaker, can I ask, in the meantime, why is it not possible to provide the figures requested under Question 444 beyond the three years? I am presuming that the Housing Department must keep some records – at least a copy in their file – of who has been issued with a notice to quit, even if the Minister has to add that there could be a small discrepancy, but at least an indication ... I do not know – I am not legally trained – so perhaps one of the colleagues on that side can enlighten me.

3030 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I was very interested to see the answer to the question the hon. Gentleman asked, so I was very pleased to see that we had a schedule which provided it, but I understand that the difficulty in providing it for earlier years is that it has to be done on a file by file basis. There is not a file ... This may sound peculiar, but there was not one in Adolfo Canepa's time, in Joe Bossano's time or in Peter Caruana's time that is the file of notices to quit or eviction notices. The notices go into each of the relevant files, so if Roy has been given notice to quit, it goes in his file, and if Fabian has been given notice to quit, it goes in his file. You would have to literally go through all the files to find the relevant notices to quit.

3035 I think what we can agree to do, if it is helpful – and I think it will be helpful to everyone – is if hon. Members are interested in this information – I certainly am – I think we could agree to keep this information going now and add it to the Government statistics page from now on, so that it continues to accumulate and we have a statistic going forward, even though we cannot have it going back.

3040 **Hon. E J Reyes:** I am extremely grateful for that explanation. Yes, I concur wholeheartedly with the Chief Minister. I think we should ensure that this statistic is now being kept properly.

3045 As the Chief Minister will appreciate, although I had a bit of information on this question ... Due to his absence from Gibraltar, Mr Feetham is not able to be here today. Should it so happen that Mr Feetham has a particular case, or something, I am sure the Chief Minister and the Minister for Housing would not mind if Mr Feetham then wrote to them directly if he wanted to pinpoint a particular case.

3050 **Hon. S E Linares:** No problem, Mr Speaker.

Hon. D J Bossino: Mr Speaker, I have a question. Presumably, following on from the Hon. the Chief Minister's reply, we are able to have that information from 2020 because the filing system has changed. I think that is the implication of what he said, and maybe they can confirm whether that understanding is correct.

3055 Secondly, when he talks about it being too laborious to obtain that information over the period we sought, which is the six-year period, is it laborious in the sense that you have to provide the answer within the limited time period from when we file the questions to when you need to prepare the answer to this House? Would it be less laborious if the Department had more time to look into that and provide that information?

3060 **Hon. Chief Minister:** The hon. Gentleman, I think, needs to reflect on the answer that I have given him. Certainly in the time available it becomes impossible, but to have somebody just going through files, pulling them out of storage and going through files just to obtain a statistic going back ... We would have to do a cost-benefit analysis and I think we would probably all agree that we want people to be doing the work that needs to be done today – and to maintain this statistic, I agree, because I think it is a helpful one to have, but to have somebody just going back for the statistical purpose, unless there is a very good reason to do so I think would not be the best use of public resources.

3070 As Mr Reyes has said, if Mr Feetham believes that there is a good public interest reason for doing so, then we will consider it, but at the moment I would have thought that we have provided. We have employed the resources in the time available and we will have the information going forward.

3075 **Hon. D J Bossino:** Does he have a comment to make in relation to the numbers that he does have? And perhaps he may be aware anecdotally, given the portfolio he holds as the Minister for Housing ... are these numbers average numbers which do not raise an eyebrow? Can he comment on the numbers?

3080 **Hon. Chief Minister:** I have been involved in housing for 10 years. Hon. Members on this side of the House have had different responsibilities. I can tell him that there is a fairly regular drumbeat of people telling us of properties that are empty and us going to check them. At the same time, without relying on what people tell us – and I assume it was the same in their time – we also get the opportunity to check through meter readings, which we do every couple of years, because you need the meter readings to accumulate and you need to also then discount people who are genuinely away from Gibraltar for good reasons.

3085 The principal reason for eviction is people not using the home, but then of course you might find that somebody has not been in the home because they have been in Calpe House for eight months, so you then withdraw the eviction notice. Or there may be other reasons why there have been difficulties with the meter. In some instances, the meter may be blocked and we have not been able to charge amounts due, but the meter reading is coming up as zero and there is a problem with the meter.

3090 Then there are instances of people who are staying in a property that they are not entitled to stay in – for example, a grandchild in a property that is in the name of a now deceased grandfather. As Hon. Members will know, the law provides that a child of a person who is a tenant is able to

not inherit but be registered under the Housing Act as a tenant. So a child could, in some instances, stay – or be moved to a more appropriate property, if that property is too large – when the parent is deceased, but a grandchild or a nephew, or somebody who is not related but who was living there and did not have permission to live there would not be able to continue to live there. In some instances, that has been with notice to the Department, so they are not trespassers and they have to be given a notice of eviction. In many instances, that is resolved by adequately housing that person in the right size property, not in the size of property that they were in.

That is the drumbeat of things. You then have periods where you have, as the hon. Gentleman knows we are dealing with now, instances of large numbers of anti-social behaviour, so you have perhaps a spike of eviction notices related to that, but even that evens out over the years, so you are not seeing huge spikes.

I would say, ironically, that it is in the years when affordable housing is developed that people are leaving government tenancies to go to affordable homes, that you are then left with people behind in government tenancies who should not be staying in that government tenancy, where you then have more eviction notices and you are producing the churn that you need to produce, which you might not otherwise be able to produce.

I hope that is helpful.

Mr Speaker: Next question.

I believe that the Hon. Edwin Reyes had a supplementary, which I did not see.

Hon. E J Reyes: Thank you, Mr Speaker, it is a very short thing.

In the table that the Minister kindly provided in the answer to Question 445, most of it is self-explanatory, except for in the year 2020 when it says 'Proceeding location 1 Tribunal'. Then the outcome is 'Restoration Notice issued was upheld'. If it is a government property restoration notice issue by Government itself, there is no straight logic. If the Minister does not have the answer now, I can wait for it at some other stage in the proceedings of the House, and then, with Mr Speaker's leave, he can provide us with the answer.

Mr Speaker: May I suggest that in the future the principal questioner should complete all his questions before allowing a colleague to come in and ask their questions? Otherwise, we get the issue here, where I decided no more questions, when you were the principal questioner. Okay?

Hon. S E Linares: Mr Speaker, I think if I remember correctly, this was a case that went to the Tribunal. The client, I think, wanted to take it further as an appeal to the Magistrates Court. The judge ruled that it had to go back to the Tribunal and the Tribunal just upheld the restoration notice. It was to do with something that you are knocking down, that you are actually ???4.40.42 Before you do anything in a government house, you have to go to a Lands panel and there is a process. I think it was something ... If the hon. Member can write to me, or whatever, I can give him exactly what it is, but if I remember correctly, it was something to do with that. Somebody had done a wall or something, or knocked down a wall, and they were taken to the Tribunal. Then they wanted to take it to court and then they wanted to come back. So it is one of those.

Q446-47/2022

ETB –

**Number and nationality of Gibraltar residents registered unemployed;
number and nationality of persons not registered but seeking employment**

Clerk: Question 446/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

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Hon. E J Reyes: How many Gibraltar residents are registered with the ETB as unemployed, and what are their nationalities?

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

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Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, I will answer this together with Question 447.

Clerk: Question 447/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

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Hon. E J Reyes: How many people, if any, are registered with the ETB as searching for a job but not registered unemployed, and what are their nationalities?

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

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Hon. S E Linares: Mr Speaker, with respect to Question 446/2022, the hon. Gentleman is well aware – when I talk about the ‘hon. Member’ I talk about the hon. Member who asked the question, as opposed to Mr Reyes – that it is the practice of successive Employment Ministers to relay the unemployment figures on a quarterly average. In accordance, therefore, with this established practice, I am happy to advise you that the quarterly average at the end of the third quarter of 2022 was 22.

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Hon. E J Reyes: Mr Speaker, I understand the Minister was trying to explain his answer and he says at the end of the third quarter there was an average of 22, but the original question asks for nationalities. Does he have a breakdown of those?

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And whilst I am on my feet, is there any answer to the question that was joined up, which was Question 447?

Hon. S E Linares: Mr Speaker, I have a note here – because I remember asking about the nationalities but there was an issue on that – and it says persons registered with the Department of Employment who are searching for a job are registered as unemployed, as the register is kept in accordance with Regulation 15(2) of the Employment Act. The Department of Employment provides services to any person in registered employment in Gibraltar who may wish to seek alternative employment, who requires support and guidance in CV writing, interview skills and application. But it does not answer the hon. Member’s question, which is the nationality. I remember asking, but there was an issue why they did not want to give the nationality and it is to do, I think, with the issue of quarterly ... At one given point are we having a French person on the list or a Spanish person on the list?

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Hon. Member: It is an average figure.

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Hon. S E Linares: Because it is an average figure, it is very difficult to ascertain the nationality at one given point of the list, yes.

Q454/2022
Mid-Harbours parking –
Plans for unoccupied spaces

Clerk: Question 454/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Does the Government have any plans to deal with parking spaces which lie unoccupied in the Mid-Harbours estate?

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

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Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, once the review of the Housing Act is complete, together with the Housing Allocation Scheme and tenancy agreements, the available parking spaces from households who do not need parking, do not want parking or do not meet the requirements to be allocated a parking space, will be rented out to tenants of the estate who wish to have a second parking space, at a higher level of rent. The same policy will apply in other housing estates going forward.

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Hon. D J Bossino: Mr Speaker, the question was more specific than that. It arises, as I understand it from residents there, that there are empty parking spaces. The question was in relation to that.

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I understand what he wishes to do once the relevant legislation – and subsidiary legislation, presumably – and the tenancy agreements are reviewed, but the question was the current ... If you take a snapshot now ... I do not have the number, maybe he does, but there are parking spaces which remain empty, unless the intention is that those will be dealt with after the review of the various legislation and agreements he mentioned earlier.

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Hon. S E Linares: Mr Speaker, again, I asked that question because I know the issues. The Housing Department only issues monthly licences for the second parking space. That means the ones that are empty for whatever reason that I stated before ... if they are empty, they would want to have a second parking space, and there is only one parking space per household. It is likely that those which are available because the tenants do not require them or may do so in future ... Therefore, the licence agreement issued to those for the second parking space – this is especially appertaining to Mid-Harbours, by the way – would have these terminated and allocated to the tenant now eligible. So it becomes an issue where, for example, as the hon. Member knows, people who are in arrears will not have a parking space and therefore there might be an empty parking space which we then allocate to somebody who is ... The second parking space has to be on a monthly licensing basis because somebody might come and say, 'I am paying, now, my arrears and I want my parking.' So these are the issues that crop up, but we are now trying to clear it and make it clear when we do all the reviews that we are doing.

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Hon. D J Bossino: I suppose the more coalface type of document that I can imagine in the list he gave me would be the tenancy agreements. Can he confirm – because I may have misunderstood him – that the intention is to review the tenancy agreements to fine tune those aspects, presumably to give the Government more power to address these issues? Is that understanding correct?

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Hon. S E Linares: That is one of them.

Hon. D J Bossino: In relation to the Housing Act – I know it has been the subject of questions in the House before – can he give us an indication as to when he thinks that is likely to be ready to be put before the House?

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Hon. S E Linares: I could say the lifetime of this Parliament, which is very short already, but yes, very soon.

3235 **Hon. K Azopardi:** Can I just ask on the parking spaces, does the Minister have an idea of how many parking spaces we are talking about? And in terms of the process that he was indicating would be followed to give people an option of how to do that, how will that process be done? Is that going to be some kind of invitation to a ballot, or something like that?

3240 **Hon. S E Linares:** I would guess that it would be people coming to the Department, showing interest, and obviously, if we have more interest than we have parking we would have to do a ballot or a raffle or whatever, to try to give the people the parking. It depends on the number. We might have one parking space and 20 wanting the same parking space, and then that creates a problem.

3245 **Hon. K Azopardi:** He did not answer the first part, which is does he have a number.

Hon. S E Linares: I do not have a specific number, but I would reckon ... Does the hon. Member want the number in Harbour Views only?

3250 **Hon. K Azopardi:** Mid-Harbours.

Hon. S E Linares: Mid-Harbours, sorry. I would like to say a specific number, but it is a very small percentage of the people who live there because usually we are talking about people who are in arrears, mainly, and we are following the arrears very hard and very seriously and we want to get ... So there is not a lot, but if the hon. Member wants, I can give him the specific number when I can get it.

Q455/2022
Chilton Court –
Refurbishment programme

Clerk: Question 455/2022. The Hon. D J Bossino.

3260 **Hon. D J Bossino:** Further to the replies given by the Minister for Housing with regard to the refurbishment of Chilton Court, please provide a detailed commitment as to when the refurbishment programme is to start and what it will entail.

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

3265 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, the refurbishment of Chilton Court is something to which the GSLP Liberal Government is committed and on which we did not enjoy support from the Opposition. The refurbishment will require spending public money, something the Opposition repeatedly ask us not to do, but we will proceed with the refurbishment of Chilton Court in coming months.

3270 Additional maintenance is also being deployed in estates to make up for degradation during the pandemic period. We have been visiting estates for some time now, to see for ourselves the works that have to be done and how to prioritise these works. We will continue to do so and ensure that all our tenants have the living environment we would wish for ourselves.

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Hon. D J Bossino: Mr Speaker, if that was not ... It is a legitimate political response that he has given. We certainly do not agree with it, we certainly say it is absolutely not accurate, but I think it was a very shallow attempt on his part at making a hitting-below-the-belt type of political statement. But that is fine. I have no issue with that, just simply to point out that it is totally and utterly inaccurate that we do not support any initiative by the Government or that we would not do it in Government, in terms of refurbishment of that estate.

That estate, I am told by residents, is one of those which are completely and utterly forgotten, if I may say, by this Government. There has been, they tell me, not even a lick of paint in most of the estates. I know there are some sections of the external walls of some of the blocks which have been painted. I saw that for myself and some of my colleagues, but certainly the inside of many of those blocks and the external areas of many of those blocks, the playground area and all of that, the communal areas, are in a really dire state. Many of the tenants there are at the end of their tether and they are desperate.

But I welcome some aspects of his reply. He says that in coming months the refurbishments are going to be commencing, but may I ask him specifically, because I do not think he has been sufficiently detailed – I asked him for the detail – what exactly he intends to do? At least, if I can put it in these terms, can he simply arrange for the blocks, both internally and externally, to be painted?

Chief Minister (Hon. F R Picardo): Mr Speaker, the hon. Gentleman has given an answer which I find really quite remarkable. He said earlier that this is a place for political debate, and then he is surprised when he gets an answer that is a political answer, which is the sort of thing that he was treating us to before.

He says, 'I am told by the tenants that there has not even been a lick of paint,' only to correct himself in his very next sentence and say, 'although I saw that some of the buildings had been painted'. So I do not know whether he is giving the lie to the things that he was told, because what we have said is that Chilton Court has not benefitted from a refurbishment but will benefit from a refurbishment.

The problem we would have is if we took the attitude that they took in government, which is to say a lick of paint is a refurbishment. We happen to think that this requires much more than a lick of paint. A lick of paint is, as people say in Spanish, *pan por hoy y hambre por mañana* – bread today but hunger tomorrow – because it is just a lick of paint. What these buildings need is what we have done in the other estates, where we have added longevity to the buildings by a full and proper refurbishment. That is what we are intending to do in this estate, which is not a forgotten estate, it is an estate we have not been able to deal with yet because the Government, when it was elected in 2011, found itself in possession of every estate in Gibraltar needing a refurbishment. That includes Bishop Canilla House, which they built, but which was having serious problems of water ingress. That includes the largest estates in Gibraltar – Moorish Castle, Laguna estate, Glacis estate, Alameda estate. We are now moving to continue with the others, but we had the hiatus of the pandemic and we had the gutting of our public finances through the pandemic.

They, in one breath, say, 'Stop spending, do not perform your manifesto commitments,' which is what they say, and if they say they do not say it, they just have to look at *Hansard* to see the number of times they have said it – in particular, Mr Feetham – and at the same time, 'Why haven't you done this?'

We are going to continue with our timetable of delivering things, which includes delivering for the people at Chilton Court. I am delighted that they are taking an interest in the people of Chilton Court. We are taking an interest in the people of Chilton Court and the people of Chilton Court will have the benefit, like everybody else in government tenancies, of a Government that is investing in the government housing stock, not selling it, in particular in respect of the post-war stock, which is what they did.

Hon. D J Bossino: Mr Speaker, that was a political reply. That was a highly charged political response. We are not going to have a debate about the public financing issues. We are not going to have that debate.

3330 What he has not answered is the detail of the type of refurbishment that is going to be undertaken.

And secondly, if I may ask, when does he think that the entire refurbishment programme, and whatever that may entail in terms of the detail, is likely to be completed?

3335 **Hon. Chief Minister:** Mr Speaker, I do not understand what it is that makes my statements highly charged political statements and his anything other than the same. He was defending, a few hours ago, that this is a place for highly charged political statements, so I do not know which persona he is adopting right now. *(Interjection by Hon. D J Bossino)* Well, Mr Speaker, his question is a highly charged political question.

3340 I want to be very clear. I do not understand how the hon. Gentleman thinks that he can say – and this is not about politics, this is about logic – that we are not going to have the public finance debate, but is asking me what type of refurbishment we are going to do and when it is going to be completed. Does he think that we pay for refurbishments with oranges and bananas? We pay for refurbishments with taxpayers' money from the public finance pot, which is severely depleted because of the pandemic. If they do not accept that the depletion of the public finance pot is from the pandemic, they would have to say it is because of the projects. The projects that we have done, which they call extravagant and lavish, were in very great measure inclusive of the refurbishments of the estates, on which we spent over £100 million. So, by having the debate about the refurbishment of Chilton Court, we are having a debate about the public finances.

3350 What I am telling him is that we are ensuring that with less money we are continuing to do a less ambitious programme of refurbishment and that Chilton Court is one that is coming up for refurbishment. When we have a timetable and a programme which we can say we will pursue, we will announce it, and that will include a commencement date and a termination date.

3355 **Hon. D J Bossino:** Mr Speaker, again, I am not going to enter into the debate.

When the hon. Member to whom the question was posed, who is the Minister responsible for housing, was asked this question, he said 'in the coming months'. Is 'in the coming months' the commencement, when he expects the thing to start, or does he expect it to commence and also finish in the coming months?

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Hon. Chief Minister: It is the commencement, Mr Speaker. That is what it says – it says 'commence in the coming months', and as the Minister with responsibility for paying for the refurbishment, I am delighted to answer him.

Q456/2022
Government estates –
Schedule of cleaning of communal areas

Clerk: Question 456/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Please provide the cleaning schedule for communal areas in government estates.

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

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Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, the cleaning schedule for the communal areas known as 'El Turno' takes place under a contract with Britannia Cleaning Ltd, servicing government rental blocks eight hours once a week during the whole year. This is in keeping with the contract that was in place with Master Services and which Britannia took over.

Hon. D J Bossino: Sorry, I do not know how this works. Eight hours every week, did he say, during the whole year? Is that in respect of each block? He mentioned *El Turno*. Can I take it, from that, that it is in relation to each block in each government estate? Is that correct? He is saying yes. Thanks to the Hon. Minister for saying yes from a sedentary position. The question is: is he satisfied that that is sufficient in order to keep the estates in a proper state of cleanliness?

Hon. S E Linares: Mr Speaker, I can tell the hon. Member that I am, if not micromanaging it ... I have to micromanage it because I am really interested in the contract being done, and therefore I visit the estates with the owner or the directors of Britannia to make sure that they do their work. If they do not, we will follow it up, but if they do, they do. Sometimes it happens that they do their job very thoroughly and people actually then foul the place that has just been cleaned. That happens quite a lot. Therefore, we are trying to do a sort of – and I am probably going a bit too far – campaign in which people have to have civic pride in where they live. We can do as much as we can in *El Turno*, cleaning the stairs, cleaning the patios and cleaning everything, but then if you get ... And we have had it while I have been there, where somebody comes out with a dog and the dog does all its business where it has just been cleaned, and therefore it is virtually, sometimes, impossible to keep it 100% clean. It is called civic pride. But look, when the contract is not being fulfilled, the Housing Department, the Housing Works Agency, myself, my Ministry will go there and we will call the directors and say, 'Why hasn't this been cleaned? Go and clean it.' So we are on top of it, until we are satisfied that it is as clean as it should be.

Hon. D J Bossino: I hear what he says in relation to civic pride, and he is absolutely right, but there are other things that we have witnessed, which suggest otherwise, things that suggest that it is somewhat more permanent, and it seems to be an endemic problem in some of the areas. From his answer, I detect that he needs to be intensely reviewing the contractual arrangements with this particular company, but he is shaking his head and I will give him an opportunity to reply.

The basic question is: why is there a need for the Minister for Housing to have to, as he puts it, micromanage a contractual relationship?

Hon. S E Linares: Because I care for the tenants and therefore I go there regularly to make sure that the tenants are living in the places that they should be living well, clean, without anti-social behaviour – because I care about my tenants. I do not go once in a blue moon when there is an election coming round. I am there constantly, making sure that all the tenants have what they deserve. That is why I micromanage it. I am the sort of person ... I feel for them, I go there, I see if there is something wrong. I meet the Tenants' Association very regularly and all the issues that have come in Chilton ... I am already aware of them all and we try to action them. We make sure that we go there. We are doing the parking areas. All the parking areas – we are looking at how best to do it for the people who live there. That is why I have to micromanage, and if I have to continue micromanaging, I will do.

Hon. D J Bossino: And that is commendable on the hon. Member, if what he tells us is true. One of the issues which have come through loud and clear in the meetings that I have been recently having is that there seems to be, in many of these things, a disconnect between ... not just necessarily directed at him, but certainly his Department. As I understand it, there should be housing managers who should be listening to people's concerns and addressing them.

I know it goes slightly outside the scope of this question, which deals specifically in relation to cleanliness, but there are other issues that I am sure he is aware of – lifts broken and lights broken in communal areas, which take absolutely ages to be fixed. Despite his laudable approach to this and despite his micromanaging, as he says, which is never necessarily a good thing, is there something which systematically needs to be addressed in order to have these issues addressed and dealt with more efficiently and appropriately?

Chief Minister (Hon. F R Picardo): Mr Speaker, let me take the hon. Gentleman up on the issue of the lift. I was in Mid-Harbours last week. I hold my clinics there in the social centre, and last week I did not just want to help my clients, I wanted to see some of the areas which the hon. Gentleman had asked me to come and check and to ensure that I would approve certain changes that are required to make the cleaning of areas easier – for example, tiles in the lift halls, which will make the area easier to clean, because when they built it, they did not build it with tiles, so you end up with a painted wall which is almost impossible to clean.

One of the comments to me was ‘When is the lift in Bow Wave House going to be fixed? It takes ages.’ So I said, ‘What is going on with the lift in Bow Wave House?’ Usually, when lifts break, we have a contract and they can be fixed immediately. Well, when hon. Members developed it, the saltwater tank is above the lift. It leaks into the lift, so it is impossible to operate the lift or even repair it until it dries out, every time. So, one of the ways to ensure that we do not have lifts that have that problem is never to have them in government property again.

Hon. D J Bossino: Again, a political point, and that is fine. That is absolutely fine – and you are not being called to order. That is fine. But can I just –

Mr Speaker: Excuse me. Please resume your seat. I expect an apology because it is the second time that you have had a dig at me, and that is wrong, absolutely.

We are now going to proceed to the next question.

Q457/2022
Government housing estates –
Security cameras

Clerk: Question 457/2022. The Hon. D J Bossino.

Hon. D J Bossino: Who monitors the security cameras installed in housing estates to ensure that anti-social behaviour is dealt with?

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

Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, CCTV cameras situated in lift cabins at Laguna estate and Glacis estate are not monitored by way of live feed. The footage recorded on them is retrieved when there is a need by the Housing Department for the purposes of crime prevention, anti-social behaviour and/or prosecution. This footage is subsequently provided as supporting evidence when reported to the relevant authorities for their action.

CCTV cameras in pensioner blocks are also not continuously monitored, but a feed is provided to the warden’s office for security purposes at Bishop Canilla House, Albert Risso House and Charles Bruzon House. The footage of these would also be retrieved by the Housing Department when there is a need for the purposes of crime prevention, anti-social behaviour and/or prosecution.

The ones at Seamaster Lodge are fully managed by the Mons Calpe Mews estate managers. Access to these is provided to the Housing Department as and when required.

3470 With regard to Mid-Harbours estate, these CCTV cameras provide a live feed to the Royal Gibraltar Police and are not under the remit of the Housing Department.

It is important to note that the Department of the Environment also places time-lapse cameras in housing estates on an ad hoc basis in order to tackle fly tipping.

3475 Additional cameras with additional monitoring are, unfortunately, having to be considered in some estates. The Government will make announcements about such additional camera feeds as soon as it is able to.

Hon. D J Bossino: I am grateful to the hon. Member. In some respects, that encapsulates the point that has been made to me, that it all seems rather bureaucratic and confusing. In other words, I think the result that we all want to achieve is that anti-social behaviour of whatever kind is dealt with, but I am told that enforcement becomes an issue because of that confusion, in the sense that one department or one authority says, 'It is not me, it is Environment,' and Environment says ...

3485 I am grateful for his reply and I know that each estate will have its own separate systems, but is there ...? I do not know whether the way that I have put it to him in this question ... This is the question: would he agree that it is accurate, or would he deny its accuracy in terms of what I have been told when I visited the various estates?

Chief Minister (Hon. F R Picardo): Mr Speaker, I hope that I will be able to strike a more concordant note with the hon. Gentleman now. He and I, I think, will be equally saddened at the thought that we need to apparently live in a society, today, where we have constant CCTV camera monitoring of common areas because people are unable to act in community in those areas. That is why the hon. Gentleman has referred to him a pilot project that he and I are working on together to bring CCTV to some of our estates in a permanently monitored way.

3495 The CCTV that is there now is there to deal with problems when they occur. The Minister for the Environment has static cameras that take pictures, but it is not video, and you have some other video in some other areas, but I do not think that any of us want to live in a society where we need to be permanently monitored all the time, not for the prevention of serious crime, where, of course, it would be an important evidential tool, but simply so that people do not allow their dogs to do their business, or throw things etc.

3500 Let me give him the example I have been dealing with. There is a rubbish dump in Laguna estate. That rubbish dump is cleaned regularly. It is clean, almost, as a whistle. Inside, it has the rubbish receptacles. Responsible tenants go into the rubbish dump and put the rubbish into the receptacle. Irresponsible tenants, whether it is full or empty, do not even bother to open the door; they dump their rubbish outside. So the place has just been cleaned, it is clean as a whistle, and the tenant, with his rubbish bag, instead of opening the door, going up two steps – it has no more than two steps – and putting his rubbish in the rubbish receptacle, puts his rubbish outside of the door. The seagull, the monkey, the stray dog or the stray cat comes and opens the rubbish receptacle: rubbish all over the place. The whole area was clean five minutes ago, and now it is strewn with rubbish because a tenant decided to simply put his rubbish bag outside the door.

3510 The Laguna Estate Tenants' Association says to us, 'We are working with Britannia. We know it is clean, we know it is clean inside. We see the person come and put this out there, and this needs to be monitored,' It is for that sort of issue that we are having to consider permanent CCTV in all the estates – because of the guy who comes and decides that he is going to urinate in the brand new lift. A dog is bad enough, but that a human being should do it and that we should require in society, the community that he and I were brought up in, that so many of our great Gibraltarian counterparts out there have been brought up in ... that there are a few who do this, who require us all to be subjected to constant CCTV monitoring – which we are going to have to do a pilot programme on – is really worse than a disappointment. It is worse than a disappointment, and I

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do not think that the 99% of people who behave properly in the community deserve to be constantly monitored on CCTV, although many of them say, 'We give up – we are going to have to,' and that is what we are going to try to do.

It is a huge deception, because of course people then come to the estate, see rubbish strewn everywhere at four o'clock in the afternoon and say the estate has not been cleaned. The estate was like a whistle at 10 o'clock when this irresponsible person decided to do that. It is shocking that we are going to have to do that in relation to dog poo, dog piss, rubbish left outside rubbish dumps, human excrement and waste and other littering, graffiti of brand new, refurbished estates, where people think it is sensible to waste money that they say they do not have buying a can of spray to paint male genitalia on a wall. What is funny or positive about that, and what contribution to Gibraltar do you make if you do that? We are now going to have to set up a camera to monitor that person, to ensure that they can stick their hands in their bleeding pockets instead of littering, fouling or graffiti-ing, to make the environment which we have spent hundreds of millions of taxpayers' money ensuring is to the standard that the Gibraltarian deserves.

I hope there is – and I am sure there is – concert around this House that this is unacceptable behaviour because there is concert in the estates, in the vast majority of good Gibraltarians who live in those estates, that this is a small minority that is ruining it for everyone, that they do not deserve the homes that they have and they will be evicted from those estates, and those who remain behind appreciate what they have and I am sure that we appreciate that they realise that and they do not deserve to be put through what they are being put through. *(Banging on desks)*

Hon. D J Bossino: Can I just say, Mr Speaker, that he can be assured that there is absolute concert, in the way he put it, around this House in relation to the points he has just made and he will recall that the question arises precisely because of what has been put to me by the 99.9% of the individuals who are law-abiding, good residents and want to go about their lives in a normal way and not behave, in effect, like vandals – well, they are vandals; it is not effectively vandals, they are vandals and I concur wholeheartedly with what the Hon. the Leader of the House has just said.

He mentioned a pilot scheme. I must say I did not catch it from the prepared reply from the Minister. I may have missed it, but can I ask him, as a supplementary to that point, Mr Speaker, when he thinks that pilot scheme is likely to start? And is it going to be set up in all of the Government estates, or are there particular estates which are giving rise to particular problems?

Hon. Chief Minister: Mr Speaker, I am grateful for his agreement on this. I think it is important that the whole House should be united on this and we should not allow party politics to interfere here.

The reference is in the last line of the prepared sentence – I am surprised he missed it: 'Additional cameras with additional monitoring are, unfortunately, having to be considered in some estates. The Government will make announcements about such additional camera feeds as soon as it is able to.'

The hon. Member and I are going to one of the estates for this purpose, in order to be briefed on what is proposed, and we do not know yet whether we will be able to agree it. There are civil liberties issues that we have to consider and there are issues of cost that we have to consider. All of those things will be relevant. It is not going to be done in all the estates – it would not be a pilot otherwise. It gets rolled out in one, to see whether it works. And then, if it works, potentially it gets rolled out to the other estates.

If I may take all of his questions in relation to this together, in one estate, eight hours per block per week is more than enough for that block to be looking fantastic, sparkling – spick and span, as the hon. Gentleman says from a sedentary position. In another block, 80 hours a week would not be enough, not because the 30 tenants in the block are pigs, but because one or two tenants in the block are utter pigs, ruining it for everyone. In some estates you do not need CCTV at all, and in some estates, in some areas, you need more CCTV than you have in central London.

Those are the issues that we are grappling with, and I invite the hon. Gentleman to grapple with them with us, rather than in competition with us, because the only ones who win are the vandals if they think that they can push us in one direction or another when we should all be united for the 99.9%.

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Mr Speaker: Next question.

Q458/2022
Pensioner flats –
Eligibility

Clerk: Question 458/2022. The Hon. D J Bossino.

3580 **Hon. D J Bossino:** I think this question may have been answered in relation to the Laguna estate one, but please provide details of the Government's policy with regard to eligibility for pensioner flats.

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

3585 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** No, it has not been answered, because the hon. Member asked about the other. This is the eligibility of government – *(Interjection by Hon. D J Bossino)* Okay, yes.

An applicant who is on the housing waiting list and is over the age of 60 automatically becomes eligible to be allocated a flat in a pensioner block.

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Hon. D J Bossino: The reason why I referred to the question in relation to the projects being carried out in Laguna estate is because, there, there has been flexibility in terms of some of the policy as just outlined by the hon. Member – the Hon. the Chief Minister is shaking his head, so I may have misunderstood the Government's position – because it has been widened, just to finish the point, to those who are in the 50/50 housing.

3595 It is an issue which has been brought to my attention some years ago ... but only recently, and I am raising it on behalf of one particular constituent, but I think it applies across the board. In other words, if you have an individual like in this case, she made inquiries, I think probably of his Department – and if I may, Mr Speaker, just read a very short ... The point that was being made to me ... This is the information that she was provided with, and it says 'Allocation of pensioners' housing for someone who currently resides in a non-government dwelling ...' She was informed that 'pensioners flats are only allocated to those persons who will vacate a government house. Others will have to go on the allocation list,' which I imagine is the housing waiting list.

3600 I hear that the Hon. Chief Minister, from a sedentary position is saying that that is absolutely not true, but I will just give him or the hon. Member an opportunity to reply to the points I have raised.

3605 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman needs to forget about the issue of the Laguna estates pensioner flats that we were talking about earlier. That is the development of pensioner flats for sale to people who are eligible because they are pensioners who own property in Gibraltar. That is what we were talking about there. That is different. This question he has asked *(Interjection)* is about tenancy. Exactly. It is about Charles Bruzon, Sea Master Lodge, the ground floor flats at Gib 5, Sir William Jackson Grove and the other ones that we have – Albert Risso House, etc. I can tell the hon. Gentleman that there are a number of instances of which we are aware where people who have not been government tenants, who have been renting in the

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private sector, have gone ... They are renting in the private sector, they are on the housing waiting list, they are over 60, so they become eligible for a government property and the government property they get is an over-60, as long as their family composition is in keeping with a pensioner flat. Why? You can be over 60 and still have a child who is age six or seven. You might still have a growing family, so you do not have to have a pensioner flat, but you are eligible for a pensioner flat if you are on the housing waiting list and over 60, which is what this tells him, whether you are in government accommodation or not in government accommodation.

The reality is that the best management of the housing waiting list also involves offering people who are pensioners and are in large government properties as rentals a move to a pensioner flat so that you then release the five-bedroom that they are sitting in, sometimes alone or just with one partner, to a family that has three or four children. The trickle-down that that means is that if they were in a three-bedroom, the person who has two children goes into the three bedroom etc. and you see all of that trickling down. But there are many instances ... I remember when the hon. Lady was Minister for Housing, when the hon. Gentleman was Minister for Housing, where we have seen people move from private sector renting to a public sector pensioner flat. You cannot go from the private sector, owning, to a public sector pensioner flat, because you are not eligible to go on the housing list. You are the owner of private property, so you are not eligible. You have to be in the private sector, renting and eligible, or in the public sector, renting and eligible, and then you go into a pensioner flat.

That is the criteria and that is how it works, but forget the Laguna issue because that is for a different issue that we were dealing with earlier, which is people who have bought in the private sector and want to move and downsize again through purchase, rather than through rental. I hope that is helpful. I will give him an example with the names and surnames of people he will know who moved in that way from private rental in College Lane to government pensioner rental at Sea Master Lodge, I seem to recall.

Hon. D J Bossino: Actually, I had a recorded conversation with somebody who suggested that this was the case, which I found a bit odd, but never, ever a situation where somebody privately is a title holder, privately owns a flat. I think, though, the way it was put to me is that there is some sort of arrangement where they would sell the flat to the Government – that is what I was told, just hear me out – and then, as a result of that exchange, that individual is entitled to the pensioner flat.

Hon. Chief Minister: No, Mr Speaker, in the context of somebody who has been in the private sector as an owner and therefore not eligible to go on the government housing waiting list, in I think one or two instances – maybe just one at the moment – the Cabinet was asked to consider a policy because of certain circumstances, but we could not make it limited to circumstances where the person donated the property to the Government.

In this instance, we were dealing with a large property in an affordable housing estate of the Government, where the person had bought. The person, because of their personal circumstances, had no heirs and therefore had no interest in leaving the property, and said, 'I am prepared to gift the property to the Government, which the Government can then sell to a family that fits the criteria for eligibility for affordable housing, if the Government will give me a pensioner flat, for which I will pay rent.' So, on top of that, it was not a question of ... they will pay the established rent. In that circumstance, what the Cabinet decided was that, as a matter of policy, if we are going to get an asset which is an affordable property, which we can then sell to the people who would be eligible for affordable property, and this person gets a pensioner flat, that is fair enough and in those circumstances it would work. When we put that to others who have come to us, who have said, 'I want to sell and give the money to my children, but you house me,' it does not work, and that is why we are developing the alternative criteria of purchasers who sell but who purchase, not who are then given a tenancy.

Hon. D J Bossino: Then that flat is sold on, on affordable housing terms – is that understanding correct? It is not on a pure market ...? No? He says they only did it on one occasion, but is it government policy to do it in respect of others? Or is it just on a case by case basis?

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Hon. Chief Minister: No, the Government felt very uncomfortable in making a decision which was specific and not having a policy position, so what we took was the policy position that if you were prepared to hand over a property, at no cost to the Government, which the Government could put into housing stock or could sell through tender in the appropriate way – as the hon. Gentleman will know, there are people who are eligible for housing who would be prepared to buy from the Government if the Government could sell to them – then we would permit people, in those circumstances where they forgo ownership – and there are very limited circumstances where this would be relevant – to have a pensioner flat because the value to the taxpayer is great. You get to house someone, potentially you get to realise the value of the asset for the taxpayer as well, and they pay the rent because they could not expect not to pay the rent – the rent is not exactly the highest rent in the world and therefore it makes sense that the person should be committed to paying the rent.

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In those circumstances, the policy decision was made by the full Cabinet because we considered all of us together. The relevant Minister for Housing at the time, I think, was the hon. Lady and she wanted a policy decision from the whole Cabinet. We took that decision and I think it is the right decision. I am sure it will enjoy the hon. Member's support.

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Mr Speaker: Next question.

Q459/2022

Housing stock –

Whether sufficient to meet need

Clerk: Question 459/2022. The Hon. D J Bossino.

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Hon. D J Bossino: Does the Government have enough housing stock to meet the needs of all applicants on the housing waiting list?

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

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Minister for Housing, Employment, Youth and Sport (Hon. S E Linares): Mr Speaker, the Government is confident that there are enough houses in the current housing stock to meet the needs of our community despite the former administration having sold part of the post-war stock of property at rock-bottom prices when they needed to raise money. This was a particularly bad mood by Members opposite – move, sorry. *(Interjection)* Bad mood? We are all getting there! *(Laughter)* Once all the affordable homes have been built, those prioritised to purchase will be releasing a number of rental homes, which will go a long way to tackle those who are in real need of government accommodation.

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Hon. D J Bossino: Mr Speaker, this question arises from, I am sure he will know, a letter which was published by Action for Housing dated 26th October. There, Henry Pinner, the Chairman of that organisation, NGO, says:

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In April 2021 we shared a radio programme

– this is a letter addressed to the hon. Member –

which was presented by Ros Astengo Stengel of GBC and you said that you had enough housing stock to meet the needs of all those applicants on the waiting list.

3710 Putting aside the initial preamble, the remark that he made, does he not agree with me – and I am sure he will not – that he was ... how shall I put it ... less than frank in the comment he made, because anybody listening to that programme would have come to the conclusion that Mr Pinna certainly arrived at, which was that ...? In effect, he was saying that there is sufficient housing stock to house people now. That was certainly the implication of what he was saying. What he is
3715 saying is that once the affordable housing estates which the Government announced some time ago ... In respect of one of the phases in one of them and in respect of two of them, not one brick has yet been laid, and he knows that that is a subject of criticism on this side of the House. It is going to take many years before those people are able to ... I would ask him to comment on that, and I have one specific question which arises from the comment that Mr Pinna said in his letter.

3720 **Hon. S E Linares:** Mr Speaker, Mr Pinna, in the programme, was under the impression that I had the houses to deliver the next day. That was his issue. I have always argued that even if we were to build government rental accommodation, it would take four years to build. So whatever problem he says – and I have had this argument with him publicly and he wants me to have more
3725 programmes with him for me to argue the same point ... This is the issue that I have, that he writes to me ... I do not have any problem with Mr Pinna writing to me, but every time he writes to me, he writes to me on the same issue, which I have already answered publicly with him and everywhere.

We believe that we have enough government housing stock and we will have more and we will
3730 deal with the list because we have prioritised the selling of the affordable homes. The Cat 1s are the people who are releasing houses in government. Therefore, yes, it is going to take that little bit of time, but we will have to wait then, because then we get homes back to us, and we have to encourage young people to buy homes as well. That will help, as well, our housing stock, where if there is a family that is ... three smaller families living within one household, they will move to the
3735 affordable homes and they will be living in better conditions and they will not need housing.

All these issues we have discussed with Action for Housing. Like I said, I do not mind talking to Mr Pinna, answering Mr Pinna, but he is always on about the same argument. The previous
3740 administration, like I stated, sold flats for peanuts – yes, for peanuts, nothing, hardly anything – and the people ... Now there are flats that are empty, which are inherited by people who have already got a house and we cannot do anything because they are lease holders. We cannot do anything. People come to me and say, 'There is an empty house in Alameda estate,' and I say, 'I cannot do anything. The GSD sold it.' So there are flats like that and I think it is also bad because ...

In answer to the question I said it is a bad move. Of course it is a bad move. Imagine trying to create a management company of an estate, where the Government has to pay everything about
3745 the management company of a block, just because you have three tenants who have bought the house. It is nonsensical, that. What we are doing is if it is a whole, full block that is half empty and I can relocate people in that block, then it becomes available for the Government to sell. But I am confident that the current stock that we have is enough for our needs.

3750 **Hon. D J Bossino:** I am not going to come here and make a value judgement as to whether what he is saying is correct or not, because without figures and without numbers ... He is almost suggesting that the horrible, evil GSD is responsible for the housing problems in Gibraltar because we sold ... I am told, anecdotally, that there are not that many, so for him to use that as the excuse for the problems we are facing is, quite frankly, not acceptable. But be that as it may ...

3755 I must tell him also, by way of remark, that I am told by Mr Pinna that he does not answer these letters. He says that he has no issues in replying to him, or listening to him or meeting him, but this is what I am told by him.

Can I ask him a specific question, which arises from his letter and is relevant to the availability of housing stock? In his written answer to my question last month he talked about a further 92

3760 properties forming part of the Urban Renewal Project, which I imagine is to do with the Upper Town project that is going to impact on the Northern Defences and Road to the Lines and all that. I imagine that is what he meant. Mr Pinna asked for more clarification in relation to what he intends to do with these 92 properties. Is he able, here and now, to provide that clarification?

3765 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is important that we clarify what the position here is, because the hon. Gentleman, I think, needs to go away with the facts. He needs the facts in order to be able to deal with the issues.

The fact is that the question he asked the hon. Gentleman a moment ago cannot be based on any semblance of logic or reality. He said Henry Pinna and anyone listening would have believed that the hon. Gentleman was saying that he had the homes available to house people immediately, not having to wait until the affordable homes have been built. That is what he said. 3770 How can anybody have believed that? It is impossible. It is not even improbable, it is impossible, because otherwise what Henry Pinna, he says, believed and what listeners to the programme, he says, believed is that we have houses available and, for the sake of making people suffer, we are not giving them to them. Nobody believes that. Nobody believes that we have the houses available today and we are not giving them to people. Everybody understands that this is about creating a churn of homes. 3775

The hon. Gentleman says he does not want to deal with the issue of the post-war houses sold, but this is fundamental because there is a dividing line between us and it is an important policy decision that people need to understand. We say we will build for rental for pensioners, so that 3780 we can create the churn in the rental estate of the Government. They took the view that they would sell the rental stock – the good rental stock, not the pre-war rental stock that we cannot afford to maintain, the post-war rental stock – at peanuts. For example, something like a property sold at £35,000 for 70 square meters is being sold at £500 per square metre when it costs in the region of £3,000, £4,000, £5,000, £6,000 or £7,000 to build that same property again. So their 3785 policy is to say to Mr Pinna – given that he has put these issues in his mouth – ‘Yes, we will build more for rental. We sold the post-war stock at £500 and we will replace it at £7,000 per square metre.’ That is absolute madness.

Our policy is to build affordable homes where people are given priority if they release 3790 tenancies, to build for pensioners who are in the government housing stock and release the larger properties, and in that way provide the homes for people for rental, and, in the urban renewal system that we have, hopefully also be able to provide affordable rentals in the Upper Town in the renewal scheme. Those things taken together are our policy. We think that works. There is a clear policy division between us. But what we cannot do is have the same dispute every month 3795 about the same issue. They have a policy, we have a policy; in the General Election will defend it. We hope to be able to show that when the churn happens, it deals with the housing waiting list as it has dealt with it before. The churn is delayed now because of the pandemic, which is what none of us want, but we certainly do not have or have ever given the impression knowingly or unknowingly that we have the housing stock available and we are simply not releasing it, in order 3800 to make people suffer. Nobody can pretend that we have ever said anything that could lead them to believe that.

Hon. S E Linares: Mr Speaker, just one more point, please. The hon. Member says that I do not answer Mr Pinna’s letters. He has just stated that Mr Pinna is saying ... Every single letter that 3805 Mr Pinna has written to me has been answered. If he does not like the answer, that is up to Mr Pinna, but every single letter ... He does not send us an email, he does it in printed form, he brings it by hand to my office and we do likewise to him and send emails to other people on the committee. So every single letter has been answered. The thing is he does not like the answer. It is not the answer he wants to get, but that is up to him. But I do answer every single letter. 3810

Mr Speaker: Next question.

TRANSPORT

Q460/2022

Pop-up cycle lanes –
Intention to install

Clerk: Question 460/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

3815 **Hon. K Azopardi:** Sorry, I was under the impression we were adjourning, so I ...

Chief Minister (Hon. F R Picardo): Mr Speaker, I thought we would have been finished by eight, but hon. Members ask the questions they want to ask ... There are four questions to the Minister for Transport, two to the Deputy Chief Minister and two to the hon. Lady, so our intention was to finish them today – we thought by eight, but it is taking a little longer.

Hon. K Azopardi: It is fine, we can be here as long as is necessary. I just thought there was a cut-off that the Chief Minister had indicated earlier, that is all. That is fine.

3825 Mr Speaker, can the Government state whether it will be installing pop-up cycle lanes in Gibraltar?

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

3830 **Minister for Transport (Hon. P J Balban):** Mr Speaker, there are a number of proposed locations for pop-up bicycle infrastructure. Pop-up bicycle lanes are used mainly to gauge the effectiveness and permanency of proposed bicycle lanes. Before a pop-up cycle lane is set up, there would have been reasonable study of the given area to check the viability of the location.

3835 Pop-up cycle lanes are a cheaper way of providing safe infrastructure, which can then be built upon and made permanent. Pop-up cycle lanes in small cities invariably mean that some parking spaces may need to be relocated, and this will always cause a backlash but the environmental and mobility benefits outweigh the inconvenience caused.

Hon. K Azopardi: Does the Minister have a sense of how many of these pop-up cycle lanes he would like to see around Gibraltar?

3840 **Hon. P J Balban:** Mr Speaker, it is a difficult question to answer, but off the top of my head, potentially every single area we look at within the scheme of things could become a pop-up bicycle lane before it becomes permanent infrastructure. So really it very much depends on how we wish to proceed, but I would envisage that there would be at least three different locations that we would consider.

Hon. K Azopardi: Would he advance where those three locations would be?

3850 **Hon. P J Balban:** Mr Speaker, as I said, potentially any of these locations could become pop-up bicycle infrastructure. For example, Bayside Road could be one we would consider. The reason why we would consider Bayside Road is because there is potentially a lot of development in that area, with the GFA stadium and with the other buildings going up shortly, so it would be futile and probably impractical and not worthwhile to lay down permanent infrastructure which then may need to be dug up.

Q461/2022

**Safe cycling in Gibraltar –
Whether report commissioned**

3855 **Clerk:** Question 461/2022. 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 has commissioned a specific report on safe cycling in Gibraltar, given our unique road infrastructure?

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

Minister for Transport (Hon. P J Balban): Mr Speaker, the Ministry for Transport has now completed its strategic document for mobility in Gibraltar, specifically cycling and walking, and continues to work on a complete blueprint for bicycle lanes throughout Gibraltar.

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These documents build upon the Sustainable Traffic, Transport and Parking Plan. The ultimate aim of the strategic plan is to provide the necessary safe infrastructure that will help promote and encourage a greater uptake towards more sustainable modes of transport within our community. These documents are tabled for the next Cabinet meeting, where a presentation will seek the collective approval of Government. We hope to be able to make further announcements in due course.

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Hon. K Azopardi: If it is tabled for the next Cabinet meeting, would the Minister expect thereafter – subject to approval, obviously – that it would be published relatively soon after that?

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Hon. P J Balban: Mr Speaker, yes, once Cabinet approves the documents, then one thing I intend to do is to actually offer to share these across the House, so that we can ... I believe that cycling infrastructure and the future of mobility in Gibraltar lies in us working collectively, and in respect of being aware of our aims I would loathe to see something that we produce and publish being gunned down because there are things that could have been done differently. I wholeheartedly believe that what we have done is the best we can do in Gibraltar, and for that reason I am hoping for support on this plan and I am hoping to be able to share them before we make these documents public.

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Hon. K Azopardi: Certainly we would welcome that process because from this side of the House we are also committed to there being as much cycling as there can be for environmental and health effects.

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Clearly, it is difficult sometimes because of the unique features of Gibraltar, but I certainly welcome the Hon. Minister's invitation and we will take it up. I know this is not a question, Mr Speaker, but with your indulgence.

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Q462-63/2022

**1.5 m rule re cyclists –
Consultation; level of fine**

Clerk: Question 462/2022. 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 nature and breadth of its consultation on the 1.5 m rule in relation to cyclists?

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

Minister for Transport (Hon. P J Balban): Mr Speaker, I will answer this question together with Question 463.

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Clerk: Question 463/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Philipps.

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Hon. K Azopardi: Can the Government state the rationale for the imposition of a £300 fine for a contravention of the 1.5 metre rule and why it is significantly higher than the UK and other European countries?

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

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Hon. P J Balban: Mr Speaker, the hon. Gentleman asks questions and makes statements suggesting he cares about the safety of cyclists, so I do hope he supports our laws on overtaking.

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The 1.5 m rule is a well-established law in many countries of the world and it applies to large metropolitan cities, as it does to smaller cities and towns. In fact, the smaller the size of the city, the more critical it is to guarantee the safety of one of the most vulnerable groups of road users, as street space will be limited as a result of size.

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A distance of 1.5 m allows for an adequately safe, clear space between a faster-moving overtaking vehicle and a slower-moving bicycle. It conforms to the principles of road safety and public health and helps to encourage cycling by providing a safer urban environment for what is without doubt a green, sustainable and healthy alternative mode of transport, one that we need to embrace collectively as politicians, as political parties and indeed as a community.

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There is, in our mind, no need to consult on whether we should adopt the 1.5 m rule for cyclists, just as there should not be a need to consult on other public health measures such as banning smoking in enclosed public spaces. If we are really committed to a green Gibraltar, our climate change strategy and believe in the climate emergency, encouraging cycling and indeed walking should be a natural step in that direction.

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Gibraltar regulates laws and fines as deemed appropriate for this jurisdiction. The £300 fine is the standard fine used for all fixed penalty notice offences and is presently at this level following a recent and extensive overhaul of the financial penalty levels. Representations were made by the Commissioner of Police, in that the current penalty levels were not proving a sufficient deterrent to persons committing traffic offences. This was stated in our press release at the time when the increase of FPNs was announced.

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Hon. K Azopardi: Mr Speaker, does the Minister accept that while that may be a general rule, there are obviously places around Gibraltar where it is impossible, really, to safely overtake and give a 1.5 m ambit to some cyclists? Does he accept that, given the narrowness of the roads and the oncoming traffic?

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Hon. P J Balban: It is exactly for that reason that it was felt necessary to implement this 1.5 metre rule, because there are drivers ... If I give an example to illustrate the point, in Lovers Lane, for example, and Line Wall Road, I do not think there is sufficient distance for a car to overtake a cyclist. Having said that, if the cyclist is not confident and is worried or feels threatened by a car following close by, they could cycle even closer to the wall. In doing so, the car will undoubtedly overtake and in doing so it will risk, potentially, the life of the cyclist. So it is for this very reason. Clearly, on the roads where a car cannot overtake, in theory, you should not need to apply the 1.5 m rule because there is not a 1.5 m distance to overtake.

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Another example is Price Edward's Road. I heard comments on social media: 'How are we supposed to overtake bicycles down Prince Edward's Road?' Well, the whole point is that you do

not overtake a cyclist on Prince Edward's Road unless you can put the car on two wheels, as we have seen in the past.

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Hon. K Azopardi: But of course the logical consequence of that – and I am not arguing against the safety issue, because clearly there is a safety issue there, but it requires a cultural change, and clearly it will lead to backlog of traffic in certain respects if there are people cycling around.

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Hon. P J Balban: Mr Speaker, I think we need to put into perspective, as well, what our priorities are and what we are trying to achieve. If we want a green Gibraltar, if we want to encourage sustainable alternative modes of transport, then I think we need to support people who walk, people who cycle, even people who catch the bus, and if it means that you have to stay behind a cyclist for a little bit longer because it is safer for the cyclist, and that invariably means you are going to be held up in traffic a little bit longer, then I think it is well worthwhile. At the end of the day, with the size of Gibraltar, we are going to get there five minutes later. Sometimes I wonder, where are we going? Where do you expect to be going so fast? Eventually we will get there. I think that is an important point to make in that respect.

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As the Chief Minister was saying, which I will totally agree because I will cycle at a good speed because I find I am quite fit ... I could be cycling down Line Wall Road at 30 km per hour and a car will overtake me, regardless of what speed I am doing, because the notion is 'It is a bicycle and I will overtake because it cannot be doing the speed limit.' They are not looking at their speed limit. I think it is important to put things into perspective, and I think in a small town like Gibraltar there is no rush to get to places and we should give preference to the most vulnerable on our roads. That was the purpose of the Highway Code, to entrench and start that change – more than a cultural change; it is a change in mindset. You are right, and people I think already ... I experience this on a daily basis. I think cars predominantly have always been respectful, but even more so now. I see cars overtaking with greater distance. That gives us a lot more confidence and I think it gives especially parents with children and other groups who are not so confident on the street confidence perhaps to try cycling.

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Hon. K Azopardi: Finally, Mr Speaker, if I may, the Hon. Minister mentioned that he had had some discussions with the Commissioner of Police, who had made representations on the issue of the fines. Has there also been a conversation with the Commissioner of Police about the enforcement of the 1.5 m rule? I imagine it is a bit of a nightmare to enforce something like that evidentially. Has there been a discussion?

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Hon. P J Balban: Mr Speaker, the 1.5 m rule we do not expect ... You cannot actually physically go out there and measure the distance and say, 'You have overtaken that bicycle by 1.49 m and you are going to be fined.' Clearly it is something that is at the discretion of the law enforcers. I think if you consider 1.5 m is more or less ... In fact, 1.5 m is more or less the height of a person, so you need to leave that reasonable distance in overtaking. But if a law enforcer sees that a cyclist has been overtaken by ... I will sometimes be overtaken and I can physically touch the car with an open palm. That clearly is going to be no more than 30 cm. That is easy to police and I do not think we are going to be splitting hairs and saying, 'This is 1.35 m, as opposed ...' I think what we are looking at is a reasonable overtaking distance which we set, as other cities set, at 1.5 m, and it is up to the Police to use their discretion in this respect.

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Chief Minister (Hon. F R Picardo): Mr Speaker, if I could just be of assistance here because I have seen this debate raging on social media.

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Let's be very clear. If you have overtaken on Lovers Lane, you did not have 1.35 m. It is not a difficult thing to prove. What happens is that the matter is not really likely to be taken any further unless you have hit the cyclist, but if you have hit the cyclist on Lovers Lane it does not require a tape measure to show that the person broke the rule that they had to have at least a 1.35 m berth.

4000 If you overtake at Water Gardens, where the cyclist is on one lane – there is a two-lane highway there – and you do not hit the cyclist, nobody is going to say, ‘Oh my God, he passed at 1.46 cm. Nobody is going to be prosecuted. But in instances where there is an accident and where the accident scene-of-crime people can come and measure, it will make it easier to prosecute these people.

4005 The question of reasonableness, the question of carelessness, the question of dangerous driving and the question of 1.5m are all questions of fact in evidence in any case, as the hon. Gentleman knows, and this will make it easier, not harder, to prove cases in certain circumstances which people might not be thinking of. This is not about whether you passed on Rock Hotel Hill, where you potentially have a clear lane one way or the other. So when you actually hit somebody on Lovers Lane ...

4010 I invite him to come with me in the mornings to cycle around Gibraltar. The Upper Rock is lovely. There is great respect between the cyclists, the monkeys and the people in cars – (**Hon. Member:** Barbary partridges.) There are more Barbary partridges than there are cyclists, that is for sure, and that is down to you – well done. But you try going round the Rock during the week at 7 a.m. and on Lovers Lane, *te estas jugando la vida* because people are whizzing past you – (*Interjection*) well, yes, but in cars and on electric scooters and all the rest of it – to stop at the roundabout by Trafalgar, where the cyclist who was passed will pass them.

4020 **Hon. P J Balban:** Mr Speaker, also it is very important that the Police have the tools required because, as you have said yourself, here the main issue and the word in question is respect. I think there has been a loss of respect on our roads, and I think for the Commissioner of Police that is one thing that he is very concerned about and we, as a Government, are very concerned about, as I am sure you are across the floor of the House as well. I think we can see this daily in terms of cars, motorbikes, e-scooters, cyclists, everyone. We see people passing red lights and not waiting for the light to turn red. It is happening more with this rush to get to places when really we live in a town. So again, I think the key thing is respect.

Q464/2022

Legal assistance – Annual cost to Consolidated Fund

Clerk: Question 464/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

4030 **Hon. E J Reyes:** What is the total legal assistance cost to the Consolidated Fund in each of the last six years divided by areas of the law – for example, family law?

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

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, the total legal assistance cost to the Consolidated Fund in each of the last six financial years, including the expenditure for the current financial year to date, is as follows: 2016-17, £453,275.01; 2017-18, £514,542.39; 2018-19, £642,880.85; 2019-21, to cover two financial years, £1,098,382.54; 2021-22, £903,117.78; and in the current financial year it is £612,670.94. I am not able to provide the hon. Member with a further breakdown by areas of the law, as this information is not kept in this way by the Supreme Court.

4035 **Hon. K Azopardi:** Mr Speaker, I am going back in my mind for my recollection. I cannot give you a precise date, but I do remember there was some debate internally in the Bar some years ago when we considered the issue of legal assistance reform, and there was some historical work

that divided the legal assistance into practice areas. It may have been because at the time there was some special work done by the Registrar of the Court – or not; I am not sure. But does the Government agree – if they are not collating records at this time, and it may be a complex exercise to go backwards – that it makes sense to try to categorise the work going forward? And if it is a time-consuming exercise to go backwards, perhaps we can go backwards at least slowly, because it would be useful when you plan legal assistance reform. For example, an obvious question that would arise is why the increase in 2021-22? Of course, if the hon. Member does not have a categorisation of the work, it would be impossible to answer that question, but does she agree that it would be useful to do that?

Hon. Miss S J Sacramento: Mr Speaker, indeed, I agree. In fact, I confess that I was surprised to be informed that this breakdown has never been categorised in this way, so needless to say I have already given the instruction that this be done going forward and that we start looking retrospectively, as and when this is possible, going back. But certainly going forward, this has already commenced.

Hon. K Azopardi: And so it has commenced for future periods, meaning from the next financial year, or from the current financial year going forward? There is no retrospective exercise that the Minister has commended should commence. Is that right? Have I understood her correctly?

Hon. Miss S J Sacramento: Mr Speaker, I do not think the hon. Member heard my reply. I said that I have already given the instruction that they commence going forward and that they work on it retrospectively as and when they can. So, as of last week when I realised that this is not being broken down, I have already asked for it to be broken down in the future as and when they can, and obviously they will start retrospectively with this financial year. As soon as it is possible to have it broken down for this financial year, then it will be. I am hoping that the information, at least for this financial year, will not take that long, but it is obviously a very onerous task because each financial year on average will relate to 250 to 300 submissions of legal assistance bills, so it is something that is quite laborious and needs to be undertaken properly.

Mr Speaker: Next question.

Q465/2022

Town Planning Department – When to be fully staffed

Clerk: Question 465/2022. The Hon. D J Bossino.

Hon. D J Bossino: When will the Government employ the full complement of staff at the Town Planning Department, to include the Town Planner?

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

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, the recruitment of senior vacant posts, which includes the Town Planner, has already begun and is ongoing. Recruitment for less senior posts can only commence once the recruitment for the senior posts has been finalised.

Hon. D J Bossino: As I understand it, the information I – *(Interjection by Hon. Miss S J Sacramento)* Is she able to advise ...? The information I have is that the complement has gone

down from seven to three. Are those the numbers we are talking about in terms of ...? I think that is the entire complement, excluding the Town Planner.

4085 Secondly, does she know when the process that she has kindly explained to the House is likely to complete and have those positions filled?

Hon. Miss S J Sacramento: Mr Speaker, insofar as the complement, the hon. Gentleman will need to look at the Estimates Book, which is where the complement is established. There is no point in us having this debate here. The complement is the complement that was approved by both sides during the Budget debate earlier on this year, so I do not understand the preamble to that supplementary.

4090 In relation to the recruitment, as far as we are concerned, recruitment has commenced and that is an operational matter for the Human Resources Department of the Government. That is not a political matter.

4095 **Hon. D J Bossino:** Surely, as the Minister in charge you will have an idea of when such an important post as the Town Planner is going to be substantively filled.

I did look at the Budget Book at the time of preparing the question. What I am giving her is information that I have received, information which I can rely on as to the specific numbers. I have asked her to comment, she does not want to, and she takes me to the Budget. What I can tell her is that from my reading of the Budget Book the complement does not change. What I am telling her is how many positions are required to be filled. If she does not want to answer the question, that is up to her, but can I try again? Can she at least give me some indication as to when she thinks at least the Town Planner is going to be appointed on a substantive basis?

4100 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am the Minister with responsibility for the Civil Service and the Human Resources Department. The practice that we have is that we do not get involved in how a vacancy is filled, because if we did, hon. Members would be telling us that we were interfering with the running of the Civil Service. The involvement that we have is at Budget time, to approve the complement and we approve the complement. The complement is the complement that this House has approved. Now it is up to the Human Resources Department, with the Human Resources Manager and their interaction with the Public Services Commission – which we most certainly do not interfere with – filling the posts. That is a process. If I ventured to suggest that it is going to be done by next month, I would be accused of interfering with the PSC. If we do not, we are told that we are failing in our ministerial responsibilities.

4105 All of us in our respective Departments seek that the Human Resources Department should deal with the vacancies that we have, which are approved and which are in the Book, as soon as possible. There are vacancies all the time; it is normal. There are retirements, there is more than one retirement in one Department etc. People then move up, they act, that creates vacancies. That is the issue we are dealing with. But there is nothing that the Government is doing to impede the filling of the vacancies as soon as possible, in keeping with the Human Resources Department interaction with the Public Services Commission, which is entirely independent of Government, at least whilst we have been in government.

4125 **Hon. D J Bossino:** Can I ask him about information which came to me, which I certainly found alarming – maybe they do not, because they have a policy decision in relation to this – and give the hon. Members opposite the opportunity to put paid to the information that I have received, which is that there is a company called Wonderworks Media Ltd, which employs individuals and is offering, on hire, employees, 10 in particular in the Department which is impacted by this question. Can he make a comment in relation to that?

4130

Hon. Chief Minister: Mr Speaker, I can confirm that when they were in government during a period when there was a lot of development, they outsourced from the Town Planning

4135 Department some of the work that the Town Planning Department did, to ensure that there were no delays in the DPC. I am not able to give him any information about who and how, but certainly we have said to the Town Planning Department that they can avail themselves of that assistance from the private sector in the period whilst the vacancies are filled, exactly as they did in the time when they were in Government, when they had a problem with the numbers of applications that there were before the DPC and they had a difficulty in the Town Planning Department.

4140 **Hon. D J Bossino:** What does he refer in particular to outsourcing – if I may ask him that? And secondly, if I may, Mr Speaker, when he talks about the private sector, can he confirm that the company name I gave him is a company which is providing labour to this particular Department? Wonderworks Media Ltd – the entire ownership of the shares is held, dare I say, once again, by
4145 Community Supplies and Services Ltd. Directors are Giovanni Bagu and Caine Sanchez, both of whom I understand are government civil servants.

Hon. Chief Minister: Mr Speaker, let's be very clear. This is about clearing backlog. We are doing it in exactly the same way they did it when they were in government, so given that he told
4150 us that the things they did should be regarded as a golden legacy, in this respect we are pursuing their golden legacy, which is to say in the period whilst the vacancies are filled, if there is backlog, in particular in relation to issues which relate to building control, if there is backlog in relation to issues for preparation of projects for DPC, we are permitting the Town Planning Department to use the private sector for those purposes to clear the backlog, exactly as they did.

4155 I do not have information about the precise company they are using, whether it is one company or whether it is many companies they are using. I believe that they are using more than one company. From what I know of projects that have come to me, I have seen that there are a number of entities, in particular engineering practices, that are providing this assistance in respect of building control – perfectly proper when they were in government, and something apparently
4160 nefarious now that we are in government. As usual, what was good for that goose is not good for this gander, according to them.

Mr Speaker: Next question.

DEPUTY CHIEF MINISTER

Q466-67/2022

**Northern Defences refurbishment –
Spend since 2014; number of visitors since commencement of works**

Clerk: Question 466/2022. The Hon. D J Bossino.

4165 **Hon. D J Bossino:** How much has the Government spent on the refurbishment works in respect of the Northern Defences since 2014?

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

4170 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I will answer this question together with Question 467.

Clerk: Question 467/2022. The Hon. D J Bossino.

Hon. D J Bossino: How many visitors have there been to the Northern Defences since the Government started its refurbishment?

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

4180

Hon. Dr J J Garcia: Mr Speaker, as the hon. Member will know, the sum spent on the refurbishment of the Northern Defences since 2014 is a matter of public record with the information available in the Approved Estimates of Revenue and Expenditure.

4185 The Northern Defences has not formally opened as a tourist site because works are still ongoing. Therefore, there is presently no record of the actual visitor numbers.

4190 **Hon. D J Bossino:** Can he give me some information as to when he expects the site to be opened to tourists? I am not sure ... I phrased the question as 2014, because I think that is the date when the refurbishment work started. Maybe he can assist me in confirming that, or otherwise, and giving me the precise date as to when the area was refurbished. But can he give me a precise date, and is the opening date in any way going to be impacted by the other works that he mentioned in his Budget speech and was a subject of questions in the last session of the House?

4195 **Hon. Dr J J Garcia:** Mr Speaker, I am told that effectively the date when clearing works actually commenced in earnest was 2016, not 2014. Though it may have been announced and some minor works may have been done, it was around 2016.

4200 The Government is in negotiation with an interested party. The hon. Member may recall that the management of the site in this context was put out to expressions of interest. I believe I am correct when I say there were three entities that replied and the Government is in negotiations with one of them to establish whether we can now formally set up that process of people actually being taken for tours in a formal and organised way – although I have to say the Heritage Trusts, I know, have taken a considerable number of people around.

4205 I am also told that a number of school groups ... for example, today, one of them was there visiting the site. The College of Further Education, which is carrying out work there now as part of a module on tourism and business, their students are regular visitors to the site. So this is not in a tourism context, but it is in terms of people going there and visiting. The other educational establishments – Bishop Fitzgerald School, St Bernard's, St Joseph's, St Anne's – have all gone to visit the site to learn more about the history and what the site actually offers. From overseas, we have had students and professors from University College London also very interested, groups of Danish students from Spain have also come over. NGOs, like I said – the Heritage Trust, the Nautilus Project. Military units – the Royal Engineers, the Royal Gibraltar Regiment, the Scots Guards, the Royal Irish Regiment, all these have been to the sites recently. Employees have also organised visits through their product manager, so we have, for example, Hassans, Bassadone Motors, the Gibraltar International Bank, PriceWaterhouse, Deloitte – all of those have organised visits through my office. And more recently we had the representatives of the American Battle Monuments Commission, who also were able to visit and enjoy what it offers, and Subterranea Britannica. And in June, obviously, His Royal Highness the Earl of Wessex, Prince Edward also visited Gibraltar, accompanied by His Excellency the Governor, myself and the project director, and I am asked to extend a visit to Members of the Opposition if they are interested in visiting.

4220 So the site is obviously open. People are free to go and visit and to walk across. We do not have a formal, official number of tourists because it is not open officially as a tourist site yet.

4225 **Hon. D J Bossino:** He may have slightly answered the question at the end, but my question was not tourists, it was visitors, and it would have been nice to have had those statistics, given the long list he has just read of people who have visited. My question was about visitors, so I think it would have been appropriate to have included them in a list.

Just so I understand it, I think his initial answer is that the site has not been formally opened for tourists. What is preventing that, given that there was a refurbishment, as he corrected me, in 2016? That is now six years ago. No? Okay. And why is it that it has not been opened, basically for visitors to visit as and when they wish? I understand from what he tells me that that is the position in any event, but for whatever reason I just do not understand why it requires a formal opening. Is it a health and safety issue? Is there an access issue? Should that have been thought of before the refurbishment started? I am not sure.

Hon. Dr J J Garcia: Mr Speaker, in a tourism context – normally in the context of our surveys, for example – the reference is to visitors, visitor arrivals, how many visitor arrivals by land, visitors by sea. His use of the word ‘visitors’ was taken in that context, but obviously the person who drafted the answer thought they would include more information in terms of visitors in general and not just visitors in the sense of tourism.

I think it is fair to say the Government, from the moment we started work on that site and we took it on board as a project, some of which has been very much welcomed by the Heritage Trust and by the DPC when it went to planning in March, we said very clearly this is going to be a slow process. It may take years or indeed it might even take decades to happen in full – that is to say a full, entire refurbishment of the site.

What has happened so far is that there have been some 11,000 square kilometres – tunnels, vaults, not just flat land, obviously – which have been cleared. There was a huge amount of rubbish – rubble, fridges, washing machines, mattresses and all sorts of utensils – which had been flung over the wall and which appeared on site, so the first task was a huge clearing exercise and that took some time. Bear in mind also that the site is restricted, that access is very difficult and that you cannot just take in three lorries and load. Things have to be done by hand and effectively by wheelbarrow, and Carl Viagas, who is the project director, and the team there have done a fantastic job in making sure that happens.

The hon. Member may recall that in March the planning permission was also given by the DPC to allow the installation of some temporary stairs from Casemates, which allowed access into the site. Those stairs were not available before. The temporary stairs are still in place and people use them. The intention is to replace that with a more permanent, more fitting stone stairway, which is something that is in hand but actually has not happened as yet.

So, to answer his question, the site is open. Tourists can visit. Formal tours organised by the Heritage Trust have happened. It is simply not open in the context of, for example, Moorish Castle, where somebody pays an entrance fee and they go in to visit it. This is open and people have access to it.

Mr Speaker: Next question.

Q468/2022

Parliament building refurbishment works – Commencement date and cost

Clerk: Question 468/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please provide an update as to when the refurbishment works to the Parliament building will commence and what the costs will be.

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, works to the Parliament building are expected to commence next week. The estimated cost for the external works is approximately £260,000. It is expected that this will be met by a contribution already agreed with the Parasol Foundation.

Hon. D J Bossino: I am slightly surprised by that answer. The works are going to commence next week, he says. What effect will that have in terms of the sittings of the House expected in December? I think the answer is we will carry on here.

Hon. Dr J J Garcia: Mr Speaker, this relates to external works. What they are talking about is developing some kind of scaffolding around the building to allow them to carry out intrusive investigations into the state and condition of the building. It is not something which is expected to interfere with meetings of the House.

Hon. D J Bossino: I think the project envisages some internal works, not necessarily to the Chamber but from the meetings that some of us have had in his office when he has explained to us, now some years ago, that it will have an effect on the antechamber and, I think, where the cafeteria used to be. Can he confirm that that understanding is correct? He is nodding his head – for the sake of the *Hansard*.

In terms of the cost, which he has spelt out as £260,000 – and that is only in respect, I assume, of the external works, I think his answer was – can he give us information as to what contribution the Parasol Foundation is going to be making to that?

Hon. Dr J J Garcia: Yes, Mr Speaker, £260,000 in respect of the external works. Then, as he rightly says, there are different phases – so this is not something which will happen all at once, there will be phases – and the next phase after that would be probably the installation of the internal lift. I think the works they want to do at the beginning will establish exactly the order and the speed with which everything else will follow.

Hon. D J Bossino: The entirety of the cost is going to be met by the Parasol Foundation?

Hon. Dr J J Garcia: In relation to the external works, yes.

Hon. D J Bossino: And in relation to the internal works?

Hon. Dr J J Garcia: We have not yet got to a detailed costing and design of those external works, so we will need to produce that first before we can take a decision on how to proceed with them.

The hon. Member may recall that there is an entry, if I remember correctly, in the I&D in respect of the actual lift phase of the project, but we need to see whether we actually get to the stage where we do that, or not.

Hon. D J Bossino: Does he expect that to start and commence within the remaining lifetime of this Parliament?

Hon. Dr J J Garcia: The way it was described to me is that really depends on what they find when they start the external works, and that may or may not delay everything else.

Mr Speaker: Next question.

Hon. K Azopardi: Sorry. Can I just ask on this, so that we are understanding the scope of the works? Are the works that are being considered, the internal works, the same as the hon. Member consulted us on, or are these different works that we are talking about?

4325 **Hon. Dr J J Garcia:** Mr Speaker, the hon. Member will recall that we met in 2021, I think it was, when we gave them copies of the document on the internal designs that were being proposed. There were some alterations which they suggested, which were incorporated in future designs, but they were not anything which we could not take account of. Those designs went to Planning and received full planning permission in March of this year. Those are the internal works that we are talking about, so it is the entirety of the internal structure of the building, including the ground
4330 floors. This, as I said, is something that would happen in phases as the funding is made available and as the external works determine.

Hon. K Azopardi: The hon. Member will recall our conversation when I said to him that those works were only meaningful if there was then reform of the practices of the House, so perhaps he
4335 can take that also on board and I would invite him to do so.

Hon. Dr J J Garcia: Mr Speaker, yes, the hon. Member did say that, but that is a different debate, I think.

4340 **Mr Speaker:** Next question.

Q469-70/2022
National Archives –
Plans to increase access; permanent exhibition space

Clerk: Question 469/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what plans are there to increase public, physical and online access to our National Archives?
4345

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

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, I will answer this question together with Question 470.
4350

Clerk: Question 470/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, does the Government intend to create a space to allow some of the so far temporary exhibitions on local history organised by the National Archives to be on
4355 permanent exhibition?

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

Hon. Dr J J Garcia: Mr Speaker, yes. The intention of the Government remains to use Duke of Kent House for this purpose in relation to the exhibitions.
4360

There are plans to provide a larger reading room at the new, expanded archives at Duke of Kent House. In addition to this, the Government will continue with the digitisation programme, which has seen more information provided online, already, than ever before.

4365 **Hon. K Azopardi:** Mr Speaker, does the hon. Member have some kind of timescale for the Duke of Kent project? It has been talked about for some time. Obviously people do have access to the archives on request at the moment, but it would be much more useful and it would be a great resource for this community if people could have a place they could go to, to do their research.

Secondly, Duke of Kent House for exhibitions strikes me as ... From the last time I went there, it does not strike me as a building that is big enough to host a lot of these exhibitions. There have been quite a number of these exhibitions, and I have to say they have been excellent, but it would be good to just keep those alive because I think it could be quite a tourist focus if we could find somewhere where you could locate these things.

Hon. Dr J J Garcia: Mr Speaker, yes, I agree. The archivist and his team, and indeed the volunteers, have done a fantastic job with all the exhibitions that have taken place. I always felt myself, as the Government, that these needed a permanent home and I think in our manifesto we set out that we would like that home to be Duke of Kent House. It is actually much bigger than it looks from the outside because there are several levels to it and there are some behind also in a courtyard. It is all that area that we are looking at, which is half of that patio, if you like.

Obviously, the more information you have online, the less people will need to go there in person. I accept at the moment there is a kind of dual arrangement. There is an arrangement where people make an appointment and they turn up at the archives. That is mainly exercised by people who come from outside Gibraltar, researchers or whatever who are going to be here for a limited period of time. And then there are others, mainly the people who usually make use of the archives, and there are some of them too, regulars, who simply turn up, so it may be that somebody turns up one day and there is no space because it is occupied by people who have appeared before them. When I asked for figures they told me that there are about 400 people – and they keep a record – who attend in person every year. That, if you remove weekends, would be one to two persons a day. There are six places where people can sit properly and comfortably and conduct their research. The intention is that the Duke of Kent facility will at least double those, with space available in other rooms in case it becomes necessary.

As I said at the beginning, the more there is online, the less people need to turn up in person, but there are, I am told, at the moment, 8.59 terabytes of material online, which sounds huge to me. That includes population records of the civil population from 1301 to 1921. It includes military records. It includes all the evacuation section, which allows people to search for names, whether they were embarked on certain vessels and where they went and all the rest of it – surnames by ships, by addresses and by destination. There is also the video in honour of Her late Majesty Queen Elizabeth II, with parts of the exhibition that was used at that time. The Centennial City Council is also available online. The oldest document held at the archives, which is something called the Acta de Cabildo 1577 – an actual document – is also available online. People do not need to touch it or access it in any other way because it is already there. General Bland's Court of Inquiry of 1749 is all there and a 1911 Gibraltar film, the history of the Archives itself, the Referendum of 1967, a collection of vintage images, a timeline, the 50th anniversary of the Archives. The Victory in Europe, World War II, 1945 is also there. An exhibition on the closure of the Frontier can be viewed online as well. The 40th anniversary of the Falkland Islands exhibition can also be viewed online, and the ability to register as a member and get a history card which allows you to access the archives and then to have your favourites listed on that section is also available online. There is also a huge amount of statistics as well, which I will not go into.

In terms of what comes next, which I think was actually his question, the priority plan, I am told, now is to digitise 18th and 19th-century records and collections, so that is 1700s and 1800s, all the local press that they hold at the Gibraltar National Archives. They also want to digitise that as the next step. That answers the question, Mr Speaker.

Adjournment

4415 **Mr Speaker:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, what an excellent and historic note on which to seek to now recess the House until tomorrow at three o'clock in the afternoon, where I can give hon. Members an indication that my intention is to take, of course, my questions first – three o'clock on the third Thursday of the month – and then deal with questions to the Minister for the Environment and the Minister for Economic Stability and the Savings Bank.

4420

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 24th November at 3 p.m.

4425 I now put the question, which is that this House do now adjourn to Thursday, 24th November at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Thursday, 24th November at 3 p.m.

The House adjourned at 9.54 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3 p.m. – 6.25 p.m.

Gibraltar, Thursday, 24th November 2022

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The Gibraltar Parliament

The Parliament met at 3 p.m.

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

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

Questions for Oral Answer

CHIEF MINISTER

Q509/2022

Company Tax –

Amount collected in September 2022

Clerk: Meeting of Parliament, Thursday, 24th November 2022.

We continue with Answers to Questions. Question 509/2022. The Hon. R M Clinton.

- 5 **Hon. R M Clinton:** Mr Speaker, can the Government advise the amount of Company Tax collected in the month of September 2022?

Clerk: Answer, the Hon. the Chief Minister.

- 10 **Chief Minister (Hon. F R Picardo):** Mr Speaker, a total of £42.5 million was collected in Company Tax in the month of September 2022. This information is now available on the Government website.

- 15 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for that answer. Does he have any concerns about the level of Corporate Tax paid in September of this year, compared to the prior year?

- 20 **Hon. Chief Minister:** Mr Speaker, in the prior year the figure was £42.3 million in that same collection period, in September 2020 it had been £69 million, which was a high figure, but in September 2019 it had been £27.3 million.

- 25 **Hon. R M Clinton:** Sorry, Mr Speaker, I seem to have a different number for last year. I have a number of about £63.3 million. Is there something I am missing? Or perhaps this number has been amalgamated with the following month ... I cannot see. I do identify the £27.3 million for 1920. I see £69 million for 2021 and £63.3 million for 2021-22.

- 30 **Hon. Chief Minister:** Mr Speaker, the figure that I have is £27.3 million for 2019, which is the figure I gave him – and I am going back to the numbers – the £69 million that I gave him for 2020 and the £42.3 million that I gave him for 2022. I do not know whether the figure he has for 2021 is the full-year figure or an amalgamated figure for that year, or the February figure, which is sometimes higher.

The question he asked me was whether I had concerns. I am told by the Commissioner of Income Tax that we expect to be on target for the amount estimated. That is his concern and, as he knows, the figures tend to come in ... Principally February and September are important months in terms of how the spread usually happens, but in the context of how the whole year is likely to develop I am still being advised that we expect to be on target.

The question he has asked me is for September 2022. I have actually been given a figure also for October 2022 – if he is interested in having that, I can let him have it – which is £36.37 million. For example, Mr Speaker, the number I gave for 2020 was £69 million for September, but that was followed by £4 million in October and nothing in November – just £¼ million in November – so, as he can see, the figures ebb and flow depending on the end of year. In 2019, the figure had been £27 million in September, £34 million in October and £1 million in November. So the indication is that the annual collection is expected not to deviate materially from the estimates we set out in the Estimates Book.

Q510-11/2022

**Treasury rent and service charges –
Breakdown of estimated costs for 2022-23;
rationale and how rental income used by Government-owned companies**

Clerk: Question 510/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, further to Q392/2022 can the Government provide a similar schedule giving the breakdown of £10,700,000 of the estimated office rent and service charges for the Treasury Department for the year 2022-23, detailing the same information but identifying the lessor and grouping the information into (a) Government-owned lessors with a subtotal and (b) private sector lessors with a subtotal?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): I will answer this question together with Question 511.

Clerk: Question 511/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise what is the economic rationale for previously public buildings to be rented from Government-owned companies – for example, GAR Ltd – by the Treasury Department at a built-increase of 3% per annum for 20 years; and what are these companies doing with the money, estimated at around £9 million per annum?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, in relation to Question 510, I now hand over a schedule with the information requested by the hon. Gentleman.

Answer to Q510/2022

ANSWER TO QUESTION 511

ANSWER TO QUESTION 510

Private Sector Lessors	Rent	Ground Rent	Service Charges	Lessor
323 Main Street	£ 109,584.80	-	-	Southport Properties Ltd
Blake House	£ 67,424.12	£ 432.26	£ 1,896.40	Barnsbury Properties Limited
Leanse Place	£ 223,780.00	-	£ 59,214.96	Ryhall Limited
Unit 35, 71 & 72 New Harbours	-	-	£ 11,683.44	Land Property Services Ltd
World Trade Centre	£ 193,709.20	£ 939.60	£ 22,837.28	World Trade Center Services Ltd
Suite 6, 57/63 Line Wall Road	£ 123,858.00	-	£ 19,004.00	Gibcorp Limited
Suite E, Regal House	£ 87,696.00	-	£ 7,018.00	MB Development Company Ltd.
Eurotowers, Europort Road	£ 28,647.36	-	£ 2,239.68	Bentley Eurosuites Limited
John Mackintosh Hall	£ 125,000.00	-	-	Pyrmont Ltd
ICC Units 9.7, 9.8 & 9.3a	£ 79,798.52	-	£ 11,637.28	Bari Properties Limited

Government Owned Lessors	Rent	Ground Rent	Service Charges	Lessor
206-210 Main Street (Gibraltar Savings Bank)	£ 430,669.41	-	-	GSBA LTD
14 Governor's Parade & Library Street (DSS)	£ 63,861.97	-	-	GCP INVESTMENTS LTD
37 Town Range (Environmental Agency)	£ 125,965.29	-	-	GCP INVESTMENTS LTD
331 Main Street (Income Tax)	£ 173,029.26	-	-	GCP INVESTMENTS LTD
Unit 35 Harbours Deck (Treasury)	£ 26,300.45	-	-	GCP INVESTMENTS LTD
Unit 61 Harbours Deck (Technical Services)	£ 13,842.32	-	-	GCP INVESTMENTS LTD
Unit 69 Harbours Deck (Health Authority)	£ 17,995.03	-	-	GCP INVESTMENTS LTD
Unit 71 & 72 Harbours Walk (Treasury)	£ 47,063.97	-	-	GCP INVESTMENTS LTD
Unit 75 - 79 Harbours Walk (Employment)	£ 171,644.99	-	-	GCP INVESTMENTS LTD
Unit 83 - 86 Harbours Walk (Human Resources)	£ 119,044.13	-	-	GCP INVESTMENTS LTD
Unit 87 & 90 Harbours Walk (Technical Services)	£ 54,677.22	-	-	GCP INVESTMENTS LTD
Unit 91 Harbours Walk (Department of Environment)	£ 16,610.52	-	-	GCP INVESTMENTS LTD
Unit 93 Harbours Walk (Procurement)	£ 40,142.77	-	-	GCP INVESTMENTS LTD
Unit 99 Harbours Walk (Car Parks)	£ 33,221.61	-	-	GCP INVESTMENTS LTD
32 John Mackintosh Square (City Hall)	£ 377,365.97	-	-	GCP INVESTMENTS LTD
23 Queensway (Education)	£ 214,556.25	-	-	GCP INVESTMENTS LTD
16 Governors Parade (Social Agency)	£ 173,029.26	-	-	GCP INVESTMENTS LTD
31 Town Range (Buildings and Works Department)	£ 89,975.18	-	-	GCP INVESTMENTS LTD
16 Europa Flats (Bleak House)	£ 228,398.61	-	-	GCP INVESTMENTS LTD
12-14 Library Street (ITLD)	£ 141,827.21	-	-	GCP INVESTMENTS LTD
40 Town Range (Ex Department of Education)	£ 163,339.61	-	-	GCP INVESTMENTS LTD
1 Johnstones Passage (Care Agency)	£ 91,238.98	-	-	GCP INVESTMENTS LTD
11 Cathedral Square (Duke of Kent House)	£ 129,527.23	-	-	GAR LTD
19 Cemetery Road (Offices - Stores & Mess Room)	£ 10,491.71	-	-	GAR LTD
6 Convent Place (Government Offices)	£ 313,694.26	-	-	GAR LTD
10 Governor's Lane (Ombudsman)	£ 113,336.33	-	-	GAR LTD
104 Main Street (Post Office)	£ 224,082.15	-	-	GAR LTD
4 North Mole Road (Port)	£ 97,514.55	-	-	GAR LTD
31 Rosia Road (Police Headquarters)	£ 563,536.75	-	-	GAR LTD
32B Rosia Road (Offices & Store - Nelsons Anchorage)	£ 53,588.00	-	-	GAR LTD
2 Secretary's Lane (Joshua Hassans House)	£ 272,007.21	-	-	GAR LTD
2 Winston Churchill Avenue (Customs Office)	£ 135,589.10	-	-	GAR LTD
21 Hospital Ramp (Ex-St Bernards Hospital)	£ 2,249,176.59	-	-	GAR LTD
Winston Churchill Avenue (Old Airport Terminal)	£ 176,714.15	-	-	GAR LTD
32 - 36 Town Range (Law Courts)	£ 1,344,008.67	-	-	GAR LTD
18 Windmill Hill House (H.M. Prison)	£ 1,019,111.60	-	-	GAR LTD

The rationale that the hon. Gentleman asked about was established by Members opposite when in government. The current Government has continued the practice, which was established from 2010, of reflecting public buildings in Government-owned companies, as this allows the Government to keep a record of properties, as these are not otherwise reflected in the annual accounts of the Government. This practice, which the GSD established and we continued, allows the companies to charge rent for the premises and therefore generate income for the companies to repay the costs of building or purchasing any assets. The 3% increase set into the rates is to combat annual inflation, although obviously this year the rate of inflation is higher.

Hon. R M Clinton: Mr Speaker, I am grateful, first of all, for the schedule requested under Question 510, but unfortunately there does not seem to be a subtotal. Obviously, I can add up myself, but it means I cannot really talk intelligently about the total amount under Government-owned lessors as opposed to private sector lessors. I think, just glancing at the schedule, we can see that the bulk of the £10.7 million rent and service charges seems to be going to Government-owned lessors. Most of these agreements which have been signed, and in fact continue to be signed by the Government have the 3% inbuilt but compounded for 20 years. If, as the Government is saying, the money is going to the companies to be used for ... I cannot remember the exact word he used, but something to do with capital ... Yes.

Hon. Chief Minister: To help him, just to read that bit of the sentence again: to generate income for the companies to repay the costs of building or purchasing any assets.

Hon. R M Clinton: Right, so we pay the cost of building or purchasing. Again, from my own calculations, all I did was look at those properties that had had a 3% compounded increase between 2018-19 and 2022-23. Of course, in the private sector I think we would find it extremely rare that any lessee would agree to those terms – 3% compounded for 20 years. I think any lessor would be lucky to get those kinds of terms.

I guess what I am trying to get at is nine million quid a year – on a general estimate, when I can eventually arrive and the right number when the schedule is added up – is a lot of money, and looking at the actual ... at least one example of registered deeds, one deed that is registered, the Government is responsible for maintenance of the buildings anyway, so what you have is an outflow of money for rent going to these various Government companies – GAR, GCP etc. – increasing by 3% every year. Unfortunately, I do not have sight as to what GAR or GCP are doing with this money. If we had published accounts, I would not be bothering the House with this type of question.

I have one question which might perhaps answer as to the purpose, or where this money is going, in terms of what it is being used for in practice. The annual housing allowances paid to Gibraltar Capital Assets Ltd. – which in 2018 was £10.4 million, in 2019 was £10.7 million and in 2020 was £11 million – seem to increase by 3% every year, each time. My question is: is the relationship between the money that is being paid on the rental of Government properties to Government companies being used towards the annual housing allowances paid to Gibraltar Capital Assets Ltd?

Hon. Chief Minister: Mr Speaker, let me start by saying that the hon. Member's question talks about previously public buildings. To the extent that the buildings are in companies owned by the Government, they remain public. They are not alienated to a private landlord, they remain public ownership through Government companies, so I would not accept the hon. Gentleman seeking to characterise the buildings as being anything other than still held for the public, although through a company structure.

The hon. Gentleman has to remember that there are different types of contract in the private sector. He said you would never get, in the private sector, this type of contract. Well, you might not get a contract with a 3% compounded interest rate, but you might get increases in rent which exceed 3%. What the hon. Gentleman will know is that in the private sector, many clauses on rent are upwards-only rent reviews, and the rent reviews operate on the basis of reviews every three years or every seven years and the increase can amount to an increase which would be more than, for example, 21% over seven years, or it can increase by more than 9% if it is over three years. That is to say if you check your rental agreement and you review the rent after three years, in many instances it may go up by more than 9% after three years. I am surprised that the hon. Gentleman thinks that is not the case. I have acted for many landlords where the rent has increased by more than 10% over three years, and therefore that is not unusual.

The hon. Gentleman is right to say that the 3% increase is the same increase as was provided for in the investment by a number of entities that invested into the public housing estates, because we told him. He came to my office and we gave him a presentation and told him that was how we had fixed the increases on an annual basis. But why was that fixed in that way? Well, looking at the amount that had to be repaid and looking at inflation over periods where sometimes it can spike, sometimes it can be low, the average agreed, which would be agreeable to all parties, was 3%. That is why it was agreed at 3% there. For that reason, when we have started to look at these arrangements, which they put in place and we are formalising, we have provided for the same increases per annum.

The hon. Members will know that one of the issues between us has been the amount of cost in the company structure of the Government and how you get cash into the company structure of

the Government – in particular, where the Government companies do not produce income in their interface with the public, with third parties. The Bus Company is one that we have discussed before. The Bus Company is part of the company structure. The Bus Company has expenses, but the income which the Bus Company has is very low compared to its expenses. From memory, I seem to recall we discussed, during the course of the Budget debate, costs in the region of £9 million to £10 million a year to run the Government Bus Company and income of less than ... I was going to say less than £1 million, but about £350,000. So, the wider Government structure requires an injection of capital from the Government from the taxpayers' pool in some way. Insofar as the Government company structure requires that injection of capital in an unmitigated fashion, then at the end of the year there has to be an adjustment to provide that income to the Government structure of companies, which we inherited from them, as the hon. Members may recall, in 2011 with what I called a black hole of £100 million. That is to say there were liabilities in the Government company structure of £100 million, which were unfunded. So what we are doing through these structures, which they established and we are continuing to put in place, is to ensure that there is income into the Government company structure – in particular, in respect of those Government companies that relate to companies where we have had cost.

I want to be clear that when we have transferred assets into the Government company structure we have done it in the way that we have been advised is the proper way to do it – and I think the hon. Member would agree. That is to transfer assets at value on to the Government corporate structure, whilst at the time that they did it ... the one thing we have not pursued which they did was that they transferred Government property into the Government corporate structure at nil value. So we have enhanced the structure and we have ensured that the costs that the Government companies have – in particular the cost of building and the cost of acquiring assets etc. – is being provided for by creating this injection of capital on a regular basis through the payment of rent, which rent increases by 3% a year.

Mr Speaker, I hope that is helpful to the hon. Gentleman and that it helps to further elucidate these issues. He said he does not have the accounts of GAR and GCP investments, but he will. They are in the process of being finalised and as soon as they are finalised he will be able to obtain them from Companies House in the usual way.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for his answer. I will reserve comment about what is a normal rental clause since I am not a lawyer and I have no real expertise in negotiating leases. But it is a curious trait of all of these leases with Government companies that they all go up by 3% and for a period of 20 years. I do not know why 20 years.

Hon. Chief Minister: Will you give way?

Hon. R M Clinton: Yes, of course.

Hon. Chief Minister: Mr Speaker, there is a reason for that. It would be a curious trait perhaps, if you were dealing with different landlords and different lessors in the private sector, to find that pattern, but here you are dealing with one landlord, who is also the owner of all of the lessor companies, and therefore it would be fictitious to have one at 2.5%, one at 3.5% and another one at 3% when what you want to achieve is that you are growing the income into the Government company structure through the rents by an average of 3% a year, so that you are getting the rent and the increases and you are creating that cash in the company structure. There is no magic to the pattern, other than you are dealing always with the same party and counterparty.

Hon. R M Clinton: Mr Speaker, I think we can take that as read. A trait is a trait. They all have the same 3% increase. That is all I was saying.

I have not heard yet whether this money is going towards the annual housing allowance that is paid to Gibraltar Capital Assets Ltd, which is being used to pay what I call a mortgage, what he

190 calls an investment of £300 million the housing estates. I would be grateful if the Chief Minister could advise whether any element of this is going towards that.

I would remind the Chief Minister, when he talks about the Bus Company, that when we had that conversation in this place we were talking about the contribution from the Consolidated Fund to Government-owned companies in the region of, in the past, £25 million, now in the region of
195 £30 million. So it is in the context of that.

I did not expect to find, looking in the expenditure of the Treasury Department, under a head called 'Rents and Service Charges' what he is now describing to us as a contribution to the running costs of Government companies across the board. I would have expected, in all honesty, although we disagree as to the contribution element in the Consolidated Fund, that that is where the money
200 should have appeared. If an extra £10 million was needed to fund Government-owned companies, it should have come from there, but not described as rent and service charges under the Treasury Department.

I would ask the Chief Minister another question, and that is what would happen if these rental agreements were terminated? What would happen if these companies did not get the cash? What
205 would be the consequence? Is there something at the end that is sucking up this kind of money, which is contractually required? If a future government came in and said, 'This is not actually achieving anything because all you are doing is moving money out of the Consolidated Fund into Government companies. Why don't we just do it directly from the Consolidated Fund and describe it as such?' ...

210 **Hon. Chief Minister:** Mr Speaker, these contracts will not be terminated unless the Government decides that they should be, because we are both sides here. As I said, we are the landlord and we are the lessor, and the only way that this could happen is if a future Government makes a decision to pursue a different structure. But let's be clear, it would be a little remarkable
215 if the future Government that were to change the structure were the Government that we inherited it from. In other words, we inherit this from the GSD, we continue it and we enhance it because we do not believe that it is right to have a continually growing black hole in the Government companies and we want to do something about addressing that. If what he is saying is that he would go back to a situation where he would either reduce this or he would undo it
220 completely and he would completely fund the companies in a one-off payment from the Consolidated Fund ... It is another way of doing it, there is no difficulty, but it is a very large amount of money to pay in one swoop. In other words, by doing it in this way we are further structuring the amounts that are provided by the companies and we are providing it in a measured monthly way, so that that kitty builds and you do not have to do the adjustment at the end of the year. I
225 think it is just different ways of doing the same thing. Let's just use some random figures. If the liability in the companies is £50 million, you either, at the end of the financial year, give the companies £50 million, or, through the year, give the companies enough money through the rental that we are discussing and reduce the amount that they need to have – sorry, rather you grow the amount that the Government has to give them.

230 So it is, in our view, two ways of achieving the same thing. I do not think that much should turn on it. There is not a third party that can come in here and terminate these arrangements; it is the Government on both sides. The hon. Gentleman's question was is this being used to fund the £300 million investment, which he calls a mortgage. The answer is no, that is not funded from here. If it is helpful to him, there is a clear answer there. The question was yes or no: the answer
235 is no. I hope that that is helpful to him and I hope that he can further consider what his policy position is, now that he has the information.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister, but if I could just say that his rationale for funding Government companies in this way is, from an accounting point of view,
240 somewhat simplistic, in that he seems to suggest that the £30 million that is funded to the Government-owned companies goes in one lump sum at the end of the year. I would find it hard

to believe that that is the case. And to suggest that putting some money aside every month or every year is easier, again I find that to be trying to stretch my imagination somewhat.

245 But anyway, if I can ask the Chief Minister to recognise one point: when he says, 'I inherited this,' he may remember that some time back, when I asked about a large property transaction with GAR Ltd where some properties to the value of about £40.2 million were transferred into it by this Government, I asked him where did the money come from and he said, 'I do not really know.' But if we were to look at the schedules to these properties, apart from any new property transferred into GCP, there was actually a second schedule which showed that there were existing
250 leases created dating back to 1st March 2013, which is fairly squarely in the term of this Government. So to say that he has inherited this picture is to somewhat, perhaps, exaggerate it, because if we were to do the exercise of going through every single property on this list, I would venture to suggest that the vast majority are during the term of his Government.

I think we are going to have to agree to disagree as to (1) is this a logical way to fund the
255 companies, and (2) I still do not know where the money is going. Perhaps, Mr Speaker, I could ask the Chief Minister when the accounts of GAR and GCP – and especially GSBA I am very interested in – are produced, if he could give us the full accounts and not just the balance sheet, because he knows, as I know, the important thing for me is the P&L. I would like to know how the money is spent. The balance sheet would not tell me that. Would he at least commit to giving Members of
260 this House the full accounts and not just the balance sheet?

Hon. Chief Minister: Mr Speaker, I did not pretend that they had put all of these properties into these companies. I told him that we had continued the practice that we had inherited from them and we had added more. I was very clear about that in what I have said. If he does not
265 believe me, he should look at what GCP did. GCP, in December 2010 – when we were not in government, we were in opposition – took a loan of £20 million and transferred a considerable number of properties into GCP. The Government then transferred a considerable number of properties into GCP at no consideration, which I believe was not the correct way to do it. That is why I have told him that when we have done it, we have done it at real value. I believe he will
270 agree with me that it makes sense, when you are transferring property into a company, to transfer it at real value, not at nil value. That is what I said we were doing differently to what they were doing, but they established the principle of putting property into companies and paying rent to that company for the property that otherwise belongs to the Government, to pay the liabilities that that company had incurred to develop property. That was Gibraltar Car Parks Ltd. We have
275 had this debate a number of times in this House.

What the Government wants to do as we further develop this structure is to ensure that we match liabilities to the income of the company so that we better provide for the income that the company receives as rent from the Government against the liabilities of those companies, something that I am sure he will also think is prudent in the context of pursuing the way that the
280 GSD set up this company structure for the Government to pay rent to itself through a Government structure and in that way provide for the liabilities of the Government companies.

Mr Speaker, the hon. Gentleman says that I am stretching his imagination. Well, there must be many more things in life than are alive in his imagination, as was said to Horatio in one of the great Shakespeare plays, because the reality is that this is not a structure that Ministers or I have
285 devilishly one morning come up with. It is the advice from Government accountants that this is a good way of ensuring that we are providing for the liabilities of the companies. Indeed, it must have been the advice that they had – I do not know whether he was advising then Government – because other than the transfer of the properties at nil value, which we do not do and we are told was not the right way to do it, and the transfer at full value, I think we are continuing exactly the
290 same thing that we inherited, and that is clear.

As for the accounts, this Government will continue to publish the accounts of the companies. We are now in the process of, I think, having published many of them with very few still left to go, and we will ensure that we comply with the law in this respect, something which the previous

administration did not do. In case people have forgotten this part of the debate, hon. Members, when they were in opposition, used to say that it was terrible, first of all, that there was a Government company structure, and second, that the Government companies did not publish accounts. True to their word, in 1997, a year after they were elected, they published the Government company accounts for some of the companies but not all of them, and after 1997 they put their money where their mouth was and they legislated to make it a legal requirement that every company in Gibraltar should publish their accounts. But what they did not do was publish the accounts of the Government companies, ever, after 1997. That is to say they went to an election saying they were going to undo the company structure, and in fact they grew the company structure. They went to an election saying they would publish the Government company accounts and they published them in some instances once and in some instances never. They then required by law that this should be done by everyone in our economy and the trades in this jurisdiction using a company, and then promptly failed to comply with their own law.

We will comply with the law and we will file the company accounts, and those that are left will be finished – and I hope they will all be finished very soon, Mr Speaker.

Hon. R M Clinton: Mr Speaker, with your indulgence – I appreciate it may be getting a bit tedious – I do not want to go into a debate about filing of accounts, but when he says, ‘I will do what is required by the law,’ he knows that some of these companies probably have no employees, or very low turnover, and will file, as required by law, an abbreviated sets of accounts, which may be just a balance sheet. I am asking him to produce the full accounts. Would he commit to this House to provide the full accounts, not to Companies House but to this House?

And finally, he says, ‘We are paying money to the companies so they can pay the liabilities.’ Perhaps he could give us an idea of what are the liabilities of GAR Ltd?

Hon. Chief Minister: Mr Speaker, I think the hon. Gentleman either does not want to understand what I am saying to him or simply wants to ask me again. I have given him an answer about what accounts we are going to publish. We are going to publish the accounts that are filed with Companies House and required by law. That is what we are going to publish. Full stop. We are not going to publish anything else. *(Interjection)* They did not publish anything. We will take a huge step forward for this community in transparency and accountability, in complying with the law and ensuring that everything that the companies have to file by law will be published.

He says, ‘Now give me everything – give me the guts of the company, give me every single part of the P&L,’ and when they were in government they did not even publish the parts that the law requires that they publish. The hon. Gentleman will forgive me for saying that there is something that smells of political hypocrisy about the position the GSD take. That is why I explained to him that when they were in opposition they said they would undo the company structure; when they were in government they grew the company structure. When they were in opposition, as they are now, they said they would publish the company accounts; when they were in government they failed to publish the company accounts. Then they made it a legal requirement to publish company accounts **(Hon. R M Clinton: Repetition.)** and they promptly failed to comply with their own rules.

Mr Speaker, if the hon. Gentleman is going to get up and say ‘repetition’, before we have any adverse effect on his health can I just remind him this is not *Just a Minute*, this is Parliament, and if the hon. Gentleman has not understood what I have told him, then I am going to repeat it.

Hon. R M Clinton: Mr Speaker, finally – *(Interjection by Hon. Chief Minister)* Yes, but I asked a simple question – ‘Are you going to give me the full accounts?’ – and I have had my answer. The answer is no. My second question was what are the liabilities of GAR.

Hon. Chief Minister: Mr Speaker, to give him an answer which I can assure the House is accurate, I would need notice of that question. The question that we are dealing with does not, for one moment, lead to what the liabilities of GAR are, and in this moment I do not have the

details. I can tell him the amounts that I do know GAR is paying, but that would not be a complete list. For example, the cost of building HM Prison and the Law Courts was put through GAR and the rent is used to pay for the costs of the building and renovation of the Prison and the Law Courts. GAR was also used to purchase a number of properties from third party entities, including the Queen's Cinema, the Queen's Hotel, Britannia House and No. 1 Jetty, so the rent on non-vacant properties is used to repay the cost of those purchases, but I am not confident that those are all the liabilities of GAR and I would not want it to be said that I have inadvertently misled the House by suggesting that those are all of the liabilities of GAR. Those are the liabilities of GAR that I have with me today.

Mr Speaker: Next question.

Hon. R M Clinton: Do I have [inaudible]

Mr Speaker: The question must flow from what –

Hon. R M Clinton: – he has just said.

Mr Speaker: Okay, but just a very short question, and we will require a very short answer to it.

Hon. R M Clinton: Mr Speaker, I am grateful to the Chief Minister for what he has just said, but the implication is that there are capital transactions going through these entities which obviously – and I am happy to be corrected – have never appeared through the Improvement and Development Fund. Is that correct?

Hon. Chief Minister: Mr Speaker, I do not think that the hon. Gentleman has discovered America. If something goes through the company structure, it does not go through the Improvement and Development Fund. That is how they used to do it; that is how we have continued to do it. Gibraltar Car Parks, for example, did not go through the Improvement and Development Fund because they put it in a company in 2010. They put assets of the Government, government buildings, into Gibraltar Car Parks Ltd at no value in 2010. They took a loan from Barclays Bank, I think at 6%, in 2010 and they funded it through there; it did not go through the Improvement and Development Fund. So the hon. Gentleman is really asking me a question that is clearly established by the structure that we inherited from them.

Mr Speaker: Next question.

Q512/2022
Company COVID charge –
Whether abandoned

Clerk: Question 512/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government confirm that it has abandoned the introduction of the £25 per week company COVID charge announced in the Chief Minister's 2022 Budget speech?

Clerk: Answer, the Hon. the Chief Minister.

390 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this continues on hold whilst the Government meets with various representatives of the business sector.

Hon. R M Clinton: Mr Speaker, if I can ask the Chief Minister: can he give the House an indication of how much he had hoped to raise with this tax at the time he announced it at the
395 Budget session?

Hon. Chief Minister: Mr Speaker, I could give him that indication, but it would not necessarily be rocket science because you are just multiplying the number of companies on the register by the amount of the weekly charge.
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Hon. K Azopardi: Can I just ask the Chief Minister ...? I think he said in his original answer that it was still subject to the discussions he was having. How many meetings has he held with representative organisations, and who is he consulting specifically on the issue?

405 **Hon. Chief Minister:** I have held a handful of meetings already. Mr Isola has held a number of meetings as well. We are consulting with those who represent trust and company managers in particular, and we are consulting with the wider business community.

Hon. K Azopardi: The Chief Minister will know that there was some concern voiced quite soon after the measure was announced, which caused the Minister for Financial Services to come to this House and, in his own Budget contribution, make the announcement that indeed the measure would be – I am not taking a word from his speech, but for want of a better word – ‘suspended’ until there was representation, and the Chief Minister will be aware there is concern in the industry out there at the significant effect that such a charge would have. Will the Chief Minister
410 bear in mind that concern? In particular, I am sure he shares the view that it is important to give clarity to the industry going forward, so that the Government lands on the issue, one way or the other, relatively soon. Does he agree with that?
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Hon. Chief Minister: Mr Speaker, I obviously agree with that. I do not know whether he is just getting up to make the statement so that people hear him saying it, because although he is saying it, I am the one doing it. I am the one who has not given effect to the measure because of the concerns that have been expressed to us. I am the one who has listened to the concerns and does not want to push people over the edge. I am the one who wants to make sure that we continue to help businesses in Gibraltar. I am the one who is doing what we can do in not proceeding with the measure at this stage to give the clarity that people need, and we are looking to try to ensure
420 that we do not have to go down this route if it has a materially adverse effect on business in Gibraltar, as some suggest to us that it does.
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We are working to help the business community to get out of COVID, as we helped the business community in COVID, and what we are trying to do is avoid the business community being used as a political football and deal with this issue under the radar in a proper way and in a way that delivers the result that will ensure the greater prosperity of all sectors that rely on the corporate register in Gibraltar, in particular the trust and company managers.
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Hon. K Azopardi: Yes, Mr Speaker, he is the one who is consulting the industry, he is the one who is sitting down with them and he is the one who can take the credit for rowing back on the measure, but he is also the one who came up with the brilliant idea and announced it, and all I am saying ...
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On this side of the House we are elected to also express concerns, so that the Government is aware of those issues. I am sure the Government is also aware. He says he is aware. It is four months after the Budget. It is appropriate and in the public interest for us to raise the issue with the hon. Member because the industry also speaks to us and wants clarity. That is the issue that
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we are bringing to his attention. That is why we ask him again to consider the issue and give clarity, and I am glad he agrees with that in his remarks.

445 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has just got up and given a speech at Question Time, which is really, frankly, unacceptable, and what he is going to get from me is to say it is all very good that he gets up now and says that, but in his Budget reply to me he did not express concerns. (**Hon. K Azopardi:** I did.) No, Mr Speaker, I will check again, but I cannot recall him expressing concerns. They were asking us to raise money to deal with the cost of COVID
450 because that had affected the public finances. That is what they were asking us to do. Then we bring measures and the measures cause an issue.

I am always going to be the one to take responsibility for my actions. I am not going to say I did not come up with the measure, whether I did or whether I did not. I announce the measure, it is my responsibility, but if genuine concerns are expressed to me which I believe have a reason, in
455 fact, to persuade us not to proceed with the measure, we will not proceed with the measure, because we are listening and because all of the measures that we take are designed to deliver prosperity, are designed to make Gibraltar a better business environment, which also, of course, requires us to have our public finances back to where they were pre pandemic, and when we agreed that we should spend the money during the course of the pandemic across the floor of the
460 House – although again it appears that I am the only one still prepared to accept the responsibility for that spending.

Given that there was no question, Mr Speaker, he must not assume this is an answer which would lead to a supplementary.

465 **Mr Speaker:** We are now going to continue with the next question.

Q513/2022

Legal claims settled at over £50,000 against Government, its agencies or companies – Number settled in last six years

Clerk: Question 513/2022. The Hon. E J Reyes on behalf of the Hon. DA Feetham.

Hon. E J Reyes: Mr Speaker, how many legal claims or threatened legal claims against the Government, Government agencies or Government companies have been settled in the last six
470 years where the claimant has been eventually paid more than £50,000?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, a total of 42 legal claims or threatened legal
475 claims of over £50,000 have been settled.

Hon. K Azopardi: Mr Speaker, I do not know if the hon. Member has the total of what those 42 claims would come to. Obviously the question asks for payments over £50,000, so they might vary from £50,000 to bigger sums. Does he have a total of the sums that have been settled?
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Hon. Chief Minister: Mr Speaker, I do not have a total, but I have some subtotals. Without adding anything other than the millions and hundreds of thousands so that I do not get into any difficulty, it is £5.4 million – over, because I am not adding the tens of thousands. I am only adding the millions and the hundreds of thousands, so £5.4 million.

485 **Hon. K Azopardi:** Again, I do not know if he does have it, but among his subtotals – the question asks for Government, Government agencies and Government companies – is there a split between Government, Government agencies and Government companies?

490 **Hon. Chief Minister:** There is, Mr Speaker, but I am not sure that it is accurate because I have only been given it in respect of supplementary information. I can tell him that I can see the Gibraltar Health Authority obviously is one entity on its own and that accounts for 17 of the claims. Eighteen of the claims are GHA and Care Agency. Fourteen are Government companies, from what I can see here. I hope that is helpful. Then the breakdown is other agencies and Departments.

Q514/2022

Housing estates –

Whether instruction given to clean in advance of Chief Minister's visits

Clerk: Question 514/2022. The Hon. D J Bossino.

495 **Hon. D J Bossino:** Did the Chief Minister, Ministers or any public servant give instructions for the cleaning of the housing estates ahead of the Chief Minister's recent visits?

Clerk: Answer, the Hon. the Chief Minister.

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

Hon. D J Bossino: Mr Speaker, that was a predictable reply. *(Interjection by Hon. Chief Minister)* Yes, it was. The reality is – and we have, as a party, shown to the press evidence – that there was substantive cleaning to one particular estate, in this case Mid Harbours, the day before the hon. Member visited. We have also been told, directly on the ground by residents, that there has been cleaning in advance of the Chief Minister's visits with a retinue of press and him giving him interviews and all the rest of it. Does he not agree with me that if that is the case – and I put to him that it is the case – this is cheap electioneering on his part?

510 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman does not seem to know what comes out of his mouth or what flows out of his pen. The question the hon. Gentleman has asked me has nothing to do with his supplementary contribution. The question was did the Chief Minister, Ministers or any public servant give instructions for the cleaning of the housing estates ahead of the Chief Minister's recent visits? The answer – the truth – is no. If he knew the answer to that question, his question is out of order because he should not ask a question which he knows the answer to. If he knew the answer to that question, I wonder why he asked it.

515 The reality is that the things he has said happen do not flow from the things that he asked us. When I go to a housing estate on location, I ask that the people who should be with me are the people who represent the Department of the Environment, the cleaning subcontractor to the Department of the Environment, the people who represent the Housing Works Agency and the people who represent GJBS. I also have people from my staff present. We also have members of the Royal Gibraltar Police present. If he had asked me did the people who run the cleaning company that has the contract for the cleaning of the estates know that you were going to the estates, the answer would be yes, sir. If the people who run the cleaning company know that I am going to the estate and decide to clean the estate before I go to it ...

525 The hon. Gentleman can accuse me of many things but he cannot accuse me of cheap electioneering when an election is not due for another 11 months. Somebody might accuse them of waking up, Rumpelstiltskin-style, to the needs of the Government's tenants and our

530 constituents only once every four years, but you cannot accuse the Government and this Chief Minister, who has been going on location since 2015 to do his clinics on location, who has been going to visit housing estates since we were elected, to ensure that the refurbishments were done – the very same refurbishments that they did not want, the very same refurbishments the cost of which they would not have incurred and they criticised – of cheap electioneering.

535 I did not need him to put video evidence of somebody cleaning an estate to be told that the estate had been cleaned before I arrived. It was, in the French vernacular, bleeding obvious because the guys who were doing the cleaning were still there when I turned up, the floor was wet and they were still sweeping, and the people from the estate were saying to me, 'You know, this does not happen every day. Maybe this is just because you are here.' My answer to them was, 540 'Don't worry, I am going to keep coming. If it is just because I am here, I am going to keep coming.' In fact, I am going to keep going to the estates to ensure that the standard of cleanliness that I have seen in the estates is the standard of cleanliness maintained and, indeed, given the things I have seen for myself which are not up to standard, that the standard is exceeded, because, in the way that the Hon. the Minister for Housing said, we expect the performance of our subcontractors and we expect the compliance of our tenants and people who reside in the estates. That is what I 545 am elected to deliver, that is what the Hon. the Minister for Housing is elected to deliver, and if the hon. Gentleman thinks that we are not going to deliver it so that they can ride a wave of misery, anti-social behaviour and lack of cleanliness into No. 6 Convent Place, they have something else coming because, first of all, there will be no such misery, there will be no such anti-social behaviour, there will be no such lack of cleanliness and it will take more than a wave 550 to get them into No. 6 Convent Place.

Hon. D J Bossino: Mr Speaker, so long as the estates are going to get cleaned, quite frankly I am very happy. I am very happy that that should be the case, (*Interjection*) but the evidence clearly 555 suggests that what I said in my original supplementary is absolutely correct. He is being very technical in his reply. All I say is it is not that I knew the answer, I am not suggesting that I knew the answer; it is the answer that I expected from him, which was a simple no. What he is telling me is that he did not give any instructions for the cleaning of the estates – or any other Member of his Government – in advance of his visit. What he is, in effect, telling me – and I would ask him 560 to confirm this by way of the question, whether he agrees with the way that I am putting it to him – is that the cleaning companies were aware that he and his Ministers and colleagues were going to be visiting, and then, out of a frolic of their own, on their own initiative, waving the magic wand, indirectly, they cleaned the estates before the arrival. Does he agree with that proposition I am putting to him?

565 Can I suggest he has taken (*Interjection*) a long time in his response and come up with, in effect, a party political broadcast? And then he says he is not electioneering, he is doing it 24/7 and the elections are not for another 11 months. But can I suggest to him that he keeps his visits absolutely secret, that he keeps his visits away from the cleaning companies, so that he sees the reality on the ground, so that he sees the endemic problem that these estates suffer day in, day out – despite 570 what they are wishing to tell us here and the Minister for Housing getting all excited (*Interjection*) – and the reality of what they live day in, day out?

Hon. Chief Minister: Mr Speaker, it is remarkable. Hell hath no fury like a leadership candidate caught out, obviously. The hon. Gentleman asks a question and is then disappointed when he gets 575 the answer that he expects, which is the answer that of course he should expect – that is to say the truth. Now he is dancing on a pinhead to try to get himself off the hook that he has created for himself. I have never seen anything quite like it in this Parliament. I must say the GSD really does need to stick with Mr Azopardi because perish the thought that they fall into the trap of a Bossino leadership.

580 The evidence suggests, he says, that what I have put to him is the truth. Didn't I just get up and say to him that I did not need to see a video from him to be told or see that the estates were being

cleaned before I arrived? I did not, because I told him – (*Interjection by Hon. D J Bossino*)
Mr Speaker, the hon. Gentleman is –

585 **Hon. D J Bossino:** This point of order arises from your suggestion and ruling, I think it was, in
relation to political discourse and discourse in this Chamber. The hon. Member has come up
already, as it is, within an hour, with three or four gems. The last one was 'into the trap of a Bossino
leadership'. He talks about 'hell hath no fury like a leadership candidate ...' I did not take a full
590 note. He says, in relation to answers given to my hon. Friend Mr Clinton, 'it smells of political
hypocrisy'. He even, dare I say, talks about the deficits in relation to the company as 'a black hole'.
All of those things ... it depends on what standard we are expected to reach. Just to repeat the
point that I made yesterday, I am fine with them, but I simply raise it as a point of order to seek
the Chair's guidance in relation to this, because then we can do the same.

595 **Mr Speaker:** The Chief Minister.

Hon. Chief Minister: In reply to that point of order, Mr Speaker, it is quite something to see
somebody who is taking his nascent steps into an attempt to lead this community and his political
party, seem so afraid of the political debate. The hon. Gentleman needs to understand there is a
600 difference between political discourse and taking the Parliament down the road of the invective
and starting to create an ambience which means that tempers flare. That is what he was doing
yesterday. All I am doing today is reflecting the political reality as I see it. For example, Mr Speaker,
I will accept whatever ruling you make today. I did not hear the Hon. Mr Bossino yesterday
apologise to you, as you suggested that he should when you made your ruling. I believe Mr Bossino
605 needs to understand that there is a difference between a lack of temperance and being political
and dealing with matters in a normal parliamentary manner. That is what he is failing to
understand, and today he is raising a shield, I assume to avoid me giving the answer I am going to
give to the latest supplementary, which will once again demonstrate how wrong he is in the
approach that he is taking to these things and how foiled he feels in respect of the campaign that
610 he was obviously seeking to launch.

Mr Speaker: I think both sides are guilty, in many ways, of bringing politics into play – both
sides. I have read a lot about judgments made in other jurisdictions, and one thing which comes
to mind I think is quite appropriate to be used now. It says here:

The whole idea of supplementary questions is not to make a range of political statements about an issue but to dig
into an issue to test a Minister's answer.

615 I have to say with all due respect to the Opposition that they fall foul of this quite often. I also
have to say that the Government falls foul because it also, when it replies, makes political
statements.

Another explanatory note that I have here, which again I have picked up from my looking at
other administrations, says:

Ministers should not commence an answer to a question with a political attack on the person asking the question.
That is totally outside Standing Orders, but where Members asking questions make a political statement, they are
likely to get a political statement back.

620 Again, this is what is happening. It happened yesterday, it is happening today. My answer is
stop bringing in political issues. But it is very difficult; everybody wants to do that. It is part and
parcel of what transpires in Parliament because that is the nature of the beast. You understand
that? Okay. So that is my ruling.

Hon. D J Bossino: Mr Speaker, it is a massive tension, but at the end of the day – I think I mentioned it yesterday – this is a political Chamber and it would be odd that, for example ... But both sides can ... In fact, in relation to this issue, I think we exchanged press releases and we talked about ... I said things like ‘electioneering’ and then they said whatever it was that they said, but you can have that type of discourse out there ... It is the type of discourse that those who elect us are having and yet somehow that should be muted here.

As far as I am concerned, I repeat the point that I am fine with the things that he has said today because I think those are political issues, but then I need to be able to make political comment in the questions, and ultimately, whilst it may be that technically we are the ones who start this because we are the ones who pose the questions, sometimes they start it because sometimes we file a question, a very –

Mr Speaker: Please resume your seat. I know that the Opposition’s role here is to hold the Government to account; of course this is allowed and this is part and parcel of the process. But yesterday – and I am going to bring this up because the hon. Member brought it up – everything that came from your good self was tinged with ... not aggression, but unhelpful comments as a preamble to a supplementary. That is the way I interpreted the matter yesterday, and it is beginning to creep in again. I do not think Parliament is set up for that kind of behaviour.

People in the street comment about the way we do our business here. Do you know what they say? Not everybody, but some say it is like trying to keep children in a classroom under control. And it is true. To a certain degree, it is true.

I think we are going to move on from this question and this answer, but I am going to ask all Members to hold back and let’s make this a meaningful Parliament, a Parliament where legitimate questions are made and truthful answers are given. We are going to move on from here, and I am going to ask all Members to pipe down.

Hon. Chief Minister: Thank you, Mr Speaker. As I told you yesterday, I think that is excellent advice.

The hon. Gentleman asked me a question. He extended himself over that question with very partisan remarks – some of which I am sure they will now seek to extract in the video and portray to the world, to try to extract support – and then interrupted me when I was starting to reply. You have ruled that you want us to move on. I do not know, Mr Speaker, whether you want me not to answer the question that he put, or whether you simply want me to answer it without falling into the trap of the partisan invective which the hon. Gentleman was laying.

Mr Speaker: We just need to move on to the next question.

Q515 and Q519/2022

Hassan Centenary Terraces, Bob Peliza Mews and Chatham Views –

Number of units unallocated; estimated construction cost

Q516-18/2022

Bob Peliza Mews and Chatham Views –

Number of purchasers wishing to discontinue purchases; reason for purchase agreements not yet being signed; whether advertised purchase price to increase;

Clerk: Question 515/2022. The Hon. D J Bossino.

Hon. D J Bossino: How many units in the Hassan Centenary, Bob Peliza Mews and Chatham Views developments remain unallocated and why is this the case, considering the continuing and high demand for housing?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Questions 516 to 519.

670 **Clerk:** Question 516/2022. The Hon. D J Bossino.

Hon. D J Bossino: How many people of those initially allocated homes at Bob Peliza Mews and Chatham Views have now requested to discontinue their purchase?

675 **Clerk:** Question 517/2022. The Hon. D J Bossino.

Hon. D J Bossino: Why have prospective purchasers of Bob Peliza Mews and Chatham Views not yet signed any purchase agreements, given they were allocated homes some years ago?

680 **Clerk:** Question 518/2022. The Hon. D J Bossino.

Hon. D J Bossino: Is the Government considering increasing the selling price to purchasers of Bob Peliza Mews and/or Chatham Views from that originally advertised?

685 **Clerk:** Question 519/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what is the current estimated projected construction cost of each of Hassan Centenary Terraces, Bob Peliza Mews and Chatham Views, and how does the current projected construction cost compare with the original contracted construction cost and the original tendered construction cost, if different?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, all units for all three estates are now allocated.

695 The requested figures are as follows: Bob Peliza Mews – 18 flats have been handed back; Chatham Views – nine flats have been handed back.

Construction contracts have not yet been finalised with the contractor for Chatham Views and Bob Peliza Mews. Once these contracts are signed, the Government will be in a position to start entering into purchase agreements with prospective purchasers.

700 The Government is not considering increasing the selling prices of properties already sold at either Bob Peliza Mews or Chatham Views.

As for projected construction costs, can I ask the hon. Gentlemen to ask me again February, to avoid disclosing information that is currently commercially sensitive but I hope to be able to answer by then without any concern?

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Hon. K Azopardi: Mr Speaker, can I just take my supplementaries on Question 519 first, if I may? And can I just say, before I do that, that if I have any supplementaries on the other questions, with Mr Speaker's leave, in accordance with your usual ruling that I can sweep in at the end, if I have any comments I will, but I am not going to take those first, in deference to my colleague who put those questions?

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On Question 519, as I understood the Chief Minister's answer, on Bob Peliza Mews and Chatham Views he is saying they have not got to a contracted situation as yet – that is how I have understood that – and towards the end he said, 'Ask me in February.' That is fine, we will, and there is no issue with that. I understand the reasons behind the comment and we will do that. But insofar as Hassan Centenary Terraces is concerned, presumably that is a different position because – (*Interjection*) Well, I will finish the question, then you can answer. Presumably – I was going to say – it is a different position because the project is well under way and the blocks are

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rising, and therefore I would have assumed it is a different situation. But I can see him shaking his head, so I will give him the opportunity to answer.

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Hon. Chief Minister: Mr Speaker, the Hassan Centenary Terraces agreements have been concluded both for phase 1 and phase 2, but if I disclose what we have agreed there, then that potentially affects the contracts that we are hoping to conclude in respect of Bob Peliza and Chatham Views. That is why I do not want to give the information at this stage. That is why they are linked. I am happy to give the hon. Gentleman the figure in respect of Hassan Centenary Terraces confidentially at this stage, and I am happy to give it publicly in February, but I do not want to give it publicly now because it could affect our negotiations in respect, I think, of one of the contracts.

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Hon. K Azopardi: Mr Speaker, February is around the corner, so – as the hon. Member has said several times now, the election is not for a while – we can easily wait till February and I can put that question, with Mr Speaker’s leave, of course, so that it does not infringe the six-months rule, given the invitation of the Chief Minister.

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Can I ask, though, before I sit down, the magic of February is what? That they have some kind of understanding with the contractors that they are going to land on this issue by then?

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Hon. Chief Minister: Mr Speaker, the timetable I have given to the House is I expect the demolitions to be finished by December in respect of Chatham, and at the very latest by March, in respect, I think, of Bob Peliza, and therefore the expectation I have is that the contractual negotiations for the start of works will be finished by December/January in respect of each of those projects respectively. Therefore, by February I expect we should be in a position to disclose the information because I expect we will have concluded the negotiations and signed the agreements, or at least concluded the price, and be in the process of finalising the JCT or whatever other elements of the construction contract will have to be in place. That is why I think that February is the prudent period at which to pitch it, because although we expect to finish the construction contracts in respect of Chatham earlier, there could also be linkage which would make it disadvantageous to disclose that publicly until we have nailed the Bob Peliza building contract. I believe it will be done by then because we will want to be commencing construction at the end of the following month. That is why I think February is relevant. In February I might say to him I need another 30 days, but again, he needs to rest assured that the election is not going to be in March either, so there is no problem there.

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Hon. K Azopardi: Okay. Maybe I should just ask him point blank when the election will be. It would be very helpful for us to understand that.

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Hon. D J Bossino: March 2023. *(Interjection)*

Hon. Chief Minister: I am happy to tell him if he will give way. Next year, Mr Speaker.

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Hon. K Azopardi: All right, well –

Hon. D J Bossino: It will be March, then.

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Hon. K Azopardi: I think I could have worked that one out, but anyway, I will ask him behind the Speaker’s Chair. I think I will be as unsuccessful, though.

My final question, Mr Speaker, on this issue: is the contractor of those developments – Hassan Centenary, Bob Peliza and Chatham – the same one, or are they different contractors? And can he name them?

770 **Hon. Chief Minister:** Mr Speaker, we are in negotiation. I think there are two different contractors involved in the negotiation. At this stage, I do not want to name them because we are just in negotiation and that negotiation could still come to nought. In any negotiation one has to be willing to walk away in order to do a good deal. That applies in the international arena as it applies in the construction arena.

775 **Hon. D J Bossino:** Mr Speaker, in terms of my questions, the underlying thread, if I can be helpful to the hon. Member, is this. We have the economic situation that we are in – Ukraine, rising inflation. This is not my area of expertise by far, but that, I am told, and we know from news reports, is having an effect on construction prices to the tune, I am told, of 30% to 35%. The information I was getting was that there was a resistance on the part of the Government to allocate flats which had been returned because it would then have an impact on the purchase price – in respect of the question I have raised, which includes Hassan Centenary and the other two projects. In relation to the other two projects I have specific questions about the disturbing of the purchase prices. Given that the Hon. the Chief Minister is not willing to divulge information in relation to the construction costs in connection with the Hassan Centenary project, and given also the fact that he has already committed himself not to disturb the purchase prices down the line with the purchasers, is it fair at this stage to assume that, given the background I have just set out by way of preamble to this question, ultimately there will be a cost which the Government will need to assume as a result of the increased construction costs?

790 I have information which has come to me from out there in relation to Hassan Centenary, where I am told that because the price was not locked in, there has been an increase. I understand the domino effect that that could have in relation to the two other projects, why the Hon. Chief Minister may be circumspect in terms of answering any questions in relation to that, but can I ask him to comment in relation to the point that I have just raised?

795 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has said a lot, so you will forgive me if I try to deal with everything that he has said.

I am going to start at the end. The price for Hassan Centenary Terraces phase 1 was fixed before the pandemic. The price for Hassan Centenary Terraces phase 2 was fixed before the war in Ukraine. How can it be anything other than fixed? I do not know where he gets his information from and I do not know what filter he distils his information through, but a construction contract is for a price. It cannot be anything other than fixed. I do not know what it is that the hon. Gentleman has been told that he has believed.

805 **Hon. D J Bossino:** I will tell you now.

Hon. Chief Minister: Mr Speaker, in the context of the estates, he needs to listen very carefully to what I have said because I have said it for a reason. I will read it for him again: the Government is not considering increasing the selling prices of properties already sold at either Bob Peliza Mews or Chatham Views. That is to say any property that has come back to the Government is not a property already sold. Anybody who has bought from the Government, whether or not they have signed the agreement is not relevant. The agreement is not yet signed because we have not got a date when we can say we are starting construction and we can go for it, but the purchase price is agreed. But if you pulled out of the purchase, then the Government holds that property now to sell again, and those sales will be done on 50/50 terms, but they will be done on what the cost will be to the Government at the time we execute the contracts in respect of those properties. That will affect only, in respect of the numbers I have given him, 27 flats. The Government is going to absorb the increased cost that those who are purchasing are going to benefit from, but those who have relinquished the purchase and where the Government is going to sell, there we must, in the interest of the taxpayer, say, 'Now the project is going to be so much. This is so many square metres. Fifty per cent of this cost, now this amount.' That will affect 27 purchasers, but that is a

fraction of the number of properties available and that increased cost that we are talking about, such as it may be – the hon. Gentleman has come up with a figure, but such as it may be – would still make these properties *massively* affordable because the prices that are in the private sector compared to the prices at which we are going to be selling are going to make these properties sold, let me be clear, almost at a 75% discount against the market. I think hon. Members will agree that we should, in respect of these properties to new purchasers, put the actual price that it is going to cost the taxpayer to produce as to the fraction that the party buys. Somebody might want to buy 100%, so they buy at the cost of 100% of the cost per square metre for that flat, or at 50% of the cost per square metre for that flat.

I think that deals with the issue of the purchase price, it deals with the issue of the fixed contracts in respect of Hassan Centenary Terraces, and I do not know what else it was that he said in his very long introduction but I just want to be very clear that the contracts that have been entered into – or the agreements that have been entered into, even if they have not been contractually signed yet because we have not offered the contracts, because we have not entered into the building contract – will be honoured at the price at which they were agreed.

Hon. D J Bossino: Mr Speaker, yes, and I think he mentioned, perhaps in the context of a reply that he gave to the Hon. the Leader of the Opposition, a fixed price. I do not want to go into absolute numbers, but the information that I have received, if it is helpful – not to him, necessarily – in terms of this question and answer session, is that there has been an increase to the tune of, I am told, about £40 million. He is telling us that that will only have an impact – despite the things he has said about 75% of the market value – on 27 of those apartments, which he has said have been allocated and which have been reallocated. *(Interjection by Hon. Chief Minister)* There may be other things that I am getting wrong, and then he can answer them all together. *(Interjection by Hon. Chief Minister)* No.

Hon. Chief Minister: Mr Speaker, if the hon. Gentleman will give way – because he is going to continue to get things wrong – there are none in respect of Hassan Centenary Terraces, so he is talking about a price increase in respect of Hassan Centenary Terraces and there are none pending allocation at Hassan Centenary Terraces. All of those have been sold and we are honouring the price. The ones I have told him – in fact it was him, it was his question – which have come back are Bob Peliza and Chatham Views, so the £40 million has nothing to do with these two.

Hon. D J Bossino: I do find that helpful, but this question which I was going to go on to is still relevant despite his explanation. In relation to those 27 – I think the number is right – when he talks about allocation, how far down the line has it gone? Are they fully allocated in the sense that those individuals have signed, not necessarily even a reservation agreement, but have those individuals signed a deposit based on a price that the Government has set for those 27 prices, and is that price an increased price in relation to the ones which have previously been allocated, if he understands the point I am making?

Hon. Chief Minister: Mr Speaker, in trying to pursue your ruling I must tell the hon. Gentleman, with affection and respect, that I think what he is talking is nonsense. I do not understand what 27 prices he is talking about in the context of his question, and the £40 million that he referred to earlier is a figure that I do not recognise in any event. Let me try to explain it to him so that he has a better understanding.

In respect of Hassan Centenary Terraces, all of the properties are sold. If any come back now – *if* any come back now, and it is possible that they come back before completion – there will be a recalculation of the cost per square metre of producing Hassan Centenary Terraces, and whoever is able to purchase that flat which might become available will purchase on affordable housing terms at a square-metre fixed cost which will be higher because of the increased cost of

construction, but at the moment that affects zero people (**Hon. D J Bossino:** For Hassans.) for Hassans.

875 In respect of Bob Peliza Mews and Chatham Views, we have a number of flats returned. The people who have not returned flats have their price and it will be honoured. People who come to purchase these flats which have become available will have a new price given to them, which will be based on the cost, such as it may be, of completing these flats and on affordable terms. So you calculate the cost per square metre now with the increased cost, and you either sell 50%, 60% or 880 100% on the basis of that eligibility requirement. That is what we are talking about doing. The figures that represent the other flats at Bob Peliza Mews and Chatham views are the ones that are considered to be sold subject to executing the purchase contract and subject subsequently to completion of the agreement of the conveyance at the end, and those have their price honoured.

885 **Hon. D J Bossino:** So that I stop thinking nonsense and rubbish, as he has suggested, can he put me out of my misery and explain this point, then? This is what I was driving at, actually. When he talks about allocation of the 27 flats in relation to Bob Peliza and Chatham, which presumably have been returned or for whatever reason have not been allocated, in respect of the first question he said that all the flats have been allocated. Ergo, the 27, the 18 and the nine have now 890 been allocated. I think he then said, 'When the purchasers of those flats come to purchase, then we will agree.' How does that work? I thought that the moment that you allocate to Mr and Mrs X, you allocate at a price. (**Hon. Chief Minister:** Yes.) Is that –?

Hon. Chief Minister: We allocate at a price and we respect the price, but when the person to 895 whom that property has been allocated withdraws, the Government is the only party left to the contract. The purchaser says '*No lo quiero*, I do not want it,' and so (*Interjections*) those 27 have come back to the Government and the Government has not yet allocated those 27 because we are waiting, before allocating those 27, to get the new price. (*Interjection by Hon. D J Bossino*)

900 **Mr Speaker:** Now can we allow the Hon. Edwin Reyes ...? He might clarify the position. (*Interjections*)

Hon. E J Reyes: Thank you, Chief Minister. Our understanding is – you have now made it clear – 27 have been returned, still to be allocated. Can I simply ask: given that we now have a figure of 905 27, which could end up being more, will those be offered to people who are, at the moment, on a reserve list, or will a new tender notice be issued? Can the Chief Minister confirm what I think we all now finally understand? The actual price will not be determined until that offer is made, because it is subject to fluctuation of the cost, which they still have to finalise, hopefully by February.

910 **Hon. Chief Minister:** Can I thank the hon. Gentleman for helping us. That is exactly the position, and the moment of being able to proceed to allocation at the new price is only now safely once we have done the construction contracts – as I said to the Hon. the Leader of the Opposition, one hopefully before the end of the year, the other one by February, so that we can start one by the 915 beginning of the new year and the other one by April, which is the first month of the next quarter of the year, in 2023. Those 27 properties will potentially increase. There may be more that come back and we can handle in that way as well. I am grateful he has understood it and he has paraphrased it in a way that I think is helpful.

920 **Mr Speaker:** The hon. Member completed his supplementaries because I believe the Leader of the Opposition wants to ask something. (**Hon. K Azopardi:** No.) (*Interjection, laughter and banging on desks*)

Next question, please.

Q520-21/2022

Public counter services –

List of Government providers, including opening hours; list of those not providing

Clerk: Question 520/2022. The Hon. the Leader of the Opposition.

925

Hon. K Azopardi: Further to Questions 203 and 204/2022, can the Government provide an updated list of all Departments, public authorities and agencies which are providing public counter services and the times of operation?

930

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 521.

Clerk: Question 521/2022. The Hon. the Leader of the Opposition.

935

Hon. K Azopardi: Mr Speaker, can the Government provide an updated list of all Departments, public authorities and agencies which are not currently providing public counter services?

Clerk: Answer, the Hon. the Chief Minister.

940

Hon. Chief Minister: Mr Speaker, I now hand over a schedule with the information requested.

Answer to Q520/2022

Department Name	Opening Hours
Aquagib Ltd	Monday to Thursday: 08:30 to 15:00 Friday: 08:30 to 14:30
Civil Status & Registration Office	Monday to Friday: 08:00 to 14:30
Department Of Social Security	Monday to Friday: 08:00 to 14:30 Cash Payments: 10:00 to 13:00
Department Of The Environment Upper Rock & Beaches	Monday to Friday: 08:00 to 15:00
Driver And Vehicle Licensing Department	Monday to Friday: 08:30 to 12:30
Economic Development Employment Company	Monday to Friday: 08:00 to 15:30
Environmental Agency Limited	Winter Hours Monday to Thursday: 09:00 to 16:15 Friday: 09:00 to 16:00 Summer Hours Monday to Friday: 08:15 to 14:15
Gibraltar Air Terminal Ltd	Air Terminal Operating Hours
Gibraltar Bus Company	Monday to Friday: 09:00 to 13:00
Gibraltar Courts Service	Both public counters share the same opening hours. Winter Hours Monday to Thursday: 09:30 to 16:00 Friday: 09:30 to 15:45 Summer Hours Monday to Friday: 09:00 to 13:00
Gibraltar Electricity Authority	Monday to Thursday: 08:30 to 15:00 Friday: 08:30 to 14:30

Answer to Q520/2022 cont.

GIBRALTAR HEALTH AUTHORITY - ST BERNARD'S HOSPITAL	
ACCIDENT & EMERGENCY	24hrs
MAIN RECEPTION	24hrs
MEDICAL RECORDS / RELEASE OF RECORDS	Monday to Friday: 08:00 to 15:00
SPONSORED PATIENTS	Monday to Thursday: 08:00 to 16:30 Friday: 08:00 to 16:15
PHARMACY	Winter Hours Monday to Friday: 09:00 to 16:30
	Summer Hours Monday to Friday: 08:00 to 15:00
REHABILITATION (PHYSIO)	Monday to Friday: 08:00 to 16:30
PPAU	Monday to Friday: 09:00 to 11:45 & 13:00 to 14:45
ACCOUNTS	Monday to Friday: 08:00 to 15:30
GENERAL STORES	Monday to Thursday: 08:00 to 14:30 Friday: 08:30 to 14:00
INCONTINENCE DISPENSARY	Tuesday and Thursday: 09:00 to 14:00
PATHOLOGY	Monday to Sunday: 08:00 to 20:30
RADIOLOGY	Monday to Friday: 08:45 to 16:30
OPHTHALMIC UNIT	Monday to Thursday: 08:00 to 15:30 Friday: 08:00 to 15:00
ENT	Monday and Thursday: 08:00 to 15:30 Friday: 08:00 to 15:00
ORTHOPEADICS	Monday to Thursday: 08:00 to 15:30 Friday: 08:00 to 15:00
MEDICAL INVESTIGATION UNIT	Monday to Thursday: 08:00 to 15:30 Friday: 08:00 to 15:00
SURGICAL OUTPATIENT DEPARTMENT	Monday to Thursday: 08:00 to 15:30 Friday: 08:00 to 15:00
ONCOLOGY	Monday to Thursday: 08:00 to 15:30 Friday: 08:00 to 15:00

Answer to Q520/2022 cont.

GIBRALTAR HEALTH AUTHORITY - PRIMARY CARE CENTRE	
REGISTRATION APPLICATIONS BY APPOINTMENT	Monday to Friday: 09:00 to 13:00
REGISTRATION QUERIES	Monday to Friday: 09:00 to 12:00
GROUND FLOOR	Monday to Friday: 08:00 to 18:30 Saturday: 09:00 to 13:00 and 17:00 to 20:00 Sunday and Public Holidays: 10:00 to 13:00 and 17:00 to 20:00
FIRST FLOOR	Monday to Friday: 08:00 to 15:30
SECOND FLOOR	Monday to Friday: 08:00 to 14:00
GHA CHILDRENS HEALTH CENTRE	Monday to Friday: 08:00 to 18:30 Weekends and Public Holidays: 08:00 to 11:00
Gibraltar Joinery & Building Services Limited	Monday to Thursday: 08:00 to 15:30 Friday: 08:00 to 15:00
Gibraltar Maritime Administration	Monday to Friday: 08:00 to 15:00
Gibraltar Port Authority	Monday to Thursday: 08:30 to 15:00 Friday: 09:30 to 14:30
Gibraltar Regulatory Authority	Monday to Friday: 08:00 to 17:00
Gibraltar Sports And Leisure Authority	Monday to Sunday: 08:00 to 23:00 NB: It becomes a reception area after 16:00
GIBRALTAR TOURIST BOARD	
The Main Guard	Monday to Friday: 09:00 to 16:30 Saturday: 10:00 to 14:30
Frontier	Monday to Friday: 09:00 to 16:30
Coach Terminal	Monday to Saturday: 09:00 to 16:30 Sunday: 09:00 to 13:00
Gov.Gi Eservices The Hub 323 Main Street	Monday to Thursday: 09:00 to 15:00 Friday: 09:00 to 14:30

Answer to Q520/2022 cont.

HM CUSTOMS	
Customs House and Cashier	Monday to Thursday: 08:30 to 15:00 Friday: 08:30 to 14:30
Entry Processing Unit (Commercial and Private Importations)	Monday to Friday: 08:30 to 15:00 1. We then have a 24 hour service entering Gibraltar for Commercial importation on a on-call service after hours. Private importation via land border/airport in which people are attended have also a 24 hours officer presence in which import duty can be paid. 2. Lastly Control Unit is open from 8am to 9pm to attend the commercial exportation of vehicles into Spain collecting export licenses on the counter.
HM Prison	Monday and Wednesday to Friday: 09:00 to 16:30 Tuesday 09:00 to 16:30 and 17:30 to 19:00
Housing Department	Monday to Friday: 08:30 to 14:00 (appointments only)
Income Tax Office	Monday to Friday: 09:00 to 13:00
6 CONVENT PLACE	
Reception	Monday to Friday: 08:00 to 21:00
Sale of Publications	Monday to Friday: 08:00 to 16:30
Office Of Fair Trading	Monday to Friday: 08:30 to 15:00
Procurement Office	Monday to Thursday: 08:30 to 15:00 Friday: 08:00 to 15:00
Royal Gibraltar Police	24hrs Manned by staff Monday to Thursday 08:30 to 15:00 Friday: 08:30 to 14:30
ROYAL GIBRALTAR POST OFFICE	
Main Street	Monday to Thursday: 09:00 to 16:15 Friday: 09:00 to 16:00
Parcel Post	Monday to Thursday: 08:30 to 15:15 Friday: 08:30 to 15:00
Irish Town	Monday to Thursday: 08:30 to 15:15 Friday: 08:30 to 15:00
Town Planning And Building Control	Monday to Thursday: 08:00 to 16:30 Friday: 08:00 to 16:15
TREASURY DEPARTMENT / GIBRALTAR SAVINGS BANK	
Treasury / GSB	Monday, Tuesday and Thursday 08:30 to 15:00 Wednesday 09:00 to 15:00 Friday 08:30 to 14:00
Payroll	Monday to Friday: 08:00 to 15:30
Human Resources Department	Monday to Friday: 08:30 to 15:00
CARE AGENCY	
Johnstones Passage	Monday to Friday: 09:00 TO 16:30 NB: Shortly to move to Suite 7, Floor 3 Europort
16 Governors Parade	Monday to Friday: 09:00 to 16:30

Answer to Question 521/2022

Department	How a Service User Can Access These Services.
Department of Education	Telephone, emails, online forms, through appointment and without appointment on a daily basis when customers ring the 'staff bell'.
Government Law Offices Gazettes	Notices for the Gibraltar Gazette are sent to us via email.
Housing Works Agency	The public can access these services via phone or email. If for any reason they need to attend the department, they would be provided with an appointment. An intercom system is also available for any deliveries, messenger drop offs etc.
Technical Services Department	These services can be accessed via email or telephone.

Hon. K Azopardi: Mr Speaker, I am grateful for the schedules. I asked this question some months ago. As the hon. Member knows, at the time I asked it cast in pretty much the same terms, but in supplementaries we had a discussion because some Departments, agencies or authorities had been left out. I am just glancing through and I can see that this list is more comprehensive and it does include the Gibraltar Health Authority, which was a glaring omission last time.

Obviously we will need to study the schedule compared to the last one, so I am not going to put the Chief Minister to a test of telling me whether the hours have changed in any particular Department, but can I ask him are there plans to change the hours beyond this schedule, the opening hours of the counters?

Hon. Chief Minister: Mr Speaker, that is very much a Department-driven issue. In other words, some Departments may suggest that they should open at different hours and we will, of course, listen to the rationale of that and assess whether it is in the public interest that they should change the hours. To be fair to civil servants, when they propose a change in hours it is usually not designed to suit them, it is usually designed to suit the public that they serve, so there would probably be good reason for that.

What is not here is that we have added, as the hon. Gentleman knows, a hub service – the counter down at the area which is known as the Hub, opposite John Mack Hall – and that tries to assist people generally.

The hon. Gentleman will see that there are four Departments that are not operating a counter, but they are providing the service to the public simply because they now have a bell on a door, rather than a counter, and the door is opened and they give the appointment.

Mr Speaker, I think the hon. Gentleman and I have been able to deal quite collegially with this question when he has put it. The answer to this question may be an interesting guide for people to see, when it is up on the Government website or on *Hansard*, what the opening hours are for all the Government counters. There are no Departments of the Government now not operating a service to the public. All of the counters are open and the counters that are not open have been replaced with appointment services so people can attend and see a person – which is what a counter usually does in a different form – instead of at a counter, in an office where they can sit down with someone and have the issues that they have dealt with. I thank him, therefore, for having put the question in a way that we have been able to answer, as we agreed last time that we would.

975 **Hon. K Azopardi:** Can I just ask, on the hub service that he mentions, what the opening hours of the hub service are – if he has that information? I do not know if he has that information.

Can I also perhaps say to him, in response to what he has just said, clearly there continues to be quite a lot of chatter on the issue of the public counters, and concerns. The hon. Member says this will be uploaded on their website as an answer, but I would ask him probably to go further and try to take measures to give some publicity to the fact of the counter service, because otherwise people will continue to feel that they cannot speak to physical civil servants.

980 Can I just pick up an example, just to test the point that he has mentioned? For some time, if you wanted to apply for a passport ... I have not applied for a passport in the last couple of years, but certainly I know that the last time I did that – it might have been during COVID – we had to fill in a form and deposit the application form and so on. Have those processes changed? Put better, those processes might still be there for you to follow that procedure, but can someone who has difficulty in filling in a form now speak to a civil servant about that issue?

990 **Hon. Chief Minister:** Mr Speaker, I am enormously grateful to the hon. Gentleman for his question in this respect, because it enables me to say that people should not believe chatter, people should not believe rumour and innuendo. I will take him up on his suggestion that we should go further and that we should give publicity to this schedule, and I will do so with alacrity in the local press and, working with the Office of the Deputy Chief Minister, I will ensure that we publish an advertisement that reflects this.

995 Physical civil servants – and I know of no other type – are, therefore, available at all of the times set out in this schedule. In the Civil Status and Registration Office, which happens to be the second one on his list, he will see that from 8 a.m. to 2.30 p.m. they are available. The question of putting the passport application in a box is just the modern way in which it is done. That is the way it is done in the United Kingdom as well. If you need to ask a question about the form, you can now attend at the counter; you can ask a physical civil servant to assist you. This is a representation that we are back to normal. Certainly, people should not believe or come here or in any way act in keeping with, as the hon. Gentleman said yesterday, which I found amusing ... on the basis of ‘something that somebody in Main Street is said to have heard and they have said to me that they think the person said’, because very often that is what – (*Interjection*) It was, absolutely, but very often in Gibraltar – (*Interjection*) no, not you – third-hand hearsay is what people rely on – forget about counters – in order to tarnish people’s reputations irreparably with the worst sorts of allegations.

1000 So I entirely agree with the hon. Gentleman: the chatter is wrong, the chatter should be ignored, the physical civil servants are available, the counters are open and we shall give that a lot of publicity. Gibraltar is open for business and back to normal. (*Interjection*)

Clerk: Question 522.

Mr Speaker: The Hon. Edwin Reyes would like to ask a supplementary.

1015 **Hon. E J Reyes:** Thank you, Mr Speaker. I was originally going to raise a concern with you, but my colleague the Hon. Roy Clinton has saved the day. The handout that I first received had a page missing, so just for the record, when we come to *Hansard*, we have to make sure it is five and not four pages.

1020 I have a question. Can I ask two simple things of the Chief Minister? One is on the third page, on the Gibraltar Health Authority. Right at the top it says ‘Registration Applications by Appointment’ and gives from 0900 hrs to 1300 hrs, and then ‘Registration Queries’. The first one, by saying ‘by appointment’, does it mean you have to make an appointment in order to be able to attend during those times, or can one simply turn up? That is where I know some confusion has arisen amongst some members of the public I have met. They have said, ‘I have come here at the

allocated time and I have been told no, that I need an appointment. Does he want to deal with that one first, and then I will come to the second, very short question?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman reminds me of a fantastic *Monty Python* sketch where somebody knocks on the door that says 'Arguments', and when the door is opened and he asks, 'Is this Arguments?' the person the other side of the door says, 'No, it isn't,' to which he replies, 'Yes, it is,' and the argument ensues.

As the name implies, 'Registration Applications by Appointment' is an office that takes appointments to help people through the process of registration, but you need an appointment. You can turn up there and get an appointment for the same day, if possible, or you seek an appointment and then the time is given to you to take you through the process. These are usually registrations that are unusual or are first registrations of people registering for GHA services etc. Registration Queries is where you would go initially, and if your query cannot be dealt with there, then you can have an appointment for a full registration application by appointment.

Hon. E J Reyes: Thank you, Mr Speaker. For the other one I am looking at the very front page. Civil Status and Registration Office is an entity that one takes for granted is manned wholly by public servants, and so is the Department of Social Security, and they have the same opening hours, but a comment that goes a lot around town is another Department that should be manned, or we think is manned wholly by public servants – the Driver and Vehicle Licensing Department. They have a half-hour-later-starting day and they close by 12.30, which does not even give chance to some employees to attend during the lunch break, like those who need to pop in quickly to hand in a passport application to the Department of Social Security. There seems to be a great discrepancy in the hours of availability, certainly not catering for those who have to be at a place of work and cannot make use of the lunch hour, because lunch hours are normally round about the one o'clock mark, and here, by 12.30 they seem to be closed. Perhaps it is an issue that can be reviewed, if the Chief Minister agrees he will just look into it and, if possible, make life as easy as possible for the poor working people who have to turn up to this Department.

Hon. Chief Minister: Mr Speaker, I am all for helping poor working people who have to turn up at Departments, as the hon. Gentleman said. One of the best things about the DVLA now is the electronic system: the digital system for booking appointments, which I am told works very well; the digital system for renewal of licences, which I am told works extraordinarily well, which you are told online will take x number of days but actually you tend to receive the document in a much shorter period of time. But if you do have to turn up, you already know that when the hon. Member was a Minister, that Department used to open at 9.30 and close at 12.30. Today, it opens an hour earlier for poor working people, the sort of people I care about and he has expressed concern for. It already opens an hour earlier, but I am happy to look with the Hon. Minister to see whether we can extend the closing time even further. Although we have already added an hour to the period of operation from when he had ministerial responsibility, we will look to see whether we can make it even more accessible, but it would be the first complaint we have had since the reopening of that counter given the excellent digital system that is in place for this Department, which was one of the guinea-pig Departments. Lots of teething problems in the beginning, but now, actually people are very pleased with how the DVLA works.

I have had my own experience of doing stuff online, and once the teething problems are dealt with and once one has cursed the name of Minister Albert Isola a thousand times and got through that, one is very happy with how the system works thereafter.

Mr Speaker: Next question.

Q522/22

**Extension of reciprocal healthcare arrangements with Spain and the EU –
Progress**

1075 **Clerk:** Question 522/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, what progress has there been in securing the extension of reciprocal healthcare arrangements to people resident in Gibraltar when they visit the EU or Spain under the existing European Health Insurance Card or Global Health Insurance Card schemes, or
1080 any other arrangements?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, reciprocal healthcare arrangements between
1085 Gibraltar and Spain came to an end as from 1st July 2022 on the termination of a Spanish bridging measure. The Government is in discussions with the United Kingdom and Spanish governments in relation to the potential renewal of these reciprocal healthcare arrangements.

Hon. K Azopardi: Mr Speaker, yes, we know that. The purpose of the question was not that,
1090 although that is, of course, included and I will ask him a supplementary on that. But if I step back from the Spanish bridging measure issue, I first asked about this in March 2021 and the answer that I got then again jumped straight into the bridging measure issue, when I was making a much broader point. So I just remind the hon. Member of the question that I asked. I asked about the Global Health Insurance Card and I asked about the entitlement of Gibraltarians and British
1095 residents of Gibraltar in respect of the Global Health Insurance Card. I filed this question in January 2021, and the purpose of it was ... I pointed out to the Government ... and the Hon. the Minister for Health, Miss Sacramento, who was then the Minister for Health, answered the question, but the Deputy Chief Minister then assisted with supplementaries. The point that I made then was that there was NHS information about people being entitled to use a Global Health Insurance Card
1100 or UK-issued European Health Insurance Cards. What I said then was that there was information that said, and I quoted it then:

UK-issued European Health Insurance Cards (EHICs) are still valid and offer the same cover as GHICs

– in other words, Global Health Insurance Cards –

in the EU. Once your EHIC has expired, you'll be able to replace it with a GHIC.

That information is still the information being put out by the NHS. In other words, you may
1105 have an EHIC, an original one under the scheme as it was then under the relevant decision of the European Union, and when it expires, if you fall within a certain category you might be entitled to a renewal, but in any event you are entitled to get a Global Health Insurance Card under the UK scheme.

The purpose of my question originally was will the Government make enquiries about
1110 extending that regime to Gibraltar or claiming that the British citizens of Gibraltar are entitled to access that regime within the European Union for healthcare purposes. At the time when I put that question I think the Government was arguing that while the agreement that had been reached with the UK was territorial and therefore did not extend to Gibraltar, there might be personal rights in it that extended to British citizens in Gibraltar – Gibraltarians – and as I said and
1115 is reflected in *Hansard* of March 2021, I was asking the Government to examine whether that issue could be looked at. I am reading now from that *Hansard*. What I said was:

If there are benefits in the current UK-EU agreement that are in respect of health rights across the EU, can I ask the Government perhaps to [...] investigate the possibility that we may already be able to claim those personal rights in relation to healthcare ...

The Deputy Chief Minister at the time said that the matter would be under consideration. I am sorry for the long preamble, but the purpose of my question was to ask about the progress of that macro issue, not about the Spanish bridging measures, although I would like to ask a supplementary in respect of that.

Hon. Chief Minister: Thank you, Mr Speaker.

I fully understand the point the hon. Gentleman is making. This is not a right that attaches to British citizens. This is a right that attaches to contributors to the United Kingdom National Insurance Scheme.

Hon. K Azopardi: Mr Speaker, all right, so if that is the conclusion of the consideration of – *(Interjection by Hon. Chief Minister)* It is not the conclusion?

Hon. Chief Minister: The point I am making, Mr Speaker, is the hon. Gentleman asked me ... The upshot of his question was about rights which the TCA might give to British citizens *simpliciter*, absent a geographic somehow categorisation of residence of that British citizen. This is not such a right. This is a right based on being a contributor to the United Kingdom's National Insurance Scheme, regardless of nationality. Gibraltar has its own Social Insurance Scheme, which entitles us to care by the Gibraltar Health Authority but not to care under the NHS, other than through the NHS GHA arrangements that there are. What we are pursuing is that GHA Social Insurance contributors – those entitled persons under our Group Practice Medical Scheme etc. – should have rights in Europe in some way, as part of the negotiation.

Hon. K Azopardi: That is helpful, and of course that is dependent on a treaty being possible and emerging as a result of that. Is there, without affecting the delicate discussions that are happening ...? Two aspects, if I may. Is the Government considering the alternative, which is in the scenario of perhaps a no-deal being done there might be alternative arrangements being reached so that our citizens – who are, in European terms, a drop in the ocean, really – can access those healthcare arrangements in Europe beyond Spain? Spain is the obvious first port of call for a lot of people accessing healthcare, because most people will be going to Spain more frequently than they would be going to France or Denmark, so that is an important aspect, but are there active considerations of those issues?

As the Chief Minister will appreciate, the fact that Spain ceased the bridging measure – and that announcement came in July – gave quite a lot of concern to people; general concern, but also, in particular, concern voiced to me by perhaps more elderly citizens of Gibraltar who cannot get insurance arrangements. It is an issue of concern for people, and I think that is an important issue to resolve – I am sure he would agree with me – so it would be important to understand what the Government is doing in respect of that.

Hon. Chief Minister: Mr Speaker, this is certainly an important issue and it is an issue that we are pursuing. It is an issue which is in the negotiation. I do not want to comment about the detail of the negotiation, but there are some things which are obvious and therefore those things which are obvious and which are in the public domain I am, of course, happy to further put on the table for discussion.

It is very clear that the widest interest is in reciprocal healthcare arrangements between Gibraltar and the United Kingdom and Gibraltar and Spain. That is where the majority of our people travel to at any time. Some of our people holiday in Portugal and some of our people go wider afield in Europe – not as often as the numbers of our people go to Spain.

1165 This is not an easy issue and it may be that we find that other member states – ironically, not
Spain – do not have an interest in having Gibraltarians as a field of people they also provide care
to, and we will then have to deal with that. This is not an issue where what we are experiencing
comes from a desire not to reach an understanding that assists Gibraltarians in Spain, Gibraltar
residents in Spain and Spaniards in Gibraltar or Spanish residents in Gibraltar, but Poland may not
1170 want to go through the administrative arrangements of extending to 30,000 Gibraltarians
healthcare in Poland, because there will be very few instances of Gibraltarians in Poland. That
might cause a difficulty for Gibraltarians travelling in Poland, but mathematically Poland might
have to deal with 30,000 of our people and deal with the administrative costs of sending us a bill
once in a while if one of our 30,000 was ever in Poland and was ill, but there are many millions of
1175 Poles, so we are more likely to have to deal with a Polish person who requires care and we are
more likely, then, to have to invoice them through the European system, which is laborious, rather
than invoice them directly, as we would be able to do.

The hon. Member will be aware of Bentham's concept of the felicific calculus, and here the
felicific calculus may mean that actually not having a European-wide deal is in our interests, but
1180 we do recognise the importance of having a deal with our nearest neighbours and with the United
Kingdom. With the United Kingdom it is already dealt with, with Spain and Portugal I think it is
something that we will be dealing with, but it may not be a European-wide issue. Health is
European but in some instances can also be delegated to the member states for arrangements. I
do not want to say more than that, but I am just highlighting what the issues could be
1185 mathematically, given the geographic distance of some places from Gibraltar, the population
issues that we are dealing with and where our economic interests may lie in the context of such
arrangements.

Of course, in the concept of European travel, going to Spain is likely to be something that can
happen on a day basis, a non-overnight basis. Even going to Portugal could potentially happen on
1190 a day basis. It is unlikely to be happening in respect of France or further afield, and their insurance
is easily provided for most people at all ages because it is overnight insurance, it is not just day
insurance.

I hope that is helpful, Mr Speaker.

1195 **Hon. K Azopardi:** Yes, Mr Speaker, and of course I take the mathematical point – 30 or 40
million poles and our small population. I get that, but that is no different to the situation when we
were in the EU because that was the case then, so it should not necessarily be a daunting thing;
we have survived all these years.

I think people would appreciate the widest health protection that could be negotiated in any
1200 future treaty. I will leave the point at that. He will understand that issue and I take from the
comments he is making that it is an issue that is actively being negotiated by the Government as
part of the arrangements that are being negotiated, and that in the event that there was not going
to be an agreement, then the Government would have to seek, I suppose, piecemeal
arrangements with individual states.

1205 Can I ask, though, on the issue of the UK and Gibraltar – because I am making the assumption
that in the treaty, UK-EU in respect of Gibraltar, the arrangements between the UK and Gibraltar
will not be taken into account – what arrangements are being envisaged in relation to reciprocal
healthcare arrangements between the UK and Gibraltar?

1210 Can the Chief Minister also comment, in respect of the Spanish bridging measures, whether he
thinks he can persuade Spain to reinstate those Spanish bridging measures pending the treaty
negotiations concluding?

Hon. Chief Minister: Mr Speaker, of course we are trying to achieve the widest possible
coverage for people, but like everything – that is a benefit that we are seeking for our people –
1215 we would have to assess what the price on the table would be, and that is the process that we are
undertaking generally.

The issue of the arrangements between the United Kingdom and Gibraltar have long been settled. They have not changed. We continue as we were when we were Members of the European Union.

1220 In the context of what I may or may not be able to persuade Spain of, I do not want to venture anything into the public domain because anything I venture into the public domain will be used by those who are negotiating with us. If I say I think I can achieve it, then they will up the price because I have said publicly I think I can achieve it, so now I have to achieve it. If I say I do not believe we can achieve it, they might withdraw it from the table, if it were on the table, because I have already said publicly I think I am not going to achieve it, so they will try to extract prices for whatever it is they are trying to extract somewhere else. I am not saying that because that is the reality of what is happening in the negotiation, but that is how negotiations work. That is why I do not want to be drawn on public comment, not because I do not want to inform the people of Gibraltar – I cannot wait to tell the people of Gibraltar the conclusion of the negotiation, one way or the other, and give them all of the detail – but in the middle of the negotiation I create hostages to fortune for Gibraltar as a negotiating entity if I give indications of what I think I can and cannot achieve, because it ups the price if I say I can achieve it.

1235 **Hon. K Azopardi:** Mr Speaker, finally, can I just ask ...? He says the UK-Gibraltar arrangements have not changed. It is some time since I was on that side, and a much longer time since I was Health Minister. I certainly remember that we had UK-Gibraltar reciprocal arrangements in respect of healthcare for pensioners. I cannot remember wider arrangements, but if there are he will jog my memory. I just wanted to get an assurance from him that there were wider arrangements that have kicked in. Certainly when we were both in the EU, that was less relevant, but there may be historic ones.

1245 **Hon. Chief Minister:** Mr Speaker, there have historically been such since 1972. When he was Minister for Health the arrangements were not just for pensioners, and they continue. Anyone in Gibraltar who is a Gibraltar resident and is a contributor to our Social Insurance Scheme is entitled, if they are in the United Kingdom and they have an accident, to emergency care; anyone who is a contributor to the UK scheme, if they are in Gibraltar, is entitled to emergency care; and Gibraltar has the right to send elective or other surgeries to the United Kingdom and at no cost. Those arrangements have been announced more recently after we left the European Union. I think if the hon. Gentleman goes back, he will see that there was a Government Press Release, a Government Statement, and we debated it in this House – perhaps before he was a Member.

Mr Speaker: Next question.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q471-72/2022

Gibraltar College of Further Education – Students registered as Year 12 and Year 13 equivalent

Clerk: Question 471/2022. The Hon. E J Reyes.

1255 **Hon. E J Reyes:** Mr Speaker, further to the answer given through Written Question W29/2022, can the Minister for Education explain why there are no students as Year 12 equivalents at the Gibraltar College of Further Education for the academic year 2022-23?

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

1260 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 472.

Clerk: Question 472/2022. The Hon. E J Reyes.

1265 **Hon. E J Reyes:** Further to the answer given through Written Question W29/2022, can the Minister for Education explain the high number of students registered as Year 13 equivalents at the Gibraltar College of Further Education when compared to students attending Bayside and Westside Schools?

1270 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Hon. Prof. J E Cortes: Yes, Mr Speaker, there was an element of double counting and pooling with the figures with which I was provided, for which I apologise. The correct figures are: Year 12 College, 36; Year 12 Westside, 149; Year 12 Bayside, 144; Year 13 College, 30; Year 13 Westside, 145; Year 13 Bayside, 139. To assist further, I can say that 102 students from Westside access courses from the College, as do 58 from Bayside, across these two years.

1275 Potentially – if I may add, Mr Speaker – one of the things that happened was the Westside and Bayside students who were in consortium and were also going to the College had been double counted.

1280 **Hon. E J Reyes:** I think the Minister gave a low figure of 20-odd students who are solely attending the College therefore registered there, *[inaudible]* for what is Year 12. In other words, it must be the intake for this year. Can he repeat that number, so I have an idea, please?

1285 **Hon. Prof. J E Cortes:** Yes, Mr Speaker – Year 12, 36.

Q473/2022
Special Educational Needs and Disabilities –
Reconciliation of totals given in answer to W30/2022

Clerk: Question 473/2022. The Hon. E J Reyes.

1290 **Hon. E J Reyes:** Further to the answer given through Written Question W30/2022, can the Minister for Education explain why the total number of pupils listed under the heading ‘Main Area of Need’ does not coincide with the total number of pupils then further listed under the subheadings of needs? This non-reconciliation of totals equally applies to statistics given for all the four academic years requested in the original question.

1295 **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, children and young people with special educational needs and disabilities – SEND, as we call them – who require extra help and support to learn are placed on the school’s SEN register. The UK SEND Code of Practice sets out four broad areas of SEN, and those are the four which the table subdivides into: communication and interaction; cognition and learning; social, emotional and mental health difficulties; and sensory and/or physical needs.

1300 When a child is placed on the SEN register, their main need is listed under one of these four broad areas of SEN. In reality, many children and young people do not solely have needs in one of these areas and they may present with co-occurring conditions, which can also be described as

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comorbidities. For example, a child may present with both autism and ADHD, or may have dyslexia and fine motor difficulties. This is why the number of pupils listed under the heading 'Main Area of Need' does not coincide with the total number of pupils listed further under the subheadings of needs. This is the same across all academic years.

1310 Even when two pupils have the same medical diagnosis, like autism spectrum disorder (ASD),
their profile and presenting needs can be very different. For example, one child may be overly
sensitive to sounds and textures, whereas another child may be sensory seeking. One child may
have expressive language difficulties, whereas another may have anxiety and mental health
needs. When you meet one child with autism, you have met one child with autism. The same can
1315 be said for any SEN need or diagnosis. Therefore, adding up the columns will result in a greater
total number of conditions than the total number of children.

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

1320 Following on from that, the Minister clarified that the figures given in the first four columns
under the main areas of need ... those four subtotals, if we call them that, end up ... If I take the
academic year 2022-23, they end up coming to a grand total of 1,929. Can the Minister, first of all,
confirm that these 1,129 are different individual pupils and that none are double counted?

1325 **Hon. Prof. J E Cortes:** Mr Speaker, the figure I have been given today is 1,930, but because
there could be another one added since the question was asked, our figures are, we can say,
identical. That is the total number of children, but obviously if you add the different conditions –
because each child can have more than one condition – the total column is not correct. There
should not be a total column, because that is confusing.

1330 **Hon. E J Reyes:** Thank you. That does help to clarify a bit.

Now let me take you to the other half of the table, the subheadings of needs. If I take the
academic year 2022-23, my total there of all those sub-columns is 1,470 – the Minister may differ
by one. Can the Minister, first of all, confirm that those 1,470 are already accounted for within the
1,929 – I see the Minister kindly nodding yes – and therefore the number missing in between are
1335 people who fall under the main area but not necessarily then falling into that bracket, so those
are just those with some other condition?

Hon. Prof. J E Cortes: Yes, Mr Speaker, that is correct. The total number of children on the
register is 1,930 – 1,929, perhaps a week or two ago when those figures were compiled. As you
1340 will know, we do get children who are added after being assessed by a panel, which was another
of the questions I answered last time in writing because the hon. Member was not here because
of COVID, I believe.

Hon. E J Reyes: Thank you, Mr Speaker, statistically that has cleared a lot of the air.

1345 With your leave, sir, can I invite the Minister ...? He may have some information that perhaps
he wishes to share or shed some sort of light on. If I take the total for the year 2022-23, we have
identified 1,929 children, which is an increase from the previous year, when there were 1,881, but
then the figures start to become more alarming. If one looks back two years, in the academic year
2020-21 there were only 1,647 and the year before that 1,600. So we seem to be from the mid-
1350 1,000s, now just about starting to touch upon 2,000. Is the Minister receiving any feedback? Is
this because there is a greater analysis and that has led to better identification of people's needs?
Or is it because it is a tendency that unfortunately more people with special needs are coming
into our main school or into our education system?

1355 **Hon. Prof. J E Cortes:** Mr Speaker, we have dealt with this before when we have mentioned
the unprecedented increase in children in St Martins, for example. Now we have children with
special needs, obviously, in all the schools, we have learning support facilities in some of the

1360 schools; there has been a tremendous increase. Whether we are better at identifying conditions ... I think there is something there. I think there is some of that, but I do believe that genuinely, for whatever reason – and we cannot be sure – there are more children with special needs now in our schools. We are having to provide more learning support assistance, we are having to expand our LSFs. I think this is a reality and it is not an artefact of statistics.

Q474/2022

**Pearson BTEC Level 3 in Music Performance –
Reason why not delivered on school or College premises**

Clerk: Question 474/2022. The Hon. E J Reyes.

1365 **Hon. E J Reyes:** Further to the answer given through Written Question W43/2022, can the Minister for Education explain why the Pearson BTEC Level 3 National Extended Certificate in Music Performance is not being delivered within our secondary schools or the Gibraltar College premises?

1370 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

1375 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, because it is being delivered on the premises of the body delivering the course. This multi-campus approach is common practice in further education establishments. This is in much the same way that the Technical Certificate in Hairdressing City and Guilds course makes the most of professional offsite premises available in close proximity to the College. This arrangement allows the College to offer a wider range of courses in a manner not limited to their physical footprint.

1380 **Hon. E J Reyes:** Mr Speaker, I can understand the logic behind what the Minister has given me in the example of hairdressing because the student is offsite due to the facilities available in a particular location, but here the subject in question is music performance, and given that they are brand new schools which I think have been well thought out and planned to cater for the existing and immediate future needs, I do not quite understand why a pupil needs to ... 'commute' is too strong a word ... why pupils need to go out of the school environment, not within the consortium arrangement of Westside, Bayside and the College, but to an entity that does not come under the control of the Director of Education because it is an independent body. One would have thought that, if need be, because the teacher resources may not be available in Bayside, Westside or the College, the qualified individual could be brought in as an instructor and the lesson delivered within school premises, which is where parents would rather their children be, rather than having to go to an outside location which has totally no need to account for anything to the Director of Education.

1395 **Hon. Prof. J E Cortes:** Mr Speaker, I do not subscribe to that at all. The course provided by the accredited provider for Gibraltar, which is the Gibraltar Academy of Music and Performing Arts, is delivered by GAMPa on behalf of the College, so it is part of the consortium. There are hundreds of children and young people who make use of GAMPa premises after hours. In fact, I believe one of the private schools uses them during school hours. Their facilities are suitable for what they are used for, for this course.

1400 Gibraltar is smaller than certainly some university campuses, and we have had no feedback of any complaints from the students themselves about having some of their lessons at the GAMPa premises, so I do not think this is an area of concern any more than it is for the hairdressing

students to go to a hairdressing salon, despite the fact that we do in fact have hairdressing facilities in Bayside School.

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Hon. E J Reyes: Mr Speaker, for the record, I disagree with the Minister. I would rather the lessons were done there. But can I ask: in the past, through other questions the Minister has told us that when we have a subject like music, when we have an instructor coming to, for example, Bayside or Westside School, that instructor is instructing but under the overall supervision and under the overall care and observation of a qualified teacher. Are those delivering the Pearson BTEC Level 3 qualified teachers, or are they simply classified as instructors? And if that is the case, is there someone with QTS status also there, under whose ultimate responsibility the pupil comes?

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Hon. Prof. J E Cortes: Mr Speaker, I do not know whether this is some kind of veiled attack on the reputation of the Gibraltar Academy of Music and Performing Arts – because it looks like that is what it is becoming – which is highly regarded, is producing excellent results and excellent qualifications throughout all the age ranges. I think that we have to be careful how we question their ability.

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Let me just say that the BTEC was not possible in Bayside and Westside at the time we initiated it, just over a year ago. It was not possible for them to give this course. GAMPAs was able to do the Pearson BTEC and was accredited by Pearson, and therefore is accepted to be qualified in order to deliver it. There are no concerns whatsoever, nor have there been any concerns that I am aware of, about the level and the standard that is being achieved. So I am completely satisfied that this is all done *bona fide*. In fact, we have been able to bring back into education some young people who had given up on education. They did not feel they could do the more academic A-Level music. They have come back and now they will be able to achieve a Level 3 qualification.

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I think this is a wonderful initiative and having to walk a little bit of a way up the hill to GAMPAs premises I think is not a disadvantage at all. I know the hon. Member and those who are briefing him will not agree, but we beg to differ.

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Hon. E J Reyes: Mr Speaker, I must begin by denying completely any insinuations that could be interpreted that I have no trust or confidence in the ability or the professionalism of those within GAMPAs. I am proud to say that I have seen them in many public performances and I have been quite impressed with what they deliver. So, if that thought did momentarily cross the Minister's mind, it was certainly not what I was aiming for.

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I am basically getting down to what the Minister has partly answered. He said that when this course began ... I think he was careful in his words by saying at the time it could not be delivered within our secondary schools. That situation may have changed for the academic year 2022-23. It may or may not have changed. I still have to disagree. If we have spent millions of pounds in building new secondary schools, why can the students not remain within the school premises? And if needs be for human resources purposes, we can bring someone – who may be part of GAMPAs, may be part of whatever other organisation – into a school, but it remains under the immediate juridical control in the school building that comes from the head teacher delegated down to teacher and so on, all those who act in what is known in educational terms as *in loco parentis*. That is why we insist on having qualified teachers. The Minister has not answered whether – although I have no doubt of their ability – the person delivering within the GAMPAs premises has qualified teacher status or is just a highly reputable, well-vetted person. But still it begs the question: do they act *in loco parentis* when push comes to shove?

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Hon. Prof. J E Cortes: Mr Speaker, the millions of pounds that this Government has spent on the schools is money extremely well spent and I am glad that by implication the hon. Member opposite has recognised that. Those facilities are being used. There are music courses being delivered in Bayside and Westside, but these students do not have to be there; they are perfectly well accommodated at the GAMPAs premises. Remember that the course is being delivered by

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1455 GAMPAs for the Gibraltar College and therefore the professional supervision and the overseeing
of the course is done by the teaching professionals at the Gibraltar College. They are not left out
in the wilderness. It is a course which has the total support of the Gibraltar College, which is being
extremely well delivered and which will open and has opened opportunities for young people, and
I really have no problem at all in stating that I am very comfortable with the way it is being
1460 delivered. I know we disagree, but so be it.

Mr Speaker: Next question.

Q475/2022

**Dropping off and collecting children from non-school premises –
Alternatives offered to parents**

Clerk: Question 475/2022. The Hon. E J Reyes.

1465 **Hon. E J Reyes:** Further to the answer given through Written Question W44/2022, can the
Minister for Education explain what alternatives the Department of Education offers to any parent
who, for a variety of reasons, finds it extremely difficult to drop off or collect children for
educational activities at a location other than the school premises where they are enrolled?

1470 **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, schools try to be as flexible as possible when it comes to making alternative
arrangements. One of the arrangements they put into place is a staggered drop-off and dismissal
1475 which allows parents a half-hour window to enable them to take or collect other children to school
and then have time to manage a drop-off or collection for a trip.

Parents within the school communities also know that the Gibraltar Bus Company offers a
fantastic service, and many parents rely on this.

1480 Schools do their best to limit trips which require parents' input, and where this is necessary
they limit the parental input to drop-off or collection. Schools take a considered approach and
when they feel the value of the trip warrants the parental inconvenience and cannot be replaced
with a trip closer to the school setting, they go ahead.

1485 Some schools also appeal to parents in their letters about a trip, encouraging parents to
consider supporting other families via a car-pooling approach. For example, school letters might
include a phrase such as, 'We thank parents who offer lifts to other children who may struggle
with the drop-off required for this trip. It is testament to the strong and collaborative school
community we have here at [such and such a school].'

1490 As far as the Department of Education is aware, schools have reported very few concerns with
reference to this issue. As previously mentioned, as far as is humanly possible, schools try to walk
to a trip from school and return to school for collection. However, schools recognise the
immensely powerful impact of educational visits and sometimes they feel they need to ask
parents to support schools with either a drop-off or collection. On many occasions, teachers walk
pupils there and back from the school setting so children get dropped off and picked up from
school, whenever possible, as per the normal routine. In summary, schools do the best they can
1495 but are extremely mindful of the inconvenience to parents.

Distances in Gibraltar are much smaller than those in other communities, so we are lucky that
children and young people can gain the benefit of access to a wide range of locations with minimal
inconvenience to parents.

1500 **Hon. E J Reyes:** Mr Speaker, the Minister in his reply has repeated a fair amount of what was
given through the original written answer, but my question here was what alternatives does the
Department of Education offer? If I use an example, if you have a single parent who has a child in
lower primary and another one in upper primary, that person already has certain daily
1505 adjustments to make to their personal lives and unavailability of working hours to be able to drop
off and collect the children at the appointed times, and even if one gives notice or whatever, it is
highly inconvenient. The Minister admits that there have been very few concerns, but even one
concern is one too many, and we cannot pick and choose when we do concerns, in the same way
as in a previous answer the Minister wanted to throw in the example that certain private schools
1510 use the GAMPA facilities and says all we are doing is following suit in what has been available for
private schools.

Is the Minister aware of and has he considered doing something similar to what private schools
do? The children report to school as normal and then transport is provided by the school – and
here it would come under the wider umbrella of Education – to actually take and return from the
school premises the children for those activities. That would make life a lot easier. It would even
1515 contribute to the lesser need to bring out vehicles where some parents have to then bring out a
car. Despite the bus service being there and suitable for many things, you are subject to the bus
timetable in what time you get there and so on. So it would actually even curtail traffic if children
were just put on one bus – like the Minister for Transport said yesterday, use a bus instead of
having to bring out all these private vehicles.

1520 **Hon. Prof. J E Cortes:** Mr Speaker, my good friend Mr Reyes – and I say that most sincerely, we
are good friends, but for this conversation he seems to have lost touch with reality. Private schools
are individual schools that might want to hire a bus for one particular occasion. The Department
of Education is responsible for 15 schools with thousands of children. How many buses would we
1525 have to own or hire on every occasion when we want to take children back and forth? Or is he
suggesting that we provide a taxi service, which would make our already large estimates – because
education is expensive in Gibraltar – even larger, in order to provide this? Unfortunately, that is
not realistic and I would love to ... In fact, it is interesting because, as I said earlier, children are
often walked to or walked back, and one complaint I get from people very close to me – I have
1530 two grandchildren in school – is ‘*angelito*’ they have to walk all the way. Why couldn’t we pick
them up from there?’ So there is to-ing and fro-ing.

I think that if any particular parent ... and clearly there will be parents who cannot do it. I would
have thought that if they make contact with the school, they would be very happy to talk to other
parents to provide some kind of car-pooling arrangement. I know for a fact that some phone, and
1535 because they are all in this SeeSaw group, they can contact each other. So I think the problem is
not as big. I realise that it will be a problem for some. We will do our best to help, but certainly
we cannot provide a bus or taxi service for seven or eight thousand children – it is just not
realistic – and I do not think we should deprive them of the possibility of these school trips, which
educationally and socially are very beneficial to them.

1540 **Mr Speaker:** Next question.

Q476/2022
Vandalism on school premises –
Updates re efforts to curtail

Clerk: Question 476/2022. The Hon. EJ Reyes.

1545 **Hon. E J Reyes:** Further to the answer given through Written Question W45/2022, can the Minister for Education provide updates in respect of the success or otherwise of their efforts to curtail vandalism within our school premises?

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

1550 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the schools have seen a marked improvement since the installation of the additional CCTV cameras in more circulation spaces. This, together with increased monitoring and more strategic supervision, seems to have deterred many would-be perpetrators as the school is able to identify those who vandalise and follow up appropriately with consequences, as relevant.
1555 The additional CCTV helps school staff to respond to any supervisory issues that arise within what are very large buildings.

Schools feel further work can be done in this regard and will continue working with young people and their parents or carers in order to enhance young people's sense of belonging and their feelings of school pride, as well as to ensure the continuing development of civic pride.

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Hon. E J Reyes: May I start by saying I am glad that the Minister started by saying that there has been marked improvement. I hope we are successful in getting a full or much more improved curtailment of vandalism.

1565 The Minister has gone on to mention this co-operation between parents and students and so on. Can I ask, have the Royal Gibraltar Police, as an example of an entity that could provide good professional advice, been engaged, and are they engaged with the schools and helping with those provisions? And has there been any case where a particular pupil has been identified as being one of those unfortunate vandals, and what course of action does the school then take from there?

1570 **Hon. Prof. J E Cortes:** Mr Speaker, I cannot speak for individual cases, I am not aware of the detail, but as I have said, the schools do identify them and they take appropriate measures. This might involve talking to the child – depending on the age of the child, of course – bringing in the parents, discussing, and in some cases they will have to take some action with the child in whatever manner they see fit. They are the ones who have to judge that in situ.

1575 In relation to the Royal Gibraltar Police, yes, indeed, whenever there are any major incidents, there is involvement of the Police. I, myself, met personally with the Commissioner of Police on this very matter probably around three weeks ago to discuss co-operation, so yes, we are engaging with them. Obviously, we want to keep the Police away, if we can. We do not want to involve the Police directly within our school premises if we can avoid it and if it is something that is nowhere
1580 near the criminal, but obviously we are in communication and should that be necessary, well, then it is necessary.

Q477/2022
Speech therapy facilities –
Availability in Government schools

Clerk: Question number 477/2022. The Hon. E J Reyes.

1585 **Hon. E J Reyes:** Can Government provide details of the speech therapy facilities currently in place and available for students of all Government schools?

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, with regard to facilities from a schools perspective, some schools, like St Martins, have a designated therapy room which can be used by speech and language therapists to see pupils. Other schools make a room available if a therapist is going to visit to see a child within the school environment. This room would not solely be for speech and language therapy; it may be used by the occupational therapists, the physiotherapists, the BEST team, a school counsellor or social worker if they need to see a child on a one-to-one or small-group basis within the school environment.

Hon. E J Reyes: Thank you, Mr Speaker, I am glad to hear that.

In respect of the human resources ... Let's talk about speech therapists and such. Are they housed within the school or are they brought in as an when requested by the school from a Department like the Health Authority?

Hon. Prof. J E Cortes: Mr Speaker, speech therapy is a GHA service, so Education do not decide which pupils will be seen by speech and language therapists. Some pupils are seen by the therapist within the school environment when therapist requests to see a pupil. Other pupils see the speech therapist in an alternative setting, like the Children's Health Centre or other setting as identified by therapist.

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

A little bit of confusion arises from something the Minister has just said. Can he confirm, can the schools' teaching staff raise a concern and therefore make a request for a speech therapist to come in, or is it just an outside body that can identify them?

Hon. Prof. J E Cortes: Yes, Mr Speaker, clearly. Usually, children who need this therapy are identified in the assessment process for special educational need, which I explained in one of the written questions, so it would be picked up by the school. If it has not been picked up and the child is not technically registered but the teachers feel that there may be some advantage, then obviously they will refer this to the speech and language therapy team and then they will do the assessment and come in, or call the child to the clinic, as may be necessary.

Q478/2022

Repayment of scholarships for uncompleted courses – Updated details

Clerk: Question 478/2022. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide updated details of repayments outstanding from pupils who have not completed any courses for which they were granted scholarships, indicating the dates from which such repayments were due, frequency and amounts to be paid, together with the date by when individuals' repayments are expected to be completed?

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 am handing over a schedule with the information requested.

Answer to Q478/2022

AS AT 30TH SEPT 2022

DATE OF AWARD	GIBRALTAR GOVERNMENT SCHOLARSHIP FUND		OUTSTANDING AS AT 30 SEP 2022	CURRENTLY PAYING	HELD IN AGREEMENT	FREQUENCY OF PAYMENT	PROJECTED COMPLETION DATE
1989/90	STUDENT	1	£788.99	No	No		
1990/91	STUDENT	2	£164.00	No	No		
1996/97	STUDENT	3	£546.59	Yes	Yes	Monthly	Jan-25
1997/98	STUDENT	4	£1,614.80	No	No		
1997/98	STUDENT	5	£81.60	Yes	Yes	Monthly	Feb-23
1998/99	STUDENT	6	£71.50	Yes	Yes	Monthly	
1999/00	STUDENT	7	£356.61	Yes	Yes	Monthly	
2000/01	STUDENT	8	£5,790.20	No	No		
2000/01	STUDENT	9	£4,947.81	Yes	Yes	Monthly	Mar-29
2000/01	STUDENT	10	£1,374.60	Yes	Yes	Monthly	Jul-30
2000/01	STUDENT	11	£1,012.59	Yes	Yes	Monthly	Jun-24
2000/01	STUDENT	12	£3,587.03	Yes	Yes	Monthly	Oct-52
2000/01	STUDENT	13	£6,007.40	No	No		
2000/01	STUDENT	14	£9,568.19	No	No		
2000/01	STUDENT	15	£532.80	No	No		
2002/03	STUDENT	16	£2,592.81	Yes	Yes	Monthly	Dec-25
2002/03	STUDENT	17	£823.80	No	No		
2002/03	STUDENT	18	£1,782.41	No	No		
2002/03	STUDENT	19	£2,873.69	No	No		
2002/03	STUDENT	20	£1,573.80	No	No		
2002/03	STUDENT	21	£1,260.19	No	No		
2003/04	STUDENT	22	£11,540.82	No	No		
2004/05	STUDENT	23	£4,211.41	No	No		
2004/05	STUDENT	24	£70.00	No	No		
2004/05	STUDENT	25	£4,472.41	No	Yes	Monthly	
2005/06	STUDENT	26	£1,547.41	No	Yes	Monthly	
2005/06	STUDENT	27	£8,411.33	No	No		
2005/06	STUDENT	28	£5,149.40	No	No		
2005/06	STUDENT	29	£4,937.41	No	No		
2005/06	STUDENT	30	£1,304.41	Yes	Yes	Monthly	Jan-25
2006/07	STUDENT	31	£2,130.73	No	No		
2006/07	STUDENT	32	£247.40	No	Yes	Monthly	
2006/07	STUDENT	33	£5,526.60	No	Yes	Monthly	
2006/07	STUDENT	34	£4,097.40	No	No		
2006/07	STUDENT	35	£2,100.48	No	No		
2007/08	STUDENT	36	£92.65	Yes	Yes	Monthly	
2007/08	STUDENT	37	£1,715.99	No	No		
2007/08	STUDENT	38	£1,335.37	No	Yes	Monthly	

GIBRALTAR PARLIAMENT, THURSDAY, 24th NOVEMBER 2022

2008/09	STUDENT	39	£3,072.26	Yes	No		Feb-33
2008/09	STUDENT	40	£7,113.81	No	No		
2008/09	STUDENT	41	£208.57	No	Yes	Monthly	
2008/09	STUDENT	42	£2,845.19	No	Yes	Monthly	
2008/09	STUDENT	43	£1,193.60	Yes	Yes	Monthly	Nov-24
2009/10	STUDENT	44	£916.80	Yes	Yes	Monthly	Oct-23
2009/10	STUDENT	45	£2,482.46	Yes	Yes	Monthly	Mar-33
2009/10	STUDENT	46	£2,032.06	No	Yes	Monthly	
2009/10	STUDENT	47	£916.00	No	Yes	Monthly	
2010/11	STUDENT	48	£3,936.86	Yes	Yes	Monthly	Jan-31
2010/11	STUDENT	49	£3,181.20	Yes	Yes		
2010/11	STUDENT	50	£3,052.81	Yes	Yes	Monthly	Jun-25
2010/11	STUDENT	51	£1,239.79	Yes	Yes	Monthly	Oct-25
2010/11	STUDENT	52	£84.27	No	Yes	Monthly	
2010/11	STUDENT	53	£620.06	No	No		
2010/11	STUDENT	54	£1,014.26	Yes	No		Feb-27
2010/11	STUDENT	55	£3,333.41	Yes	Yes	Monthly	Oct-36
2010/11	STUDENT	56	£2,600.00	Yes	Yes	Monthly	Apr-24
2011/12	STUDENT	57	£4,410.81	Yes	No		Feb-35
2011/12	STUDENT	58	£1,812.13	Yes	No		May-30
2011/12	STUDENT	59	£5,430.80	No	Yes	Monthly	
2011/12	STUDENT	60	£5,136.41	Yes	No		Jun-31
2011/12	STUDENT	61	£3,110.81	Yes	Yes	Monthly	Jul-31
2011/12	STUDENT	62	£3,901.80	Yes	No		May-29
2011/12	STUDENT	63	£7,569.80	Yes	Yes	Monthly	
2011/12	STUDENT	64	£2,479.79	Yes	Yes	Monthly	Jan-27
2011/12	STUDENT	65	£4,292.10	Yes	Yes	Monthly	Oct-40
2011/12	STUDENT	66	£8,699.66	No	Yes	Monthly	
2012/13	STUDENT	67	£2,362.00	Yes	Yes	Monthly	
2012/13	STUDENT	68	£750.00	No	Yes	Monthly	
2012/13	STUDENT	69	£5,725.50	Yes	Yes	Monthly	Jan-26
2012/13	STUDENT	70	£1,162.15	No	Yes	Monthly	
2013/14	STUDENT	71	£4,928.93	Yes	Yes	Monthly	Feb-31
2013/14	STUDENT	72	£6,925.29	Yes	Yes	Monthly	
2013/14	STUDENT	73	£90.00	Yes	Yes	Monthly	
2013/14	STUDENT	74	£9,719.30	No	Yes	Monthly	
2013/14	STUDENT	75	£200.00	Yes	Yes	Monthly	
2013/14	STUDENT	76	£1,120.00	Yes	Yes	Monthly	
2013/14	STUDENT	77	£3,585.00	No	No		
2014/15	STUDENT	78	£4,468.81	Yes	Yes	Monthly	Jan-29
2014/15	STUDENT	79	£2,848.55	Yes	Yes	Monthly	Aug-34
2014/15	STUDENT	80	£8,093.64	No	Yes	Monthly	
2014/15	STUDENT	81	£635.80	Yes	No		Dec-23
2014/15	STUDENT	82	£5,197.82	Yes	Yes	Monthly	Mar-27
2015/16	STUDENT	83	£259.80	Yes	Yes	Monthly	Apr-23

GIBRALTAR PARLIAMENT, THURSDAY, 24th NOVEMBER 2022

2015/16	STUDENT	84	£7,955.80	Yes	Yes	Monthly	May-35
2015/16	STUDENT	85	£133.20	No	Yes	Monthly	
2015/16	STUDENT	86	£5,915.81	No	Yes	Monthly	
2015/16	STUDENT	87	£10,392.80	Yes	Yes	Monthly	Jul-57
2015/16	STUDENT	88	£12,655.40	No	Yes	Weekly	
2015/16	STUDENT	89	£1,611.68	No	Yes	Monthly	
2015/16	STUDENT	90	£6,458.13	Yes	Yes	Monthly	Apr-28
2015/16	STUDENT	91	£11,651.05	Yes	Yes	Monthly	Aug-28
2015/16	STUDENT	92	£19,924.80	No	Yes	Monthly	
2015/16	STUDENT	93	£15,849.00	No	No		
2015/16	STUDENT	94	£18,000.00	No	No		
2016/17	STUDENT	95	£11,270.20	Yes	Yes	Monthly	Aug-34
2016/17	STUDENT	96	£1,772.16	Yes	Yes	Monthly	
2016/17	STUDENT	97	£313.00	No	Yes	Monthly	
2016/17	STUDENT	98	£4,176.60	Yes	Yes	Monthly	May-26
2016/17	STUDENT	99	£1,225.00	Yes	Yes	Monthly	
2016/17	STUDENT	100	£9,739.80	Yes	Yes	Monthly	Feb-39
2016/17	STUDENT	101	£11,290.00	Yes	Yes	Monthly	Sep-41
2016/17	STUDENT	102	£5,325.41	Yes	Yes	Monthly	Nov-25
2016/17	STUDENT	103	£1,398.00	Yes	Yes	Monthly	
2016/17	STUDENT	104	£3.00	No	Yes	Monthly	
2016/17	STUDENT	105	£1,865.80	Yes	Yes	Monthly	Nov-25
2016/17	STUDENT	106	£8,027.60	No	Yes	Monthly	
2016/17	STUDENT	107	£1,165.00	Yes	Yes	Monthly	Feb-26
2016/17	STUDENT	108	£13,896.80	No	Yes	Monthly	
2016/17	STUDENT	109	£1,180.00	No	Yes	Monthly	
2016/17	STUDENT	110	£11,364.80	Yes	Yes		
2016/17	STUDENT	111	£2,194.00	Yes	Yes	Monthly	Sep-24
2016/17	STUDENT	112	£9,538.55	No	No		
2017/18	STUDENT	113	£11,685.80	Yes	Yes	Monthly	Aug-32
2017/18	STUDENT	114	£12,281.80	No	Yes	Monthly	
2017/18	STUDENT	115	£5,295.60	No	Yes	Monthly	
2017/18	STUDENT	116	£3,454.80	Yes	Yes	Monthly	Aug-28
2017/18	STUDENT	117	£1,093.00	Yes	Yes	Monthly	Sep-24
2017/18	STUDENT	118	£16,159.80	No	Yes	Monthly	
2017/18	STUDENT	119	£9,625.80	Yes	Yes	Weekly	Apr-30
2017/18	STUDENT	120	£1,590.00	Yes	Yes	Monthly	Apr-27
2017/18	STUDENT	121	£5,200.00	Yes	Yes	Monthly	
2017/18	STUDENT	122	£1,662.80	Yes	Yes	Monthly	
2017/18	STUDENT	123	£9,149.80	No	Yes	Monthly	
2017/18	STUDENT	124	£4,014.00	Yes	Yes	Monthly	Aug-39
2017/18	STUDENT	125	£10,358.00	Yes	Yes	Monthly	Jul-31
2017/18	STUDENT	126	£4,066.40	Yes	Yes	Monthly	
2017/18	STUDENT	127	£2,576.30	Yes	Yes	Monthly	Feb-27
2017/18	STUDENT	128	£50.00	Yes	Yes	Monthly	

GIBRALTAR PARLIAMENT, THURSDAY, 24th NOVEMBER 2022

2017/18	STUDENT	129	£10,379.40	Yes	Yes	Monthly	
2017/18	STUDENT	130	£15,765.80	No	No		
2017/18	STUDENT	131	£12,894.80	Yes	Yes	Monthly	Mar-38
2017/18	STUDENT	132	£550.00	No	No		
2017/18	STUDENT	133	£16,025.60	No	Yes	Monthly	
2017/18	STUDENT	134	£9,460.00	No	No		
2017/18	STUDENT	135	£2,928.00	No	Yes	Monthly	
2018/19	STUDENT	136	£7,284.80	Yes	Yes	Monthly	Jan-35
2018/19	STUDENT	137	£31.55	Yes	Yes	Monthly	
2018/19	STUDENT	138	£982.00	Yes	Yes	Monthly	Jun-24
2018/19	STUDENT	139	£418.80	Yes	Yes	Weekly	May-24
2018/19	STUDENT	140	£12,184.80	No	Yes	Monthly	
2018/19	STUDENT	141	£15,897.80	No	Yes	Monthly	
2018/19	STUDENT	142	£1,621.30	Yes	Yes	Monthly	
2018/19	STUDENT	143	£11,925.60	Yes	Yes	Monthly	Oct-23
2018/19	STUDENT	144	£15,004.80	No	Yes	Monthly	
2018/19	STUDENT	145	£16,688.20	No	Yes	Monthly	
2018/19	STUDENT	146	£8,918.80	No	Yes	Monthly	
2018/19	STUDENT	147	£15,964.80	No	Yes	Monthly	
2018/19	STUDENT	148	£5,425.00	Yes	Yes	Monthly	May-27
2018/19	STUDENT	149	£15,452.80	Yes	Yes	Monthly	Oct-35
2018/19	STUDENT	150	£1,159.40	Yes	Yes	Monthly	Mar-23
2018/19	STUDENT	151	£5,990.00	Yes	Yes	Monthly	Nov-27
2018/19	STUDENT	152	£17,275.20	No	No		
2018/19	STUDENT	153	£16,729.60	No	Yes	Monthly	
2018/19	STUDENT	154	£600.00	No	Yes	Monthly	
2018/19	STUDENT	155	£6,704.80	No	No		
2019/20	STUDENT	156	£11,975.80	Yes	Yes	Monthly	Nov-32
2019/20	STUDENT	157	£20,819.60	No	Yes	Monthly	
2019/20	STUDENT	158	£14,714.80	No	Yes	Monthly	
2019/20	STUDENT	159	£15,754.80	No	Yes	Monthly	
2019/20	STUDENT	160	£15,148.80	No	No		
2019/20	STUDENT	161	£9,400.40	No	No		
2019/20	STUDENT	162	£1,326.46	Yes	Yes	Monthly	Dec-23
2019/20	STUDENT	163	£2,081.43	Yes	Yes	Monthly	Jul-24
2019/20	STUDENT	164	£3,164.80	Yes	Yes	Monthly	Jun-25
2019/20	STUDENT	165	£2,305.00	Yes	Yes	Monthly	Jan-24
2019/20	STUDENT	166	£11,115.80	Yes	Yes	Monthly	Feb-32
2019/20	STUDENT	167	£13,464.80	Yes	Yes	Monthly	Feb-34
2019/20	STUDENT	168	£6,616.80	yes	Yes	Monthly	May-28
2019/20	STUDENT	169	£161.71	Yes	Yes	Monthly	Jan-21
2019/20	STUDENT	170	£15,664.80	No	Yes	Monthly	
2019/20	STUDENT	171	£6,568.00	No	Yes	Monthly	
2019/20	STUDENT	172	£3,520.60	Yes	Yes	Monthly	Oct-24
2019/20	STUDENT	173	£6,001.30	No	Yes	Monthly	

GIBRALTAR PARLIAMENT, THURSDAY, 24th NOVEMBER 2022

2019/20	STUDENT	174	£15,289.80	Yes	Yes	Monthly	May-31
2019/20	STUDENT	175	£6,631.80	Yes	Yes	Monthly	May-28
2019/20	STUDENT	176	£6,844.46	Yes	Yes	Monthly	Jul-28
2019/20	STUDENT	177	£80.00	No	Yes	Monthly	
2019/20	STUDENT	178	£13,349.80	Yes	Yes	Monthly	Dec-33
2019/20	STUDENT	179	£10,775.80	Yes	Yes	Monthly	Nov-28
2019/20	STUDENT	180	£16,924.80	No	Yes	Monthly	
2019/20	STUDENT	181	£888.00	No	No		
2019/20	STUDENT	182	£1,660.00	No	No		
2019/20	STUDENT	183	£3,120.00	No	No		
2019/20	STUDENT	184	£4,590.25	Yes	Yes	Monthly	Oct-40
2019/20	STUDENT	185	£16,298.80	Yes	Yes	Monthly	Jun-36
2019/20	STUDENT	186	£9,959.15	Yes	Yes	Monthly	Jun-27
2019/20	STUDENT	187	£15,762.80	Yes	Yes	Monthly	Jul-36
2019/20	STUDENT	188	£15,251.65	Yes	Yes	Monthly	Jun-28
2019/20	STUDENT	189	£16,472.40	No	Yes	Monthly	
2019/20	STUDENT	190	£15,678.00	No	Yes	Monthly	
2019/20	STUDENT	191	£7,397.13	Yes	Yes	Monthly	Dec-26
2019/20	STUDENT	192	£5,271.46	No	Yes	Monthly	
2020/21	STUDENT	193	£2,080.80	Yes	Yes	Monthly	Jul-24
2020/21	STUDENT	194	£3,878.63	Yes	Yes	Monthly	Feb-26
2020/21	STUDENT	195	£17,786.20	No	Yes	Monthly	
2020/21	STUDENT	196	£9,959.15	Yes	Yes	Monthly	May-28
2020/21	STUDENT	197	£15,807.80	Yes	Yes	Monthly	Jan-36
2020/21	STUDENT	198	£9,250.00	No	Yes	Monthly	
2020/21	STUDENT	199	£9,462.80	No	Yes	Monthly	
2020/21	STUDENT	200	£11,772.00	Yes	Yes	Monthly	
2020/21	STUDENT	201	£15,790.40	Yes	Yes	Monthly	Jan-36
2020/21	STUDENT	202	£6,700.00	Yes	Yes	Monthly	
2020/21	STUDENT	203	£9,719.30	Yes	Yes	Monthly	
2020/21	STUDENT	204	£16,550.00	No	Yes	Monthly	
2020/21	STUDENT	205	£16,100.00	Yes	Yes	Monthly	Oct-31
2020/21	STUDENT	206	£16,350.00	Yes	Yes	Monthly	Jul-36
2020/21	STUDENT	207	£11,618.20	Yes	Yes	Monthly	Sep-28
2020/21	STUDENT	208	£16,496.00	Yes	Yes	Monthly	
2020/21	STUDENT	209	£16,635.80	No	Yes	Monthly	
2020/21	STUDENT	210	£10,802.90	Yes	Yes	Monthly	
2020/21	STUDENT	211	£8,390.40	Yes	Yes	Monthly	Nov-29
2020/21	STUDENT	212	£11,835.80	No	Yes	Monthly	
2020/21	STUDENT	213	£3,319.13	No	No		
2020/21	STUDENT	214	£17,830.80	No	No		
2021/22	STUDENT	215	£6,665.46	Yes	Yes	Monthly	Jun-28
2021/22	STUDENT	216	£5,289.46	No	Yes	Monthly	
2021/22	STUDENT	217	£14,202.46	Yes	Yes	Monthly	
2021/22	STUDENT	218	£4,696.65	Yes	Yes	Monthly	

2021/22	STUDENT	219	£5,303.63	No	Yes	Monthly	
2021/22	STUDENT	220	£1,283.33	Yes	Yes	Monthly	
2021/22	STUDENT	221	£5,208.13	Yes	Yes	Monthly	
2021/22	STUDENT	222	£5,253.63	Yes	Yes	Monthly	Apr-27
2021/22	STUDENT	223	£12,867.80	Yes	Yes		Jan-30
2021/22	STUDENT	224	£14,623.46	No	Yes	Monthly	
2021/22	STUDENT	225	£5,403.63	Yes	Yes	Monthly	
2021/22	STUDENT	226	£1,478.32	Yes	Yes	Monthly	
2021/22	STUDENT	227	£16,635.80	No	No		
2021/22	STUDENT	228	£17,690.40	Yes	Yes	Monthly	Sep-32
2021/22	STUDENT	229	£16,635.80	No	Yes	Monthly	
2021/22	STUDENT	230	£17,840.40	No	Yes	Monthly	
2021/22	STUDENT	231	£17,830.80	No	Yes	Monthly	
2021/22	STUDENT	232	£16,635.80	No	No		
2021/22	STUDENT	233	£14,476.46	No	No		

Hon. E J Reyes: Mr Speaker, I have the schedule. Unfortunately, it is rather smallish printed. I think in the past we have made the request ... Because, as the Minister divulged before, we have been very good friends – actually pupils in the same school, in the same class – for well over half a century, one is honest. If he does have it in an Excel format or whatever, if I can have that link then I can enlarge it.

On my very first quick look, on the projected completion date in some cases there are no dates at all. That is something that the accounts clerks would have to do from the amount outstanding, but I do not have a column that says how much has been paid. What it brings to mind is, towards the top, one of the projected completion dates is October 2052. There are still 30 more years to go before that date. If the debtor is a 20-year-old, he will probably be knocking on the door of retirement and cashing in his pension and still have outstanding debt from a scholarship. It could be a typographical error. It could be something that the Minister is aware of and he may have a simple explanation for why that odd date of 2052 ... I know 2040 comes further down the line, later, but if one owes £4,000 and still has 20 years to pay, it means you are only paying, what, £500? I do not know – mathematics is not my forte – but it seems to be a very slow payback rate.

Hon. Prof. J E Cortes: Mr Speaker, I would have to find the information. I can say that I will certainly send the information in Excel. If the hon. Member does not receive it tomorrow, I would appreciate it if he just sends me a WhatsApp or an email to remind me and I will send it to him.

These are contracts entered into by the Department with the student and/or the student's parents, and therefore no two cases will be the same. I will certainly check whether that date is typographical or real, and if it is real, then I am sure there is a reason for it, which I will be very happy to share with the hon. Member behind your Chair, Mr Speaker. There could be sensitive personal details that I do not think we should share, because in Gibraltar people could be identified. But this is not secret at all, and I would be very happy to do that with the hon. Member.

Hon. E J Reyes: That is acceptable to me, Mr Speaker, and I look forward to that information.

Q479/2022
Vacant teaching posts –
Details

Clerk: Question 479/2022. The Hon. E J Reyes.

1660 **Hon. E J Reyes:** Can the Minister for Education provide this House with updated details in respect of all vacant teaching posts, identifying the school/establishment where these may exist, together with the grade they pertain to, and further indicating how many are being covered in an acting capacity and by when it is expected these posts will be allocated on a substantive basis?

1665 **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): Yes, Mr Speaker, once again with apologies for the small print but likewise I am happy to share the digital file. The information is provided in the schedule being handed over. I can assure the hon. Member that I find it as difficult to read as he does, so he is at no disadvantage in that respect.

Answer to Q479/2022

ANSWER TO QUESTION 479

SCHOOL:	TYPE OF VACANCY	TIERING	TITLE OF VACANCY	CURRENTLY BEING ACTED	PRIORITY FOR VACANCY RELEASE	TIMEFRAME
BFUP	TLR	TLR 2B	Year Coordinator & Foundation Subject Leader	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
BS	TLR	TLR 1B	Pastoral Lead	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
BS	DHT	N/A	Deputy Headteacher at Bayside School	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
BS	TLR	TLR 1B	Subject Leader English	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
BS	TLR	TLR 1A	Senior Teacher	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
BS	TLR	TLR 1A	Senior Teacher	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
GC	TLR	TLR 2A	Coordinator for Continuing Education & Professional Courses	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
SBUP	TLR	TLR 2B	Year Coordinator & Foundation Subject Leader	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
SJUP	DHT	N/A	Deputy Headteacher at St Joseph's Upper Primary School	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
SPLP	TLR	TLR 2C	IT Coordinator	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
SPLP	TLR	TLR 2C	Music and Expressive Arts Coordinator	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
WS	TLR	TLR 2A	Subject Leader Textiles	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
WS	TLR	TLR 2A	Subject Leader Music	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
WS	TLR	TLR 2A	Subject Leader IT	Y	Currently being recruited	We intend recruitment process to have been completed by the end of Term 2
BS	TLR	TLR 2A	Admin and Resource Coordinator	Y	Under review	Decision on way forward to be determined by the end of this academic year
BS	TLR	TLR 2A	Assisant to Post 16 Coordinator	Y	Under review	Decision on way forward to be determined by the end of this academic year
BS	TLR	TLR 2A	DT Coordinator	Y	Under review	Decision on way forward to be determined by the end of this academic year
BS	TLR	TLR 1B	Science Coordinator	Y	Under review	Decision on way forward to be determined by the end of this academic year
BS	TLR	TLR 2D	Assistant to Head of Department Art	Y	Under review	Decision on way forward to be determined by the end of this academic year
BS	TLR	TLR 2D	Teacher in charge of the Library	N	Under review	Decision on way forward to be determined by the end of this academic year
GC	TLR	TLR 1B	IT Coordinator	Y	Under review	Decision on way forward to be determined by the end of this academic year
GMLP	TLR	TLR 2B	Year Coordinator and Foundation Subject Leader	Y	Under review	Decision on way forward to be determined by the end of this academic year
HPS	TLR	TLR 2B	ICT and Foundation Subject Leader	Y	Under review	Decision on way forward to be determined by the end of this academic year
SJLP	TLR	TLR 2B	Year Coordinator and Foundation Subject Leader	Y	Under review	Decision on way forward to be determined by the end of this academic year
SJLP	TLR	TLR 2B	Year Coordinator and Foundation Subject Leader	Y	Under review	Decision on way forward to be determined by the end of this academic year
SPLP	TLR	TLR 2D	Early Years Coordinator	Y	Under review	Decision on way forward to be determined by the end of this academic year
SPLP	TLR	TLR 2B	Year Coordinator and Foundation Subject Leader	Y	Under review	Decision on way forward to be determined by the end of this academic year
SPLP	TLR	TLR 2B	Year Coordinator and Foundation Subject Leader	Y	Under review	Decision on way forward to be determined by the end of this academic year
WS	TLR	TLR 1B	DT Coordinator	Y	Under review	Decision on way forward to be determined by the end of this academic year
WS	TLR	TLR 2A	Subject Leader Drama	Y	Under review	Decision on way forward to be determined by the end of this academic year
WS	TLR	TLR 1B	Science Coordinator	Y	Under review	Decision on way forward to be determined by the end of this academic year
WS	TLR	TLR 2B	Assistant to Year Coordinator (KS3)	Y	Under review	Decision on way forward to be determined by the end of this academic year
WS	TLR	TLR 2B	Assistant to Year Coordinator (KS4)	Y	Under review	Decision on way forward to be determined by the end of this academic year
WS	TLR	TLR 2B	Assistant to Post 16 Coordinator	Y	Under review	Decision on way forward to be determined by the end of this academic year
WS	TLR	TLR 1A	Key Stage Coordinator (KS4)	Y	Under review	Decision on way forward to be determined by the end of this academic year

Hon. E J Reyes: Mr Speaker, thank you, and of course I can look at it further at another stage. I am glad to note in the column under the heading 'Currently Being Acted', they all indicate yes except for one particular post, which is 'Teacher in charge of the Library'. Is there a specific reason why they have decided not to allocate this post, even in an acting capacity?

Hon. Prof. J E Cortes: Mr Speaker, this is one of the posts that we are reviewing, but it is not acted upon because it is teacher in charge of the library in the secondary schools, where we have now employed a librarian and the discussion is whether we need a specific teacher in charge of the library or whether that role is adequately filled by the post of librarian. That is a discussion we are having both internally with Human Resources and, obviously, with the staff side.

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

Because of the Minister's answer it is now clarified that it is just a teacher of library as opposed to ... Just over 20 years ago, when I personally had a post within Bayside School, part of the duties was the library, but it actually encompassed more things and encompassed all learning facilities.

May I move on to the last column here? The Minister is being honest, saying 'We intend the recruitment process to have been completed by the end of Term 2,' so your recruitment process will have been completed by then. One could safely say, despite delays, by term 3. Then the incumbent would have been settled. However, a bit further down is 'Decision on way forward to be determined by the end of this academic year.' That could take us anywhere to June or July, and you determine a way forward but then the whole selection process does not commence until September. Can the Minister allay any fears that although it is work in progress, it seems in a year's time we could be talking about the same thing and still have a vacant position?

Hon. Prof. J E Cortes: Mr Speaker, I think that is unlikely. We are advancing in discussions on whether some of these need to be reviewed. Because the schools are larger, we had to give a bit of time to see whether responsibilities were adequate. I could go case by case, but obviously it would take too much time. The intention is that we finalise and agree with the teaching side what those posts should be, whether they need a change in title, whether they need a change in TLR, so that we would then advertise next term with a view to recruiting the following term, so that the teachers could be in place by the beginning of the next academic year. That is realistic because these things cannot be done overnight and the selection process normally – in many cases there are a lot of candidates – takes a long time, but that is the intention. I hope and I certainly undertake that we will not be in the position next year that these are pending. He will note, Mr Speaker, that a number of them are actually advertised and are currently in the process of being recruited – just under half of the total.

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

One small thing: because those towards the bottom say decision on way forward to be decided, are we talking about a decision that mainly, if anything, would affect the column 'Tiering', whether it be a TLR 1B or 2B and so on? Is that what the Minister is saying could be the main area to be decided on a way forward?

Hon. Prof. J E Cortes: Yes, Mr Speaker, that is a possibility. If the responsibilities have been increased because of the changes in the school, then the TLR may have to be a higher one; if they decrease, it may have to be a lower one. I suspect that if that happens they will more or less balance out, but this is a discussion that has to be considered very carefully and has to be done including the teachers' union.

Q480/2022

**Greenhouse Gas City Inventory 2020 –
Expected date of publication**

1720 **Clerk:** Question 480/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Phillips.

Hon. K Azopardi: Mr Speaker, can the Government state when it is to publish its next greenhouse gas emissions declaration?

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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 2020 Greenhouse Gas City Inventory will be published in mid-December this year, in a couple of weeks' time.

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Hon. K Azopardi: I am grateful for that. As it is imminent, has the hon. Member seen a draft of that, and how would that compare with the previous ...?

1735 **Hon. Prof. J E Cortes:** Yes, Mr Speaker. May I also add that the requirement for producing these inventories is every two years, so we will publish the 2020 now and then we have to publish the other within two years' time; it takes time to develop the inventory.

From what I remember, the greenhouse gas emissions have dropped from the previous term. Clearly, there is a little bit of an artefact there because the 2020 figures will be expected to be lower because of lockdown. I think the indication is that even without lockdown the figures would have been smaller, but that will all be explained when the report is published. I believe the news is good, but obviously with the caveat that lockdown will have had an effect.

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Hon. K Azopardi: This is going to cover what specific period, just to remind us?

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Hon. Prof. J E Cortes: Mr Speaker, from memory I think it is the preceding two years. I have not got my supplementary notes with me, for some reason, but I believe it is two years. I stand to be corrected and I will certainly inform the hon. Member if I find that I am mistaken.

1750 **Hon. K Azopardi:** Just finally, so that I understand the point of 'the preceding two years' – meaning the period 2020-22 or the period 2018-20?

Hon. Prof. J E Cortes: Mr Speaker, again, my notes seem to be missing from the file. The 2020 inventory will have covered, I believe, the two years up to 2020, so the previous one would have been the two years up to 2018. Again, I stand to be corrected.

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Q481/2022

**Renewable energy –
Gibraltar's share**

Clerk: Question 481/2022. 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 Gibraltar's share of renewable energy is?

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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 installed capacity of renewable energy projects is about 3 megawatts. This constitutes about 10% of Gibraltar's daily average peak power demand, which is about 30 megawatts.

Hon. K Azopardi: Mr Speaker, what is the aim, in terms of the percentage that the Minister would like to achieve in terms of renewable energy?

Hon. Prof. J E Cortes: Mr Speaker, our published aim was 20% by 2021. That was delayed because of the inability of contractors to carry out projects during the COVID period. There are a number of other projects in hand which I believe within the next 12 months should take us very close to 20%. I would like to have much more than that, and we are working on ways of achieving it, but I am fairly confident that we will be very close to 20% in about 12 months' time. I am very pleased that we are now at 10%, which is obviously a lot more than it was 11 years ago when we were at not just zero but probably minus something because there was not a lot of interest.

Hon. K Azopardi: And when the hon. Member says they are working on projects to make it rise from 10% to 20% ... Obviously it was 20% by 2021, so clearly we have not got there and that could be due to other factors, but what is the kind of project that he is talking about that will make us get to that percentage?

Hon. Prof. J E Cortes: There are a number of projects that were planned and already have planning permission. In fact, there are one or two projects and I believe that one of the new stadiums is one which is producing energy, but we need to tweak the recording facility, so we may actually be producing a little bit more. There is already planning permission for a number of projects, and from memory I know that the University is one. I know that the solar panels were delivered there this week or last week. There is another plan for St Joseph's School and there are one or two others that were already part of a tender process, were allocated, went to planning but had to be halted and they are now taking off again. There are discussions with other, private, entities for themselves to install solar panels on their own roofs and there are discussions between the Department of the Environment, the Gibraltar Electricity Authority and these entities looking into the possibility of expanding further. This is why I believe that we can be close to 20% in a year's time.

Hon. K Azopardi: And so am I right in understanding from his explanation that the way we are achieving that jump in renewable energy is focused primarily, if not exclusively, on the solar panel route? Is that right?

Hon. Prof. J E Cortes: Yes, indeed, Mr Speaker, this is actually the cheapest and it is getting cheaper all the time, and, for Gibraltar, the most effective. Clearly we do not have land area for sizeable wind generators. Offshore is a possibility that is not being discarded and there are various studies looking into that. I think I have mentioned in here before we had an assessment of current speed to look at marine currents, which was done by the University of Highlands and Islands, and the preliminary studies suggested that our currents, surprisingly enough, within BGTW were not strong enough using present technology to make the marine current generators viable. In other words, it would take too long to give us the investment back. However, we are on their radar and they are leading in research on this, and as the technology improves it may well be possible for us to harness the power of the sea in our waters. But at the moment it is solar that is clearly well in the lead. There are still plenty of spaces where we can put them, and they are getting more efficient all the time.

Q482/2022

**Commonwealth and Campion Parks –
Smoke-free designation**

Clerk: Question 482/2022. 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 or not Commonwealth Park and Campion Park are designated as smoke-free zones; and if not, why not?

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): No, Mr Speaker, Commonwealth Park and Campion Park are not currently designated as smoke-free zones. The original legislation for playgrounds and parks was designed for children's play parks specifically. However, new regulations designating these two parks as smoke-free zones are being drafted. I have seen a very advanced draft only this week, so it may be that we are able to publish as early as next week. I am not committing 100%, but I am quite hopeful that we will see it before Christmas.

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Q483/2022

**Walk the Wall project –
Progress**

Clerk: Question 483/2022. The Hon. the Leader of the Opposition on behalf of the Hon. E J Philips.

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Hon. K Azopardi: Mr Speaker, can the Government state what progress it has made with its 2020 proposed Walk the Wall project?

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

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Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, the Government has produced a detailed design and costing of the Walk the Wall project which divides it into phases. This project will not be proceeded with until it is financially prudent to do so, or private sector funding has been identified.

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Hon. K Azopardi: Can the Minister give us a bit more information about the phases? For example, when he says it will not be proceeded with because of the financial aspects, how many phases, what is the implementation timescale of the phases and what is the cost?

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Hon. Prof. J E Cortes: Mr Speaker, the Deputy Chief Minister is working on this with me and he may have more information. I think it is at least four phases. My hon. Friend suggests it is more. I think, from our last discussion, which is some months ago, we would start in the north and work our way southwards, heading from the American War Memorial towards the Catholic Community Centre as a first phase and taking it from there.

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I have no indication as to costs, but I think whatever costs we will have had by the time the phases are rolled out would obviously have to be reviewed, so I cannot assess that one.

Hon. K Azopardi: Just to understand that ‘no indication of costs’, is it that you have no indication of costs with you today?

1855 **Hon. Prof. J E Cortes:** Yes.

Hon. K Azopardi: All right, so it is not that you have no indication of costs?

Hon. Prof. J E Cortes: I have no indication of costs with me today.

Q484/2022
Upper Rock –
Measures to protect against fire

1860 **Clerk:** Question 484/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

Hon. E J Reyes: Is the Government taking any extra measures to protect against fire in the Upper Rock?

1865 **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): Yes, the Department of the Environment works with colleagues in the GRS and Civil Contingencies to protect the Upper Rock against fire. Recently we have stepped up preparedness and have carried out a series of desktop exercises in order to be ready for such an eventuality. A live exercise is being planned for the near future involving all stakeholders. Practical steps, such as widening of firebreaks and repairs to water tanks, have also been carried out and more is planned.

1875 **Hon. E J Reyes:** It is amazing how nature interfered with this question. We did have a little bit of rain yesterday, but obviously by the time this question had been posed it had not rained for a very substantial time. If one brings to mind what used to happen years ago, when we had what seemed to be annual occurrences of fires in the Upper Rock ...

1880 The Minister has, in his answer, explained that the fire breaks and so on will be kept. Is there a scheduled programme, now that we are at this time of the year and more so, so that when spring comes we do not start to get, again, new growth in areas that have traditionally served as firebreaks? I am thinking of those that come to mind like behind the Bruce’s Farm area and so on.

1885 **Hon. Prof. J E Cortes:** Mr Speaker, the firebreaks are cleared before the summer. The new growth between now and the end of spring will be green, and because the woody vegetation is all removed it will all be herbaceous and not a danger to fire, so it is unlikely that fire would spread across firebreaks. It clearly depends on wind conditions and all that sort of thing, but the programme, I think, works well and the firebreaks are being extended. The plan is that every year they will be extended by a little bit more, obviously within limits, in order to increase the gap should fires arise.

1890 We are reviewing water supplies to the Reserve. You will be aware that there are works ongoing by AquaGib to take water up to Jews Gate to improve on the MoD supply there. All these things are happening and there are now a series of meetings being held with stakeholders to discuss and carry out desktop exercises as to how we will respond in different wind conditions and so on. So I think we are really upping the ante, hoping always that it will be a waste of time because we will not have to deal with a fire.

Hon. E J Reyes: Mr Speaker, I am glad to hear the Minister confirming that AquaGib is working on the extra provision, or improved provision of water and so on. Things may have changed. I know at one time the only supply of water in the Upper Rock was actually fresh water; there was a total lack of brackish water. Are these works being undertaken by AquaGib exclusively fresh water, or brackish or non-potable water, because that influences the demand on the town, as unfortunately we had a few months ago when we had to be careful and ration our use of water?

Hon. Prof. J E Cortes: Mr Speaker, I cannot answer that question. I know fresh water is involved. Whether they are putting in saltwater mains as well, I am not certain. I am glad to say, on behalf of my hon. Friend the Minister for Public Utilities, that water stocks at the moment are very healthy. I do not think that having the ability to have more pressure on our water supply on the Upper Rock is necessarily going to increase the consumption there. We are not going to suddenly provide more people with water, for instance; it is just that the water will be more reliable for those who live there.

Mr Speaker: Next question.

Q485-86/2022

COP27 –

Government attendance; implementation of recommendations

Clerk: Question 485/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, did the Government attend COP27?

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): I will answer this question together with Question 486.

Clerk: Question 486/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, how will Government respond or envisage implementing the recommendations emerging from COP27, and what impact will this have on its own Climate Change Strategy issued in 2021?

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

Hon. Prof. J E Cortes: Mr Speaker, the Government did not attend COP27 in person, although Government officials did attend a number of sessions virtually.

The main outcome is the setting up of funding for developing nations, which I wholeheartedly welcome, but the need for stronger commitment for the reduction of the use of fossil fuels was not met. This is both disappointing and worrying. The Government will discuss the outcome with the Net Zero Delivery Body tasked with achieving our targets and will also take advice from the independent Climate Change Committee on if and how the Climate Change Strategy should be reviewed, although it is unlikely that this will be necessary.

Hon. K Azopardi: Mr Speaker, the part that it is unlikely to be necessary I suppose is added by the Minister because he has preceded that by the statement also that he is going to consult the

Net Zero Body and the Climate Change Committee. So I guess he is adding that from his own personal view – is that right?

1945 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, the Net Zero Body, chaired by the Deputy Chief Minister, will consider, as will the totally independent Climate Change Committee, whether our strategy has to be changed. My view is that nothing significant has happened at COP27 that will need our Climate Change Strategy to be changed because I think it is a good strategy, challenging as it is, but I do not believe ... I may be wrong, and if the delivery body or the Climate Change Committee
1950 advise that we need to change it, then obviously that will be considered. My personal opinion is that COP27 was so disappointing that we were well ahead. Let's hope that COP28 is better, because we are running out of time.

Hon. K Azopardi: Mr Speaker, I certainly agree that we are running out of time, meaning the globe is running out of time. *(Interjection)* Yes, indeed.
1955 The Climate Change Strategy is a chunky document, and while it may not be impacted by COP27 in his view, although that is subject to those discussions that the Minister has pointed out, does he have a view on when the Government would want to amend that strategy? Clearly it is a chunky document, so it is not something that will be done immediately, but is there an aim to replace it with a further document in the future? And if so, would it be at the five-year point or a
1960 shorter period?

Hon. Prof. J E Cortes: It has to be a dynamic document, and I think when we launched it we said it was a dynamic document which will be reviewed. We have the ideal body to review it, or to recommend changes, because that is what the independent Climate Change Committee was
1965 set up to do, made up of experts from Gibraltar and the majority, I believe, from outside Gibraltar, so it is totally independent and they are experts in the field. They report to me on a regular basis and as and when they recommend changes we will consider them, but I do not think we need a new document; I think this document has to be flexible and amendable, and so it should be.

1970 **Hon. K Azopardi:** And then just my final question. The Minister mentioned that at COP27 there had been some kind of agreement on the accessing of funding for developing nations. Is there any possibility of accessing funding for us to make any environmental changes, or is this very targeted to poorer countries?

1975 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, I would say there is no possibility. This is aimed at poorer countries who are large emitters, who feel, as we see from news reports, that the developed nations were able to do it as they were developing and contaminated the world, and now we in the developed world are asking them not to and they feel there should be some redress. Fortunately, COP decided that there should be, but it is not something that we would be able to
1980 lay our hands on, and probably nor should we because there are bigger problems elsewhere when we are talking specifically about emissions from developing countries, which have their own social and other problems.

Mr Speaker: Next question.

Q487/2022
St Mary's School –
Signing of underlease and financial terms

1985 **Clerk:** Question number 487/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, can the Government confirm when it would expect to sign the underlease in respect of the future St Mary's School and what the financial terms of the agreement entered into with the developers dated 30th September 2021 in relation to that school are, and in particular what the annual rent or fee payable in relation to the school will be and what amount has been fixed in respect of the option to purchase?

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): My apologies, Mr Speaker, I almost left – I thought we had finished – as I have been invited to attend the Gibraltar Heritage Trust Annual General Meeting, but I have told them I will be a little bit late.

I refer the hon. Gentleman to Question 245/2019. The Government expects to sign the underlease only upon completion of the works and the handing over of the site and post-snagging. Completion is presently anticipated for late spring/early summer 2023.

The financial terms are a rent of £29.75 per sq. foot internal, plus a fit-out rent of £4 per sq. ft internal and £2 per sq. ft external. The exact square footage will be set out in the lease once signed.

The Government has also secured a right to buy the property at defined intervals. The buyout valuation is based on a 4% yield at year 14 and a 6% yield at year 21 and every seventh anniversary thereafter. Assuming RPI at 2.5%, LPS calculated the valuations to be £28.9 million and £20.25 million respectively.

Hon. K Azopardi: Thank you for that, although I think the Minister went a bit fast on some of these stats – (*Interjection*) yes – and I may have to go over some of that ground. So let me be clear on what he is saying. That square footage had, in fact, come from a previous answer, although I had asked ... The hon. Member knows that I had put a similar question last time and we had a discussion between us as to whether the information had been received by us, or not. I went back to look at the 2019 question that I had asked the then Minister, Mr Licudi, who was dealing with it, and he had mentioned that once there was an agreement, it would be clearer to have the appropriate view of actual costs.

As I understand the figures he is giving us, the assessment is that the buyout price is £28.9 million – is that right? – at year 14, but then he gave a different figure at 21, and that was (£20.25 million.) £20.25 million. That would be a buyout price. Before the buyout, there is rental paid at the figure of £29.75 per square foot – is that right? – and obviously there is a fit-out. But is the hon. Member in a position to tell us what the rental charge would be? The last time I asked this, in 2019, Mr Licudi said at that stage that what they had were conceptual drawings of the plan, so it was difficult at that very early stage of the building works to calculate the square footage, so really it could not be one, but that that would emerge. Now that there has been an agreement with the developers, is there clarity of the square footage and therefore there can be a precise calculation of what the rental will be per year?

Hon. Prof. J E Cortes: I do not have that available. Until the lease is drawn up we will not have certainty. I believe there is some adjacent property also involved in parallel works. But I think that if we consider the cost per square foot of £29.75 ... Buildings built perhaps 25 years ago would have attracted a rent of £28 to £31. New-build now is attracting between £35 and £40 per square foot, so I do think, considering that, it is not a bad deal for the Government at all.

Hon. K Azopardi: I am reminded by my hon. Friend, who is, of course, much more on top of the figures, that ... I think it is in the public domain and would he agree that the rental cost is in the region of £1.1 million per year? Can he agree that?

Hon. Prof. J E Cortes: Mr Speaker, if it is in the public domain, it is in the public domain, but I could not comment because I do not have that figure in my head or in my notes. But if it is in the public domain, there it is.

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Hon. K Azopardi: And then, Mr Speaker, he has mentioned a fitting-out cost, which I assume is over and above the rental cost. So does he have a figure for the fitting-out cost?

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Hon. Prof. J E Cortes: No, Mr Speaker, I do not. The actual fit-out is being finalised now. These are for the loose items and other fixtures and fittings and we do not have that available at the moment.

Hon. K Azopardi: Does the hon. Member know how much the works are costing to refurbish the building?

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Hon. Prof. J E Cortes: No, Mr Speaker, the hon. Member does not know. This is being run by a developer. We are keeping a close eye on the development to ensure that it is being built to our specifications. The schools are very closely involved, and have been, in the design and in keeping an eye on works. It is important for us that it be finished on time. We are confident it will be, but I do not have those figures.

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Hon. K Azopardi: Obviously we need to look at those figures, but assuming that calculation of the rental cost, which is in the public domain, appears to be ... and you then add it to the figures he has given, if the Government were to opt to purchase at year 14 and waits 14 years to do it, and you are paying a rental cost of £1.1 million to £1.2 million per year, I have not done the maths but it looks to me as a figure well in excess of maybe even £45 million. That seems like a very large figure for a relatively small school.

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Hon. Prof. J E Cortes: Mr Speaker, I am not going to speculate on figures that I do not have at hand, so I cannot comment any further on that. We are speculating on a calculation on the back of an envelope without any substantive figures to go on, and I do not think that is correct. Certainly I cannot comment on figures that I do not have available.

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Hon. K Azopardi: With respect to the hon. Member, I am using his figures to a very large extent because he said at year 14 it is going to cost £28.9 million to buy the building. So you have at least to pay £28.9 million and then you have to pay whatever the rent has been for 14 years. Assuming it is at least £1 million, then it is £14 million plus £29 million, so you are looking at £43 million or £44 million, maybe 45 million. It seems like a very high figure. They are not figures that he does not have to hand, they are largely to hand; most of those figures are there.

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Chief Minister (Hon. F R Picardo): Mr Speaker, as the hon. Gentleman is saying, we do not accept those figures. That is his calculation of what the figures are, but let's just assume that they are right. That is what he is saying. He is saying, 'Assuming that I am right, this is what you would be paying and that would seem like a lot of money for a school.' Well, Mr Speaker, not necessarily, because if the hon. Gentleman thinks of what the costs of developing schools are today ... Let me just give him the figure for the two schools down by Europort, the cost of development of which, on a brownfield site – that is to say on an empty site – is in the region of £15 million for each school. On a heritage site and building in the centre of the city the cost is always going to be higher. The rental which he is adding to the purchase price is in 20 years, so in 20 years ... Let me just see, given the numbers that he has used ... In 20 years, that school for £40 million is probably a steal because you would not be able to build for £40 million in 20 years and obtain that building at that price. You just need to see the argument that we were having with the hon. Gentleman before, when he was telling us that the cost of construction of Hassan Centenary Terraces, he had been

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told, had gone up in the region of £40 million to £50 million in three years. So calculating the increase – which I did not confirm – in the cost of construction, the increase in the cost of money and the value, in that we are going to have a new school as from today, if in 20 years we acquire it for £20 million and we have paid another £20 million in rent, that means a total of £40 million. In 20 years that will seem like the bargain of the century. Inflation just in this period has been 10%, so inflation in 20 years – assuming not 10% inflation, assuming, to go back to Mr Clinton’s first question this afternoon, compound inflation of an average of 2.5% ... Let’s say we go back to the Bank of England target, which is to 2.5%, over 20 years that is 40%, plus this year’s 20%. That is 50% inflation.

If he is Chief Minister in 20 years’ time – I certainly will not be, Mr Speaker – I only ask that on the day he exercises the option to purchase that property for £20 million, having paid a total of £20 million more, when that property will seem like a steal and dirt cheap, he invites me only for a coffee, a chat, to pat me on the back and say, ‘I said everything you did was wrong, but on reflection this one was not bad.’

Hon. K Azopardi: Mr Speaker, I will tell him one thing – (*Interjection and laughter*) in 20 years’ time ... at least I can say that I will have stood down as GSD leader by then. (*Laughter and interjections*) There may be a leadership election in 20 years’ time.

Mr Speaker, I am not sure I see how the hon. Member is putting it, because I just do not think you can use the example that he has. He is saying this is a really good deal because you could not build a school like this in 20 years’ time, you could not build this school for £45 million in 20 years’ time. Well, of course that is right. You could not build this school in 20 years’ time for £45 million, but nor would this school, built today, be in the same state as it would be brand new in 20 years’ time. So you cannot say the school that I have in 20 years’ time is a bargain because you are comparing a 20-year-old school with a school that is brand new.

Hon. Chief Minister: Will the hon. Member give way?

Hon. K Azopardi: Yes, I will give way.

Hon. Chief Minister: I think what he is failing to consider in that context, in the analysis that he is making, leading to a question, is that that does not consider the acquisition cost of property. There is no title at the moment; there is tenancy. In 20 years’ time, if you exercise the option, you get title to the land. That plot, then, with that building on it is what I am saying would be the bargain. You then also have the school developed and you have had the benefit of it, but you do not have title of it today. What you are acquiring when you exercise the option is title, and what I am saying is given where we are ... Just look back 20 years to the value of property in Gibraltar, and look at where you are today. I will tell him for nothing I bought my home 20 or 30 years ago, in 1997, from the GSD for a half of a fraction of what it is worth today. If you extrapolate from the property values that we all know, what each of us bought a home for 20 years ago and what you sell it for 20 years later, in the context of property value of course there is going to be a huge appreciation in capital value of property, and therefore the option will seem like the deal of the century. That is what I am saying to him.

Hon. K Azopardi: Well, I am glad that he can at least thank the GSD for something. (*Interjection by Hon. Chief Minister*) Mr Speaker, what I am saying is this, in essence. You have a rental deal, which seems like a high rental deal, leading to an option to purchase, which is quite significant – £20 million at year 21, but of course at year 21 you have paid 21 years of that £1 million, so it is £40 million, and at year 14 it is £45 million.

I asked the Minister does he have the costs of the fit-out. Doesn’t it make sense to understand what those costs of fit-out are, so that it might be that the Government wants to accelerate the option to purchase? And if that is something that the Government thinks is cost expedient for the

taxpayer, is there a mechanism to accelerate the option to purchase? He has given me the year 14 and year 21 ones, but is there something in the agreement that allows the Government to accelerate the option to purchase – to, say, do it in seven or eight years?

2145 **Hon. Chief Minister:** Mr Speaker, every option to purchase gives a landlord and a tenant a defined point at which they have agreed a price, which does not prevent them from agreeing other prices at different times. So you can agree to purchase the property at any other time, as long as you can agree the price – (*Interjection*) as a mutual agreement at any time. What this does is set out the parameters on which we have done deals now. We have done a number of these
2150 deals, as the hon. Gentleman knows, and what you are doing when you negotiate an option is negotiate property prices for the future based around the property prices that you know today. Therein lies the opportunity to make a lot of money for the taxpayer in a way that is going to produce what we believe is a very advantageous situation for the taxpayer in 20 years' time, even though you have paid the rent for 20 years and had the benefit of the building for 20 years –
2155 because, of course, as he knows, in a tenancy you have exclusive possession for a rent for the period and the benefit of that for the children who are going to go to the new St Mary's School, and the opportunity of acquiring the property at what we think will be a dirt-cheap price in 20 years, which will make the whole thing, when you add the rent paid and the option price, a *great* deal, cheap for the people of Gibraltar.

2160 These are large numbers and I fully get it that when you look at these numbers it is very easy to inflame people to think '*que poca verguensa* £40 million', when actually, in the context of the property world – which may not be the world in which most people operate, which may not be the sorts of figures that most people bandy about, but which are the figures the Government has to deal with because Government is in the property market – this will likely be one of the best
2165 deals that the Government of Gibraltar has done for Gibraltar taxpayers.

Adjournment

Mr Speaker: The Hon. the Chief Minister.

Chief Minister Hon. F R Picardo: Mr Speaker, I now have the honour to move that the House should recess to tomorrow at 4.30 in the afternoon.

2170 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Friday, 25th November at 4.30 p.m.

I now put the question, which is that this House do now adjourn to Friday, 25th November at 4.30 p.m. Those in favour? (**Members:** Aye.) Those against? Passed. This House will now adjourn
2175 to Friday, 25th November at 4.30 p.m.

The House adjourned at 6.25 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.33 p.m. – 8.22 p.m.

Gibraltar, Friday, 25th November 2022

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The Gibraltar Parliament

The Parliament met at 4.33 p.m.

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

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

SUSPENSION OF STANDING ORDERS

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

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

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

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

Remarks of Spanish Foreign Minister, Jose Manuel Albares – Statement by the Chief Minister

Chief Minister (Hon. F R Picardo): Mr Speaker, I am grateful to the House for agreeing to a
Government Statement which comes in the middle of Questions. I informed you only a few
10 minutes ago that I would need to make this Statement.

His Majesty's Government of Gibraltar has noted statements made this afternoon by the
Foreign Minister of Spain, Jose Manuel Albares, in the context of a meeting with mayors of the
neighbouring municipalities that make up the Mancomunidad de Municipios of the Campo de
Gibraltar. The thrust of those remarks is to set out Spain's view of an overview of the current
15 proposals put by the EU and Spain in the ongoing negotiations.

The United Kingdom and Gibraltar also have proposals on the table which are designed to
deliver benefits for the people of the whole region. Our proposals provide for the removal of trade
barriers and the protection of the integrity of the single market in a manner that would not
compromise our fiscal or wider sovereignty concerns. Our proposals also address the issue of
20 personal rights of fluidity across the Frontier. These are achieved in keeping with the provisions
already agreed between us in 2020 and in keeping, of course, also with considerations which
concern the European Union in respect of the protection of the integrity of the Schengen Area.
We have also identified areas for enhanced co-operation for mutual benefit. All of these are
clearly drivers for potentially huge economic growth for the whole region, driven principally by
25 Gibraltar and its people as well as by the municipalities around us and the people who live around
Gibraltar. Our proposals, therefore, also provide for cross-Frontier workers to continue to enjoy
equal treatment with resident workers in respect of in-work benefits. Additionally, the thrust of
this growth is delivered through the engine of these new arrangements and the support of the
European Union and the United Kingdom through this potential treaty.

30 I am, therefore, very pleased to welcome the statements from Jose Manuel Albares saying that
Pedro Sanchez's government is also working to achieve a positive outcome to treaty negotiations.

We are all on the same page in this objective. There are ways to achieve that objective now by concluding the negotiation successfully and with all sides' relevant longstanding positions being preserved. These options are on the table and can be pursued to a successful conclusion for all parties. I am, therefore, confident that we will be able to find the route now to fashion our respective positions around agreement. In the unlikely but possible eventuality that we are unable to do so, with a heavy heart we continue to diligently plan for a no-negotiated-outcome situation. Happily, however, we are already working towards agreement and have a further UK-EU negotiating round fixed for London next week, on 28th and 29th November. We all want agreement this year and continue to work towards that.

My key objective and the key objective of the Government is to achieve a safe and secure agreement for our people which benefits us and benefits the people around us also. We are committed to a win-win outcome in which no one loses and no one has to concede on the issues we consider fundamental, though compromise in areas we each consider we can compromise on would be acceptable, and that works also, of course, for the UK and the EU, who are the high contracting parties to any such treaty. I am convinced we can achieve this.

The United Kingdom has provided massive Whitehall resources to help us achieve our objective. Prime Ministers Johnson, Truss and Sunak have demonstrated their commitment to this process in that way, as have Foreign Secretaries Truss and Cleverly, all of whom I thank, as well as their respective teams officials who are with us at the coalface of this negotiation. The same is true of the European Union and Spain. Both have deployed considerable resources and expended as much negotiating time as we have to achieve this. I want to thank President von Der Leyen and Vice-President Sefcovic for that investment of resources. I thank the EU negotiators also for seeking to understand our positions and the logic of them and how we propose to interface with EU law in a manner designed to assure them of the integrity of their own legal order. I also want to thank President Sanchez and Foreign Secretaries Laya and Albares of Spain for their commitment to the success of this process, together with their teams officials.

This has not been easy and what is left is not easy either, but we remain committed to a positive outcome. A positive outcome can now be achieved. A positive outcome must now be the result.

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

Hon. K Azopardi: Mr Speaker, we too have seen the statements and we welcome the Chief Minister making a Statement on the issue. I think it is important for there to be a Statement because clearly ... The communiques that have been issued by the Spanish government had reached me already – before the Chief Minister gave the Statement – several times from different people. Clearly they are circulating in Gibraltar and it is important for the Government to therefore make clear what is its position and its view of the statement and indeed of the negotiations as they are happening. Therefore, we welcome the fact that the Chief Minister has made a Statement.

Before I ask perhaps some questions of clarification on the Statement, I would preface my remarks by stepping back from the more incendiary or slightly more provocative statements in the Madrid statement. Clearly there are aspects of that statement that are provocative in nature, suggestive of far-reaching proposals that can affect us in a way that traditionally might cross lines in Gibraltar, and there would be concerns by anyone who reads the Spanish statement that that is so – for example, the phrase '*las fronteras exteriores de Gibraltar* would pass under control of Spain', so control of our frontiers, suggestive of a new legal framework which suggests that a proposal made by Spain and the EU has an effect to affect our status. Those are significant issues. There is phraseology, once again, of money laundering and things like that in the statement. I say all that because I think it is important that I make those comments, but of course I recognise that this is a political communique, it has no legal effect and it is important to measure our words, therefore, in that context. There are ongoing negotiations and those of us who have been involved in politics for a long time, and indeed the population generally, will have become accustomed to

the fact that in an ongoing discussion between Madrid, London, Gibraltar or indeed Brussels, there have been often many communiques that we have found objectionable in Gibraltar.

The Chief Minister has our support, the Government has our support in seeking a safe and beneficial agreement for Gibraltar. We have said that that is our position. He has our support and indeed he would have our support if he gets a safe and beneficial agreement and we judge it to be safe and beneficial, and indeed in the context of a no-deal scenario he would, of course, have our support because it would produce a significant challenge for our community. I have said often that on matters of public interest we would stand side by side with the Government and he knows he has our support on our sovereignty, jurisdiction and control red lines. He has all that.

Can I ask him to comment, though, and clarify a number of things? First of all, the statement issued by Madrid talks about the submission by Spain and the European Commission to the United Kingdom of a proposal. Is this a new proposal in writing? Does he have notice of that proposal? Has he seen it? Or is this something that, to his knowledge, is not a new proposal? Is it a proposal in writing? Is there a text? This comes relatively shortly after comments made to the media by the Spanish Foreign Minister last week suggestive that there was a text, followed by a clarification by the Gibraltar Government that said there was no text yet, although, as I understood the press release, there was text around the more problematic clauses, but not a consolidated text. Is the position different, or is the fact that they have issued this statement today some kind of upping of the ante on the basis that there are difficulties in the negotiations? He may he may or may not wish to answer that question.

It is slightly peculiar timing, I would say, to emerge after almost a year of intense rounds of discussion for there to be an official Spanish press release from the central government to say this a week after the Foreign Minister was suggesting that they were crossing the t's and dotting the i's, and then suddenly you emerge from this forest of negotiation to up the ante in this way. I found it slightly peculiar. Also, I found a bit of the language provocative and suggestive of bilateralism, which is undesirable, of course, to us on both sides of the House and is something that we have traditionally disagreed with.

Can I ask him to comment on all those things to the extent that he can in the context of the Statement that he has made, which sets out the objectives of the Government in respect of the negotiations generally? I know that in his Statement he has not been drawn into a detailed commentary on the Spanish statement, but the people of Gibraltar are listening to this, to whom this will be reported later, and will no doubt wish assurances to be made as to the position not only in relation to these questions but the talks generally. So we would be grateful for there to be general clarifications on all those issues.

Can I ask him, finally, to comment on the next round of discussions that he says he will have on 28th and 29th November? That is only next week. Is that a round at which this proposal that Spain has put will be discussed? Is he expecting a specific discussion on these new proposals, if they are new, or is it a normal round at which there is a continuation of the process that has been started and has been discussed in this House before?

Hon. Chief Minister: Mr Speaker, can I start by thanking the Hon. the Leader of the Opposition for indicating his support for the Government's position, which I appreciate, in particular in the context of our seeking a safe and secure agreement for Gibraltar.

It is no secret that we have been negotiating now for over a year. It is no secret that both sides want to bring that negotiating process to a conclusion. It is no secret that the two sides are the United Kingdom and the European Union. And as we come towards the end game of that negotiation, it is perhaps unremarkable that the parties that are commenting are neither the United Kingdom nor the European Union, but Spain and Gibraltar.

In terms of the timing, I do think that one of the key factors to keep in mind in the context of the communique that is issued today is that the Spanish Foreign Minister had some weeks ago convened a meeting between him and the mayors of the region around Gibraltar in Madrid, and the statement today is as a result of his briefing of the mayors as we are coming towards the end

of the year also. When we sometimes reflect on the concerns there are in Gibraltar about the absence yet of a treaty between the United Kingdom and the European Union in relation to Gibraltar, we must not ignore that there is also deep concern in the area around us that there is an absence of such a treaty, and Mayor Juan Franco of La Linea has expressed that on a number of occasions, in the same way as we have expressed that concern on a number of occasions.

I think one of the things we need to keep in mind is that as we come towards the end game of the negotiation, the parties are obviously going to start to up the ante a little for the purposes of finalising the negotiation in a way that they might consider more or less advantageous to them and the other side respectively, and the public process of engagement is obviously going to be more relevant in the end game.

What I wanted to do in the Statement I have made today is not delve into the detail, as the Leader of the Opposition has recognised. For the reasons I have indicated previously, I think it is important that for the negotiation to be successful – and in particular my job, to ensure it is more successful for Gibraltar – we need to ensure that the detail remains in the negotiating room until we are able to say that there is an agreement, or until we are able to say that there is not an agreement and then explain what the detail of that inability to reach agreement has been and why we have felt that it is not possible to reach agreement.

Mr Speaker, I would say this: the position of Gibraltar – and I am only empowered to talk for Gibraltar – in respect of the role that we play in this negotiation with the United Kingdom across the table from the European Union is that the positions that are being put by the United Kingdom and Gibraltar are reasonable, they are positive and they are agreeable, and they would lead to being able to finalise this process in a way that is safe and secure for Gibraltar, that is beneficial for Gibraltar, and of course, for the reasons I have already indicated in my Statement, would not require any of the parties to lose or concede on the issues that each of the parties consider to be sacrosanct. Those are not just the positions of Gibraltar and Spain on issues related to sovereignty, jurisdiction and control. The European Union here has an important stake. They are the high contracting party and they see issues which relate to the integrity of the single market, the integrity of the Schengen Area. The United Kingdom has political issues also in play. And so we need to ensure that all parties are satisfied that they have not been required to concede on issues that they consider fundamental. The issues that we consider fundamental, of course, are sovereignty, jurisdiction and control and then the other issues which relate to the prosperity and the levers of prosperity. Nobody should want us to compromise in respect of the levers of prosperity because, of course, Gibraltar will be creating prosperity if there is a successful treaty that emerges, and therefore we must have those levers of prosperity to continue to produce prosperity for all parties.

The statement that is issued from the Spanish Foreign Ministry is a matter for the Spanish Foreign Ministry. As the Hon. the Leader of the Opposition has himself identified, that is a political statement in the context of it being the statement of a Ministry in Spain. It is not a text of anything that will potentially bind Gibraltar. It is a statement of what Spain says is its position in respect of matters that the European Union is the high contracting party for with the United Kingdom. There is no question of anybody controlling Gibraltar's frontiers other than Gibraltar. There is absolutely nothing to indicate that the United Kingdom or Gibraltar would be prepared to concede that anybody should control Gibraltar's frontiers other than Gibraltar. We will never concede that. There is nothing to suggest that Gibraltar seeks to control the Schengen frontier. The Schengen parties would not concede that anybody should have control over the Schengen frontier other than a Schengen high contracting party or an emanation of the European Union. That led us to the New Year's Eve Agreement and the careful balancing act that was provided for in that framework.

The positions of the Government of Gibraltar have not changed. The positions of the Government of the United Kingdom have not changed. The position of Gibraltar and the position of the Government of the United Kingdom are entirely *ad idem*. There is nothing between us. We do think it is possible to accommodate the concerns of the European Union in this respect and we

do think that our proposals do that, without getting into any of the detail of them. There is, therefore, even less of a question of any change to the status of Gibraltar being in play, let alone agreed or agreeable. The status of Gibraltar will not change as a result of a commercial agreement that deals with matters relating to immigration and the movement of goods. There is no question of a Government that I lead or that is made of by any of the Members of the Cabinet that are represented by the GSLP Liberals, or indeed, I am sure, by any Member of this House, that would lead to the status of Gibraltar being 100% British in all of its territorial extent coming into play, let alone being agreeable. And, indeed, the provisions of the double lock that the United Kingdom has advanced as its political and legal position since 2006 under the new Constitution, if not earlier, provide that the United Kingdom itself would not engage in any such negotiation or discussion without the consent of the people of Gibraltar, which could only be provided either by its Government or this Parliament advancing any such consent, and neither its Government nor its Parliament has advanced or will advance any such consent.

So if the Hon. the Leader of the Opposition has detected any aspect of the statements made today as indicating that the status of Gibraltar, as he has said, is somehow in play, I can assure him, and anyone who has read any such implication into anything said, that not only is it not going to form part of the negotiation or an agreement, it is not even in play because, as the former Secretary of State of Spain for Europe, Marco Aguiriano, said, they know that if they raise the issue of sovereignty – that is to say status – of Gibraltar, ‘the Gibraltarians, and, indeed,’ he rightly said, ‘the British’, which includes the Gibraltarians, of course, ‘close their files and go.’ This is not a negotiation with Spain, this is a negotiation between the United Kingdom and the European Union and I can give the hon. Gentleman the confidence that in all of the discussions we have had and have attended the issue of sovereignty has not been raised by the European Union, the issue of status has not been raised by the European Union and I will never sit down with anyone to negotiate the sovereignty of Gibraltar. The sovereignty of Gibraltar is of the people of Gibraltar only. It is not negotiable. If anything, it is something we discuss with our sovereign, His Majesty the King.

That is not to say that there are not potentially wide areas of agreement in areas which do not relate to status, which do not relate to sovereignty, jurisdiction or control. If you are doing an agreement that relates to immigration, that relates to movement of goods in a particular manner, you are not engaged in a negotiation on sovereignty or status and you have to be careful to ensure that none of the ingredients of sovereignty, jurisdiction or control percolate into the aspects of how you deal with immigration or trade in a way that could somehow affect fiscal sovereignty etc. We will be very careful to guard against that and we will only present an agreement if we are satisfied that it is safe and secure in those respects, and, of course, beneficial also.

Mr Speaker, the hon. Gentleman says that there are references to money laundering etc. in the statement. I want to be very clear about this. We will only do a deal if we are satisfied that the entity we are dealing with is also an entity where there are no risks of endemic or systemic money laundering. The European Union has its system to prevent money laundering and we are therefore happy to enter into an agreement with the European Union – and Spain is a member state of the European Union – with the anti-money laundering structure that they have. We have the same anti-money laundering structure because we were the first of the territories of the European Union, when were part of the European Union, to have a lot of the provisions of the Anti-Money Laundering Directive in place and operating. Indeed, the European Court of Justice has recently struck down one of the limbs of the anti-money laundering provisions of one of the directives of the European Union on an open register of beneficial ownership. Gibraltar still has it because we were the first to implement it, and we need to ensure that we consider very carefully the jurisprudence of the Court of Justice, which may affect not just member states of the European Union, because it may be *obiter* but relevant consideration for all entities that have open registers of beneficial ownership if the issue in play is human rights. We need to look and consider that very carefully. But anybody who looks at Gibraltar’s *corpus juris* and analyses it in respect of anti-money laundering will reach the same conclusion that Michel Barnier reached when he was the

240 commissioner with responsibility for the internal market, in particular for banking and financial services. He said there were absolutely no concerns with Gibraltar's anti-money laundering legal structure, and Gibraltar's anti-money laundering legal structure has just got stronger since then – *avant garde* when were in the European Union and unchanged since then. When it comes to any issues that might arise in respect of money laundering, the other thing I would say is that I think
245 Gibraltar has a great story to tell there, and if anybody's narrative passes through pretending otherwise I would remind them that 'narrative' is also another word for a story.

On the issue of proposals, the hon. Gentleman has rightly picked up that there is a reference to a global proposal being put and that recently the Spanish Secretary of State for Europe, Pascual Navarro, said that there was a global proposal pending dotting i's and crossing t's. The hon.
250 Gentleman has rightly picked up that we countered that suggestion. It is important that people who agree on things do not disagree simply because they express things in a different way, and we must not be keen to snatch disagreement from the jaws of agreement. If somebody says, 'We have made proposals to you on all of the issues on which we are talking,' I would say yes, that is true, and so have we. That is not to say that there is a global proposal. That is not to say that there
255 is a text of a treaty on the table. Far from it, there is not. There are different ways of resolving areas of disagreement and there are many ways on the table of resolving different areas of disagreement, and there is not an agreed way of resolving those areas of disagreement in some areas, but we are pursuing having an agreed way of resolving those areas of disagreement.

There is not a Spanish text proposal. There was not a UK text proposal. There are many
260 different proposals to resolve the issues. Could somebody express that as 'Because we have talked about everything that we disagree on, we have given you our mind on everything that we disagree on, and we have therefore put on the table the way that we think we can resolve these, and that is our proposal'? Could somebody express it that way? I am not the guardian of how people express things, I am the guardian of how my Government expresses things and we are trying to
265 be very careful in how we express things. We are trying to be very precise in how we express something. We are trying to be very Anglo-Saxon in the way that we express things, which is to be precise in how we represent what is actually happening, and we believe that we are being so precise. There is not, therefore, by any stretch of the imagination, a text to dot i's on or cross t's on. And it was not, Mr Speaker, if I may say so to the hon. Gentleman, the Spanish Foreign Minister
270 who said that; it was the Spanish Secretary of State for Europe, who was door-stepped on the way into the Foreign Affairs Council last week. I think it is important to put that in context.

Mr Speaker, the hon. Gentleman has said that there are elements of bilateralism in the way that the Spanish text is expressed. Well, I think he is right. There are always elements of the Spanish pen that tend towards bilateralism, unfortunately. It is really quite remarkable that that
275 is still the case. As he knows, that is not the reality of what is manifesting itself on the ground, and I do hope that, soon, reality will be reflected in text, too. But we have to understand that the United Kingdom and the European Union are the negotiating parties here for the treaty. What matters here is the treaty and it will have to high contracting parties, not because there will be lower contracting parties, but because in public international law the entities that sign agreements
280 are called high contracting parties, and there are two: the United Kingdom and the European Union. That is the relevant bilateralism here. There may be ancillary documentation and there may be other things that we can do in the context of things that cannot be covered by a treaty and we decide that we want to also achieve, but that will not be bilateral as far as we are concerned, although we also recognise – and this is an issue of common ground between the
285 parties because it was also expressed in this way by them when they were in government – that the Government of Gibraltar is not able to enter into international legal instruments because we do not presently have international legal capacity, and that is a legal fact.

Next week there will be a round between the United Kingdom and the European Union, which will continue to explore the areas of negotiation for the treaty. The work is around different
290 proposals – it is not around a global text, it is not around a text, it is around different proposals and different positions – trying to still agree issues of principle to then move to the sort of text

that the parties might agree once the principles have been bottomed out. Having seen how these matters moved in the context of the Trade and Co-operation Agreement, I think if we are able to bottom out the principles, text can follow quite quickly because there are not many ways to express in international law the things that would potentially be agreed, and so we could get to a text quite quickly and then, given the sensitivity of the issues that we are dealing with, in the context of Gibraltar, dotting i's and crossing t's and putting in the right Oxford commas and apostrophes could be very important, but we are not at that stage yet. I do welcome our friend Pascal Navarro's optimism in respect of dotting i's and crossing t's and I sincerely do hope and believe that we can get ourselves to a stage where we have a text, where we are looking at dotting i's and crossing t's very soon, but we are not there yet and we are not any closer this week than we were last week when we said that we were not there yet. But then again, I am not the guardian of the *Ministerio de Asuntos Exteriores'* pen, in the same way as they are not the guardian of my pen, and we express where we think we are in the way that we each consider is appropriate.

I hope that is helpful, Mr Speaker, and I am happy to deal with anything that arises from that answer.

Questions for Oral Answer

SOCIAL SECURITY, ECONOMIC DEVELOPMENT, ENTERPRISE, TELECOMMUNICATIONS AND THE GSB

Q488-89/2022

Construction and Engineering Trades Training Centres – Courses to be offered; vacancies for currently non-Government employees

Clerk: Answers to Oral Questions. Question 488/2022. The Hon. E J Reyes.

Hon. E J Reyes: Mr Speaker, can Government provide details in respect of training courses which it intends to offer at the Gibraltar Construction Training Centre and Engineering Trades Training Centre for future applicants, together with details of starting dates and qualifications to be obtained upon successful completion of said courses?

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

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I will answer this question with Question 489.

Clerk: Question 489/2022. The Hon. E J Reyes.

Hon. E J Reyes: Does Government intend to publicly advertise any instructor or management posts for applications by persons not currently Government employees in respect of existing or future vacancies at both the Gibraltar Construction Training Centre and the Engineering Trades Training Centre?

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

330 **Hon. Sir J J Bossano:** Mr Speaker, as stated in answer to Q302/2022, the Government is not proposing to introduce any changes in the current range of skills which are being provided by the Construction Training Centre and the Engineering Training Centre which the hon. Member already has been provided with.

As regards the qualifications to be obtained on the successful completion of future courses, these will be the same qualifications being obtained for current courses, as there is no intention to introduce a new syllabus.

The starting dates for new entrants in 2023 have not yet been identified.

As has been previously stated publicly, the policy of the Government is to seek to fill existing vacancies from candidates already employed in the public sector given the number of employees in the public sector, which is 1,800 more than in October 2011.

Hon. E J Reyes: Mr Speaker, there are two questions there, so I will obviously have to separate my questions.

The Minister has said through the answer that he more or less intends to continue with the same courses as are being offered now. Unfortunately, he does not have dates for when the next intake is going to happen. Can I ask the Minister has he considered, or would he consider ...? In his answers he has said that they are offering courses where, instead of being specific to one trade, they train the trainee in several trades, which is a skill that the hon. Member had identified was requested by some of the site construction companies and so on. However, if one takes it from there, when a youngster has obtained that initial qualification and goes out to work on site, as happens a lot in life they take a special liking to one particular trade or another. There is an opportunity to get an accredited qualification under the nomenclature 'accreditation of prior experience and accreditation of prior learning', whereby a youngster who has been out on construction sites for two or three years, as an example, and has shown a particular skill – and therefore the employer uses that youngster mainly to either do carpentry work or plumbing work or whatever – can then pursue a particular accreditation with an NVQ certificate and therefore become a fully fledged craftsman in a particular trade with the advantage of providing us with an expert in a particular area. My question was aiming at has the Minister considered, or would he be willing to consider that as a way forward, as a step in further enhancing the skills and qualifications held by the individual? Let's start with that first question, Mr Speaker.

Hon. Sir J J Bossano: Mr Speaker, my understanding is that the Training Centre can only provide training for the qualifications which they have contracted to deliver with City and Guilds, and anything that is not contained in that relationship would require a submission from us with evidence of the fact that there are people able to deliver the new skills. My knowledge of what has been happening there is that when we have moved from one type of skill to another, we have had to go through a fairly long process of negotiations with the awarding body in the UK, with them sending inspectors out here, so I do not think that it is possible to initiate something new that will get an NVQ from an awarding body in the UK unless we have been previously certified and accepted and had a negotiating process with them.

What we do, which is not contained in my answer, is we are able to certify that people are qualified as craftsmen if they have previous skills and they can be trade tested. That happens quite often with Frontier workers who come here and claim that they have the skills and trades in their own country and the employer here wants an independent confirmation that that is so. They can come to the Trades Centre, and that has always happened, to my knowledge, in the Construction Trades Centre in particular, and continues to happen but is driven by the labour market and the request by either the person coming looking for work or the person willing to engage somebody who has applied for a job in the construction industry but wants to have more than a piece of paper produced from somewhere in Morocco or Spain, where sometimes it is not too difficult to obtain a piece of paper.

Hon. E J Reyes: Mr Speaker, what the Minister is saying is almost three quarters of the way to what I was getting at.

First of all, let me say that it is not the introduction of a new course. I know that 20 years ago it existed, and perhaps because of the demand it was a more common occurrence. It is certainly not the introduction of a new course. It is that instead of a youngster who has zero experience in anything starting from the bottom rung of the ladder and making their way up, this individual who perhaps has been through the Training Centre and has come out with that initial qualification and then gained onsite experience goes for a topping up, a sort of revision or polishing of skills, a very short instruction period, and then undergoes a test, for which the candidate is pretty well prepared even before receiving the other. It is just an idea that I think could help the local indigenous workforce up their qualifications. I know the Minister does take an interest in this. Perhaps we can have a coffee behind the Speaker's Chair at some stage and continue further, so as not to bore the other Members on this.

Coming more specifically to Question 489, yes, the Minister is right, he has explained to us before what the Government policy is. However, my understanding is that there were, relatively recently, advertisements put out for instructor posts and even for Training Centre Manager posts. Applications were only open to existing Government employees and I do not think there were any takers. Hence my question is seeing that those posts are vacant and therefore someone is not delivering, because there is no instructor in the particular topic – or someone is not managing the centre because, I think there is no replacement for the Training Centre Manager who recently retired ... My question asked: given that you have tried in house and there are no takers, is the Government now considering extending that to non-existing Government employees? I do not know what the Minister's thoughts are on that.

Hon. Sir J J Bossano: As regards the first part, I am certainly prepared to investigate the possibility of what he is saying if it means that people who have previously acquired but not finished their training could finish their training without having to start at the beginning. It makes sense to me. If he gives me information that I can investigate and it is possible to do it, then I will certainly introduce it and I am grateful for the information. The policy of the Government is to train for employment, not to train for unemployment. If somebody is unemployed because they are three-quarters of the way, then it makes more sense and it is more economical to provide the quarter that is missing than to start from scratch, so I welcome that, and if it is possible to do it I will certainly discuss it with the professionals in the Training Centre and try to persuade them to introduce it as an addition to what we are already doing.

There have been a number of interviews and I have not had feedback yet on the selection process. Our preference is not to increase the size of the public sector given the problems we have, as the hon. Member is well aware, of paying every month. If there was no other way of doing it, we would have to go out and seek candidates from the private sector, but if we can avoid it, it will not happen.

Hon. E J Reyes: I thank the Minister for his answer to that. The Minister can only talk based on the feedback he has had. In some respects it is slightly different to what I have had. What I have had is that there was actually no applicant for a post, but it is up to the Minister to seek the information. However, understanding what he is saying and having to accept that he would rather advertise the post internally because of the number of employees in the public service and so on, what I am told is happening in the meantime is that they seem to be employing, on a short-term contract, someone to cover, on a part-time basis, the manager's post. So it does not quite fulfil 100% the aim of the Minister because he has had to employ, albeit on a short-term contract and not on a substantial long-term placement, someone from outside. He may have been a Government employee once upon a time, but he certainly retired, receiving his occupational pension, receiving his old-age pension, from what I can gather, and on top of that having to be

employed, whereas there are people outside who, unfortunately for them, not being Government employees, cannot aspire to be an applicant for this post.

Really, I think this House should support the best candidate for the position that is vacant. If it is already an existing Government employee it fulfils the Minister's wish, but if it is not, are we going to sacrifice what is best for the trainee because an individual has not quite, somehow or other, managed to get a job within a Government-owned company because it is only open to those who are employees of Government-owned companies? I was going to extend myself by saying it does not even fit with the philosophy that we give scholarships to young men and young women who are able to obtain a place at an accredited place of further and higher education in the United Kingdom, and yet here we have individuals who wish to obtain further qualifications from what they did up to GCSE level in schools, and some cannot follow the courses because, for example – I believe it is painting and decorating – there is no instructor in place. There is the labour market in Gibraltar, people with qualifications who could become very good instructors, but their applications were rejected and sent back to them saying, 'No, sorry, the criteria is we can only accept this if you are already a Government employee, a public servant or an employee of a public-owned company,' a discrimination against certain people within the global Gibraltar labour market.

Hon. Sir J J Bossano: Everybody in the private sector feels discriminated against when they compare themselves with the pay and conditions in the public sector, and everybody in the private sector I know of our age wants either his son or his grandson employed in the public sector. I give them the same answer. The answer is it is irresponsible to keep employing more people when we have difficulty every month in finding the money to pay the people we already have. That is the reality. In addition to my responsibility for delivering training and my responsibility for trying to get more economic activity going, even though people seem to be displeased by my efforts I am also charged with trying to restore financial stability, and therefore I am trying to square all my different responsibilities to produce the best result, so the answer is that ...

I think the skills of the teacher are important, but the most important thing is the commitment of the people who go into the Training Centre to achieve a result. Those people who do not make it do not make it not because of the quality of the teachers we have – and some may be very good and some may be normal. The ones who fail all fail because they have been given innumerable chances after not turning up and missing ... When people come in two days a week, clearly they cannot come in regularly two days a week and expect to acquire the level of knowledge that is supposed to be provided in five days a week. So when people do not make it to grade 2, in 90% of the cases it is because they have shown no real interest and they are there because ... it is not really what they want to do, it is not really what they want to finish up doing, it is rather that since we pay them the Minimum Wage to be apprentices, which is higher than the UK does, they might as well get the Minimum Wage while they are there and then finish up maybe doing a different job. That is what is actually happening. That is the truth of where the failures come. The failures do not come because ...

In Gibraltar we have a much lower ratio of trainer to trainees and the trainers take a personal interest in each individual. It is not a rigid system where somebody can go very fast and then the people who do not go fast enough fall out. They do not. They get all the help they need and each one is given individual attention. The ratio is one teacher to eight in an intake. But there are people who fail, and invariably it is with a heavy heart that the instructor comes to me and says, 'Look, Joe, I think we are not going to be able to make it with this guy because we have given him lectures, we treat him like part of the family, we tell him ... He says he is going to change, but he does not change.' I think you need to understand that we have good people and they are doing a good job, and they cannot get 100% results, much as they would want to.

Hon. E J Reyes: Mr Speaker, I am grateful for that answer. I know that the Minister has even added new material. I do not think I was talking about failures, successes or otherwise of trainees

485 per se. What I am saying is I find I cannot balance that equation. We do not want to employ, one
takes it, wherever possible, new people in the public sector, so a vacancy is advertised only
internally for those who are fortunate enough to already be working in the public sector or a
public-owned company. We can agree to disagree on how many people from the private sector
490 would love to get a stable job within the public service, but I do not know if the Minister
understood me when I said it does not tally with the equation. He is currently employing a retired
person to cover a vacant position there, so you are paying someone already in receipt of an
occupational pension, someone already in receipt of an old-age pension to cover a post which you
could, because you had no internal applicants, advertise and allow someone else to pursue a
career as manager of the Training Centre. Perhaps the Minister has not been briefed on that
495 particular aspect.

Hon. Sir J J Bossano: The only person who was being retained on a part-time basis after he
retired, or was due for retirement, was somebody who was needed for the completion of some
courses that had been studied under him that are not the same as the ones we are doing now. I
500 think he was coming in two days a week to finish those. In fact, he is not shown on the complement
of the Training Centre. I think he is shown in the complement, in the Book, of Human Resources,
as somebody who is surplus, is only covering. He is not doing the job of a full-time person. What
he is doing is a job that will terminate when the people who are doing that particular course
terminate, because he is the only one who can certify them.

505 **Hon. E J Reyes:** Mr Speaker, the Minister is correct. Particular trainees following a course ... if
the instructor who was well acquainted with the course has retired, you then take him back, but
that is a completely different person to the one covering for the post of manager. The manager of
the Training Centre retired, the post was advertised only internally and there were not any
510 applicants. I do not know whether the Minister has been briefed or not. Is he aware of who is the
manager today? The information certainly that I have on this side of the House is that a retired
person who was not working within the Training Centre, was working within a wider, more
specialist educational field and is employed despite his having an occupational pension, old-age
pension and so on. So we are not saving the money, we are actually bringing in a non-Government
515 employee to do a job, and I said why not advertise that to all non-Government employees? Let's
make it fair in the Gibraltar labour market.

Hon. Sir J J Bossano: *[Inaudible]* the correct thing to be doing, to discuss one individual ... I do
not know who he is talking about. Obviously, he knows more about who is employed and not
520 employed than I do. All I can tell him is that if it is a manager who is covering a job which has
become vacant, then probably he is covering a job that has become vacant because the job is in
the process of being filled, has been advertised and people are being interviewed. I do not think
the function of this Parliament is to discuss one individual who may be retired. There are more
than one of those in the service, I can tell him.

525 **Hon. E J Reyes:** Mr Speaker –

Mr Speaker: Let's make this the final supplementary.

530 **Hon. E J Reyes:** I just wish to clarify to you, Mr Speaker, I am not talking about any individual, I
am talking about a particular post. I have not named the individual. I can talk about a post that is
vacant.

I do not blame the Minister, because he only has the feedback that he is getting, but my logical
conclusion today – and I hope he can prove me wrong – is he is not being kept fully up to press.
535 There were no applicants for the vacancy that was advertised for the post at the Training Centre,
so what do we do now? Do we just leave it vacant and let's employ a retired person? There is

nothing wrong with the individual. For all I know, he could be a good friend of mine, maybe someone I have coffee with. I do not know the name of the person, I just know the feedback I get. None of the existing instructors have been told 'Because there is no manager, go and act as manager,' so they are there, they turn up and they have no immediate boss. This person comes probably on a part-time basis, because they are not there from eight to three thirty, or whatever time they are working, and whatever heading he may come under it certainly comes out of the Government and taxpayers' pocket to pay his salary at the end of the day. If there were no applicants, then the next logical step is ... The Minister has tried to achieve what he wanted, not increase the public sector, but there was no one interested, so let's go ...

There are other areas, and I know I am pushing it, Mr Speaker, but there are some cases where, in order to be able to deliver the product in the best interests of the trainee ... We have had JBS employees who have been told at eight o'clock in the morning, 'Don't come to JBS, go to the Training Centre and help them out there, and when you finish at 3.30 then report for duty to JBS,' and JBS pays them overtime. At the end of the day, the trainee is receiving his training and that fits into the model that the Minister has – he is already an employee of a Government-owned company, he is not increasing the workforce and so on – but to employ someone not currently on the register as an employee of a Government company is unfair on those who are not Government employees and could well do a very good job, at least equal to, if not better than the person who is retired and has been taken on.

I will give the Minister an opportunity perhaps to get himself up to date with the information and we can then meet up again and share this further.

Hon. Sir J J Bossano: *[Inaudible]* entirely on one point. We have enough of the entitlement culture without saying it is unfair if we do not employ people from the private sector. If that is unfair, then we are 1,800 less unfair than they were up to 2011.

Mr Speaker: Next question.

Q490-91/2022

Public finances –

Public debt and General Sinking Fund figures as at 1st October 2022

Clerk: Question number 490/2022. The Hon. R M Clinton.

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

Can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date, being 1st October 2022.

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

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I will answer this question with Question 491.

Clerk: Question 491/2022. 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 date, being 1st October 2022?

580 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Hon. Sir J J Bossano: The gross debt and aggregate debt after the application of the Sinking Fund to gross debt, cash reserves and net debt figures on 1st October were as follows: gross debt, 585 £872.7 million; aggregate, £846.3 million; cash reserves, £87.7 million; and net debt, £758.6 million.

The balance on the General Sinking Fund on 1st October stood at £26.4 million.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his updated numbers for the 590 gross debt, but if my calculations are correct – and I am happy, of course, to be corrected – the last number I had for gross debt, at 1st September, was £847.7 million, and the number he has just given me is £872.7 million, which would imply a £25 million increase from the last number he gave me. Is that correct?

595 **Hon. Sir J J Bossano:** Mr Speaker, there has been a further drawdown, but as the hon. Member we will see at the end of the equation where the net debt is, it has not gone up by £25 million.

Hon. R M Clinton: Mr Speaker, I am grateful. If the Minister could confirm that this extra £25 million borrowing has been drawn down from the guaranteed facility from NatWest, and 600 would the Minister confirm that, in effect, that would mean that the budget for borrowing for financial year 2022-23 has been exceeded by £25 million?

Hon. Sir J J Bossano: As far as we are concerned, Mr Speaker, the important thing is not 605 whether we exceed what we borrow, it is whether we exceed what we spend, and if we are able to borrow at favourable rates, then the logic is that we borrow at favourable rates, not because we would need to have borrowed at this particular point the £25 million.

Hon. R M Clinton: Yes, but, Mr Speaker, the budget for gross borrowing was £50 million and he has told us that effectively, as at 1st October, is now £75 million. The number he gave me for 610 net debt is obviously, as a result, lower, but nevertheless he has drawn down more than was anticipated. Would the Minister at least recognise that on that basis there is £25 million more borrowing than was envisaged under the Estimates?

Hon. Sir J J Bossano: Twenty five million more borrowing – there is no question about it, we 615 have borrowed it this month, but what I am saying is that we could have gone through the month without borrowing, but we decided to borrow the money because the money is available. We are negotiating the extension of the time. It does not make a lot of sense to be negotiating the extension of the time to repay and not have drawn down the whole of the facility. We want the facility. We want to have the opportunity of having 29 years to repay money which we are able to 620 borrow at below the rates we will be able to borrow at when the facility is no longer there beyond the £500 million.

Hon. R M Clinton: Mr Speaker, that is a very interesting remark from the Minister, but on that logic why has he not, for example, borrowed the remainder of the balance of the facility now, in 625 one go? I think under the Estimates we would have gone up to £400 million. This takes us to £425 million, in which case he has £75 million of headroom left, if my maths is correct.

Hon. Sir J J Bossano: The purpose of the question and answer session is to provide information. People make choices and people take decisions. Of course, if he were employed by us as the 630 Financial Secretary, he might take a different decision than the person who is there now, but I do not think it is for me to go back and cross-examine the people in the Treasury because he wants

to know why they chose to draw down a certain amount on a certain date instead of a higher amount or a lower amount. He is entitled to have information, I gave him the information, but what I cannot do is search the brain of the person responsible for taking this decision to find out why he has taken a decision on a date to do something which might not be the decision the hon. Member would have taken if he had been doing the job, or that I might have taken if I were doing the job. Officials decide what they do and when they do it on the basis that they are responsible for doing these things and are perhaps in a better position to make decisions as to what should happen when than those of us who are policymakers instead of civil servants.

Hon. R M Clinton: Mr Speaker, the reason I ask that question is not hypothetical, it is because he himself said that the idea was to draw down on the facility as much as possible, to take advantage of the best rates, so that we can pay it over 29 years. I must say 29 years is not a timeframe I have heard before.

Is the Minister in any way concerned that the officials who have drawn down this £25 million have done so when the budget approved by his Government was for only £50 million?

Hon. Sir J J Bossano: What the Budget does, as it did when the GSD was in government, is project an estimate based on a judgement about what is going to happen in the future over 12 months. During those 12 months, as costs come in at the expected rate and other costs come in at unexpected rates ... For example, the amount budgeted for fuel in the generating station as reflected in the Budget may no longer be the amount that is being paid today, so there are decisions that are being taken by the people whose job it is to run these things.

I have given the hon. Member information. He does not want to have information, he wants to have an explanation of motives as to why decisions are being taken by the people who are employed to take those decisions professionally. I will not go back and say, 'I want to know why you did this and not do something else, so that I can go back to the Hon. Mr Clinton and tell him why you did it.' I do not think that is the function of Question Time. Question Time is to obtain information. I have given him the information. He has asked me why they have done it. I think the logic is that we want to be able to draw the money between now and the end of the time in which we have the money, and it is the people who are employed to run the ship for us who recommend certain decisions or take certain decisions as to when it is best to do one thing or the other, and that is it. We do not ask them, 'Why did you do it this week and not last week?' or 'Why did not you wait until next week?' That is not how this Government works. I do not think it was how the previous Government worked either, but that is what he seems to be asking me to do.

Hon. K Azopardi: Can I just ask on this, what was the purpose of the extra £25 million borrowing? Was it to pay recurrent expenditure? Is that what the money will be used for?

Hon. Sir J J Bossano: I was asked to provide figures as to what is the level of debt on a particular day, 1st October, and I am now being asked whether the money that we drew was spent or not spent on a particular something. How does the hon. Member think I should know an answer to a question like that? He has been in government. (*Interjection*) Well, it is not only ... How does he think I could possibly know? If something is being paid by the Government, whether it is being paid out of the £25 million or not depends on whether we have £25 million more in the kitty, or not.

Hon. K Azopardi: First of all, I asked because it is a sizeable sum. I am not asking the hon. Member to say how £1,000 was spent, which obviously he would not know, but given the fact that – he explained it to me last night, in fact – he has been charged with financial stability and control and it is £25 million, and it is quite a big sum, I thought he would actually know. That is why I asked him the question.

Do I take it, then, from his answer, that he does not know how the £25 million has been spent? If so, we will file a more specific question, and then he can give us the answer.

685

Hon. Sir J J Bossano: I do not know how it has been spent. I do not know *whether* it has been spent.

Mr Speaker: Next question.

Q492-95/2022

Community Supplies and Services Ltd –

Whether activities directed by any Minister; Government financial or other interest; source of finance; civil servant involvement

Q496, Q500-02 and Q504-05/2022

Coaling Island temporary housing development –

National Economic Plan; intended residents; alterations, demolitions and urban remodelling referred to in planning statement; relocation of current occupants; planning and aesthetic considerations re proximity to Victoria Keys

Q497/2022

National Economic Plan –

List of projects sponsored

Q503/2022

Module blocks –

Plans for further developments

690 **Clerk:** Question 492/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if any Minister directs the activities of Community Supplies and Services Ltd?

695 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): Mr Speaker, I will answer this question with Questions 493 to 497 and Questions 500 to 505.

Clerk: Question 493/2022. The Hon. R M Clinton.

700

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

Can the Government advise if it has any financial or other indirect interest in Community Supplies and Services Ltd?

705 **Clerk:** Question 494/2022. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise where Community Supplies and Services obtains its financing from?

710 **Clerk:** Question 495/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if any civil servants have been seconded to or in any other way provide services to Community Supplies and Services Ltd?

715 **Clerk:** Question 496/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the proposed Coaling Island modular unit temporary housing development is sponsored or to be sponsored under the National Economic Plan?

720 **Clerk:** Question 497/2022. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide a list of projects sponsored under the National Economic Plan, together with an explanation as to why they have been so sponsored?

725 **Clerk:** Question 500/2022. The Hon. D J Bossino.

Hon. D J Bossino: The good thing about bunching so many questions together, Mr Speaker, is we may get to watch the football at eight o'clock.

730 Please state who it is intended to rehouse in the Coaling Island temporary housing development.

Clerk: Question 501/2022. The Hon. D J Bossino.

735 **Hon. D J Bossino:** Please state which neighbourhoods are subject to alteration and demolition and which urban remodelling is being envisaged, as stated in the planning statement filed in connection with the Coaling Island temporary housing development.

Clerk: Question 502/2022. The Hon. D J Bossino.

740 **Hon. D J Bossino:** Please state what is being built on the neighbourhoods earmarked for alteration and demolition, as scantily outlined in the planning statement filed in connection with the Coaling Island temporary housing development.

745 **Clerk:** Question 503/2022. The Hon. D J Bossino.

Hon. D J Bossino: Please state what plans the Government has to build further developments using module blocks.

750 **Clerk:** Question 504/2022. The Hon. D J Bossino.

Hon. D J Bossino: Where are the current occupiers of the Coaling Island site going to be moved to make way for the Coaling Island temporary housing development?

755 **Clerk:** Question 505/2022. The Hon. D J Bossino.

Hon. D J Bossino: What planning and aesthetic considerations have been taken account of in respect of the Coaling Island temporary housing development, which will be very close to a site which the Government has earmarked for high-end residential living, namely Victoria Keys?

760 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Hon. Sir J J Bossano: Mr Speaker, I am the only Minister engaged in the delivery of the National Economic Plan, in which Community Supplies and Services Ltd (CSS) is participating in the projects.

765 The Government has no financial or other interest in CSS.

CSS provides different services, for which it may charge fees, not necessarily to us.

Members of the staff of the Ministry for Economic Development provide support to CSS where the company is involved in the delivery of a sponsored project. This does not entail any additional payment to the members of my Department.

770 The proposed modular housing development is sponsored under the National Economic Plan.

Current projects are the Jewish Home, elderly residentially home, Eastern Beach sheds, Etioca, Studio Housing, the stadium and the Chilton Court project. All the sponsored projects are sponsored because they contain elements that are relevant to the National Economic Plan and/or will create assets that will, in future, provide revenue to the Government and hence contribute to my responsibility for restoring financial stability to the public finances.

775 The current occupiers of the site identified for the construction of studio flats using modular construction methods are Government stores, which will be relocated, and car parking, which will move to the reclaimed area created by the Government.

Other than sponsoring the project under the National Economic Plan, at this stage the Government is not involved in any of the areas mentioned in the Hon. Mr Bossano's other questions.

Hon. R M Clinton: Mr Speaker, I thank the Minister for his answer. I beg your indulgence as I unpick his answers.

785 If I understand the Minister correctly, he, as Minister for the National Economic Plan, effectively is involved in CSS. I would ask him was he the mastermind behind the creation of CSS and its parent, Gibraltar Community Initiatives Ltd and its subsequent application for charitable status, and what is the rationale for the creation of this structure?

790 **Hon. Sir J J Bossano:** Mr Speaker, he is not ... *[Inaudible]*

Hon. R M Clinton: I am not suggesting that he was actually the lawyer who incorporated the entity; I am asking was he the brains behind the creation of the structure, i.e. was it his idea?

795 **Hon. Sir J J Bossano:** Creating the structure is something that I cannot answer. I can tell him that the concept of having a charity involved in delivering the parts of the plan which can be delivered in the private sector, which is the majority of it, is that it should prove more efficient in terms of costs to have a charity than to give the activity that we need to use to existing people in the field of property development.

800 **Hon. R M Clinton:** Mr Speaker, I would like the Minister to explain how that could be so, especially as Community Supplies and Services is not itself a charity but a subsidiary owned by a charity, and, as he knows, CSS is the applicant as developer on the Rooke Nursing Home site and the other sites he listed, many of which are in his National Economic Plan. How does that make it more efficient?

805 Also, Mr Speaker, if I may add another question to it, if I understand correctly, Community Supplies and Services, for example in the specific case – just so we understand how this works – of the Rooke Nursing Home, will effectively be the owner and the operator of the Rooke Nursing Home site, I assume. I am happy to be corrected.

810 **Hon. Sir J J Bossano:** Mr Speaker, I cannot stop the hon. Member assuming things. He assumes a lot of things a lot of the time and mostly his assumptions are off the mark.

The home will eventually be privately owned, as will other assets, and privately operated. CSS is involved in the process that has taken place so far in the planning applications and administrative work in relation to doing things connected with the home, but not in terms ... It is not impossible that CSS might decide they want to provide that kind of service, but at the moment there is no indication that I am aware of that they are planning to branch out into running elderly people's homes.

820 **Hon. R M Clinton:** Again, Mr Speaker, I am just trying to understand how this works in the context of his National Economic Plan. If we use the specific example of the Rooke Nursing Home as a template for the structure, CSS applies for the planning permission. I presume it then contracts the builder, in this case GBIC, for the nursing home. But where does the money come from to actually build the structure? Does CSS borrow the money in its own name, or is a third party, of which I am not aware, involved in the structure?

825 **Hon. Sir J J Bossano:** Structures are not being financed by the Government, as he knows. That is to say it is not an I&D project. The National Economic Plan will all be done in partnership with people in the private sector. It can be at the beginning or it can be at the end when we complete. There are people who are interested, in the private sector, in working in partnership with us and we are interested in working in partnership with them. Therefore, at the end of the process there may be some things that are retained by some of the partners we have now. There may be things that will be completely outsourced in their entirety and the Government will only be involved in the use of that facility, in the case of the residential home, to the extent that some of the people for whom the Government has responsibility finish up taking up accommodation there. So the entity – which has not yet been selected, because the thing has to be finished before you can have people looking at what is there and making proposals as to the costs – would be a private entity running it and a private entity owning it, offering the services to the Government but also offering the services to people who fund themselves and are not funded by the Government.

840 **Hon. R M Clinton:** Mr Speaker, again I beg your indulgence as I try to put this together in my mind.

I can understand, and I think the Minister has alluded ... that it is obviously a lot easier to sell to the private sector something that has been completed and is there for them to see and they can perhaps express an interest in owning it and running it, but from the point of the plan to the construction and finalisation, how is that being financed? Is the financing is coming from the ultimate purchasers, from the private sector, or is there some sort of interim financing in place from, I just say by example, the Savings Bank? How is this working in operation? For example, on the Rooke Nursing Home site we can see the concrete has gone up and you have already told the House that the modular units should be arriving from China in the next few months, but there is obviously cash involved in this. Somebody must be providing money up front in order to pay the contractors, the containers etc. and the assembly. Is that financing coming from a third party in the private sector of which I have no knowledge, or is there some sort of interim financing arrangement with the Savings Bank?

855 **Hon. Sir J J Bossano:** Mr Speaker, in the initial stages some of the funding is provided by some Government companies. That is when it is more difficult to get people to put money in, because there is nothing there, so in those initial stages some of the companies buy loan notes from the developer and provide money, but then, as the building progresses, they are able to access other sources. At the end of the day, when the building is completed, it will be sold and then we will get the money back to the extent that we put in. The only one that is being 100% funded by us at this stage is the proposed stadium.

Hon. R M Clinton: Mr Speaker, again, your indulgence. I think I am beginning to understand the mechanism, so if the Minister ... Again, I crave his patience. The Minister says the developer will issue loan notes that may be bought by other Government companies. If we again use the example of the Rooke Nursing Home, is it that Community Supplies and Services has issued loan notes to a Government company that is providing the finances? Is that correct? And is there any particular Government company providing this finance?

Hon. Sir J J Bossano: I do not think I have to produce answers about whether they have issued loan notes or not, because we are talking about something that is not a Government entity. But on the Government side I can tell him that we have bought some loan notes with some of the companies, but they may have issued other loan notes to other people, about which really I do not see why I need to know or tell him.

Hon. R M Clinton: Mr Speaker, I appreciate the Minister's candour, but he will also appreciate that I am trying to understand what is a fairly unusual structure for Gibraltar and for this House. I asked him is there any specific Government company buying these loan notes that he can identify to assist us?

Hon. Sir J J Bossano: Mr Speaker, the Government companies, as the hon. Member well knows, have a collective pool where the companies transfer money to each other as they need. They all come under the heading of Gibraltar Investment Holdings or the GDC and the money is treated as one pool, but it may come from one particular company that has a surplus. It would come from one that has a surplus. I can find which one it is and let him know.

Hon. R M Clinton: Mr Speaker, I understand what the Minister is saying, but again I am not talking about the physical movement of cash, I am really after who is the counterparty to the loan note with Community Supplies and Services. If he can just give me an indication, I would be grateful.

Again, if the Minister does not have the information I fully accept that, but does he have an idea of how many loan notes have been bought by Government companies so far, in terms of the value?

Hon. Sir J J Bossano: No, Mr Speaker, not with me.

Hon. R M Clinton: Mr Speaker, given the structure is, as the Minister said, part of the National Economic Plan, and given that under certainly the objects ... I am probably showing my age now, since it appears there are no longer objects clauses, but under the articles of Gibraltar Community Initiatives Ltd, on the income and distributions they are restricted in terms of donating or applying income to advance programmes which benefit Gibraltar and the Gibraltarian community on human, social, economic, education and medical matters, reinvest income and investments as carried out by the company's wholly owned subsidiaries, provide funds or other benefits, make any contribution to sports, endow funds, other charities, each of which would require the permission of the Charity Commissioners. For how long does the Minister envisage the structure will exist? Is this structure meant to exist in perpetuity, indefinitely, or does he see an end to the need for the structure?

Hon. Sir J J Bossano: He is not only asking me, now, to speculate about things, he is asking me to see the future. How long will it take for Russia to move out of Ukraine? To my knowledge, most lawyers, when they incorporate companies, put an entire list of everything on the planet. All the companies I have ever seen in Gibraltar, even if they were only £10 companies, included everything from running airlines to running railways, even though they do not exist. This is standard procedure, as far as I can tell. I think the system will continue as long as there is an

activity in which it can participate, but as I have said, at this stage it does not mean that we are the only ones who can co-operate. There is nothing to stop CSS having engagements with people other than us, either because they want to or because some other party may want to have a relationship with them on a particular project. If the hon. Member is asking do they cease to exist when the National Economic Plan is exhausted, the answer is not necessarily.

Hon. R M Clinton: Mr Speaker, I really appreciate the answers the Minister is giving. I just have one final question. The loan notes that Government companies are buying – what sort of security are they receiving in exchange for the loan notes? These are presumably building sites that CSS is involved in. From the search and the information I have, and these entities have only been set up in the last two years, but Community Supplies and Services only has a share capital of £100 and the last accounts were filed for its parent. I do not think I have accounts yet for CSS; there are no accounts filed yet. How is the Government ensuring that it has good security for the loan notes? What sort of security has it obtained, if any? Certainly from a cursory search of CSS I did not see any charges registered against it, as I would expect to see if it has issued loan notes.

Hon. Sir J J Bossano: Mr Speaker, the hon. Member needs to understand that many of the questions he raises are about things that are announced and five minutes after they are announced the hon. Member wants to have lots of answers about things that have not yet happened and are not yet happening.

He needs to understand that we are talking about a process that has been in existence with a number of very small projects for the last few months, and that the one big project, which is the stadium, is not being done with CSS but directly with the National Stadium Company. The National Stadium Company, as I said yesterday, will be transferred to the Savings Bank. When I give him the list – as I also said, he is the only who has ever asked for it and I am the only one who has ever given it, and I will continue to give it to him even though he thinks I am fiddling the books – he will see that it will appear there now and that there will be issues of purchase by the Savings Bank of loan notes which will appear in the list that I will give him, just like it happens with Credit Finance. When Credit Finance needs more money for some of what it is doing, it gets the money from the Savings Bank but it appears in the Book. In this case, the ownership will appear because it will be transferred to the ownership of the Savings Bank until we have been repaid whatever the closing amount eventually is. When we get all our money back and we get the profits back in the Savings Bank, the agreement we are discussing with the Football Association is that the GFA will get its company back on the basis that the agreement is that they relinquish ownership to the Savings Bank for the period. So every penny that the Savings Bank invests will be in a company that it temporarily owns. That is to say at the start of the business when they have not put in a penny, they will be getting a company that owns a plot of land which has a value, and then, as they advance money for the project, the creation of assets with that money will belong to the company, which technically is temporarily owned by them, and the money that is being provided will appear monthly. As I gave the hon. Member the list, I think if he wants to keep track of that he will find it easy to do.

Hon. R M Clinton: Thank you, Mr Speaker, I am grateful to the Minister for his explanations, but there are two different things coming out of this and I really do beg your indulgence. One is about the stadium structure and the other one is the CCS structure, and they seem to be two different financing methods, if I am correct.

On the CSS one, the Minister said, if I deal with that one first, I want to know about stuff that has just happened, but with respect to the Minister, he will appreciate that the Rooke site has been ongoing for quite a while, and as I said, I am using it as a generic example for how this will work. I was asking, in respect of the Rooke site, whether loan notes had been issued by CSS. I just find it strange that CSS had no charge against it as a general mortgage against the company. That is just one question on that side, which we can park.

The other one is, coming to the stadium, if I understood the Minister correctly, they will effectively take control of GFA National Stadium Ltd. I do not know whether there will be a legal transfer of ownership to the Savings Bank, so that effectively it will become a company owned by the Savings Bank, which in turn ... I have not checked the register. I presume the land is registered in the name of GFA National Stadium, which would be logical. As time progresses, it will, as I think he described, require money to build the stadium, and if I understand the Minister correctly, it will then issue loan notes which the Savings Bank will reflect in its list of assets as a loan note issued by the Gibraltar National Stadium Ltd. Is that correct? Perhaps if he answers the second question first it will be easier, then address the first.

Hon. Sir J J Bossano: Mr Speaker, I am explaining to the hon. Member what is proposed will happen. The problem I have is that he is asking me questions on something that currently has not yet happened. This is what we are talking to people about. I do not want him to come back later and say, 'You said on such and such a date this was ...' so he needs to understand that I am trying to give him an indication of the direction that I see the process developing, which gives us, in effect, as he says, control of it, and of course we will also have involvement because GBIC will be involved with the specialist companies that are involved in the project. It is not as if we were giving money away to somebody and then we did not know what he was doing with it. That is to say there is an involvement with every aspect of the project to make sure that the money is going where it is intended to be, and in some cases it means that some of the money is being paid back to a company which is a joint venture, where we have people who are there as directors who are in my Department.

It is an approach of trying to maximise the fact ... When the previous Government announced the £1½ billion development plan they told us that they were going to engage Mr Nigel Pardo to run the £1½ billion plan because he would be able, as somebody who has been in the industry in the private sector, to get better prices for the Government than if the Government tried to do it for itself, and that his services, in effect, came free because what he would be paid was less than what he would be saving for the Government compared to the prices that the Government would be charged. That was the rationale. I believe that an important element of engaging activity in the private sector with private sector players is more in terms of the speed of decision making, which costs money and causes delays, and therefore I believe that one of the advantages which will make the generation of wealth and the creation of assets proceed at a faster speed with the way we are doing it and make the thing self-financing ... In almost all the projects there is an element of a benefit to the community which is part of the package, which is something the Government might have had to do out of public funds, had it had the public funds to do it, which it has not.

In effect, so that the hon. Member can understand what I am trying to achieve, I am trying to achieve the results of what the programme envisaged in 2019, which did not get off the ground because of what happened in 2020. We were supposed to be starting all this in January 2020, and then in February 2020 we closed down. So I am trying to achieve as much of that ... but without the resources we had in 2018 and 2019. Those resources do not exist anymore. The hon. Member knows the gap there is between the annual revenue there was in those years and the annual revenue there is now. So to be able to get to where we were and to be able to deliver what we promised to deliver we need to have a new model which involves substantial involvement of private sector initiative and speed of delivery, and therefore some of the things in the package we will finish getting at cost or less than cost, as part of the way we spread the cost to the things that eventually are sold privately, managed privately and run privately.

The rationale then is that there will be an element of contribution to Government coffers from the activity that will help us in trying to restore financial stability, and thus it will be an attempt to do as much as we would have done had we not had the misfortune to have Brexit and then COVID, at a cost that will be self-financing, because everything that is included in the package has to have with it things that will be producing a profit and a surplus to compensate for the things that will not. If we are doing, for example in Laguna estate, a club, the club alone would cost money, for

which there is no resource in the I&D Fund, from which we might have borrowed money had we not borrowed the money already for COVID. So what do we do? We try to do a package which involves that we get the playground done and that in the process other things are done which pay for all or part of the playground. So we get the playground done and the private initiatives that are involved in partnership with us make their money and we get payment in kind as well as payment for the land on which it is.

It is new, I accept that. The way we are trying to put this thing together is new, just like what they tried to do before, when the £1½ billion was announced in 2010 was new. Unfortunately, some of the things that they tried to do did not have the results that were expected. People were expecting that the Airport would be overflowing with planes and customers and it was not, because the Spaniards did not keep their side of the bargain. The tunnel is still not finished, even though it was supposed to be finished a decade ago.

All I am telling him is I am very confident that this will work and produce results, and the results will be good for Gibraltar and good for the public finances. But we are at the beginning of a process and I can only give him an indication of the rationale and the direction. No doubt he will be monitoring it by asking me questions every step of the way, and I hope that I will be able to produce answers that show that it is working, but at this stage we are only at the beginning and there are things that we are learning as we go along.

The relationship with CSS and the charity is so that there is no question of people being given privileged treatment by working alongside us in the National Economic Plan and making a fortune for themselves. To make sure that that is not a possibility and that nobody can accuse us of doing that, the situation is that it is a charity that owns CSS and any money that CSS makes with a profit will go to the owner, which is a charity. I hope that at least gives him an idea of what it is that I am doing.

Hon. R M Clinton: Mr Speaker, yes, that was extremely helpful.

Back to my original question, which, although he gave us a very long explanation as to what the thinking is, he did not quite answer. My simple question is having taken ownership – or control, shall we say – of Gibraltar National Football Stadium Ltd – (*Interjection*) No, when and if he does, or the Savings Bank does, and it requires money, the mechanism would be, I assume – and the Minister can correct me if I am wrong – the same as he did, for example, with the National Mint; it will issue a loan note, which the Savings Bank will buy, which will be in the name of Gibraltar National Football. I can see he is nodding. That is fantastic.

The second question I have is in terms of how the Minister will envisage this growing from now – not from the CSS point of view of issuing loan notes, but from the Savings Bank point of view of its appetite and capacity for funding projects under the National Economic Plan. Does he have a limit in mind in terms that Savings Bank will participate in £x million value of projects, or is it an open question and may be too early to answer at this stage?

Hon. Sir J J Bossano: When dealing with the Savings Bank, the appetite depends on the profitability. We have over £400 million in cash in local banks which is giving us minimal returns. The £200-odd million we have in the Stock Exchange every year ... When the hon. Member sees the results, they always have capital losses, partly because they buy above par and then the market changes. This is strictly business. We are not a charity. We are there to make money for the Savings Bank and the Savings Bank is there to have enough money to continue to give a good return to the depositors and to be able to continue delivering the purchase of pensions from civil servants who want to commute 100% or whatever percentage they want. Therefore, the flow of cash ... At the moment – I think he heard me saying this on GBC when I was off air – on the basis that we have £1.5 billion and that we make £5 million of profit ... That is to say roughly, in broad terms, we pay depositors £50 million and we receive from our investment £55 million. That £5 million net profit is one third of 1% of the amount of cash that we are handling. Clearly, I would want to see a better return than that. That may not mean there is an unlimited movement of

1070 money going in, because we are going to be predominantly in the constructions stage and not
retaining assets, so that we are not ... I would possibly be tempted to retain some assets if they
were assets that were producing a very good return and it would make more sense to keep them
than let somebody else make the money. We are putting the money in the creation of assets, so
1075 there will be a point when in fact there will be a flow of money coming back, which we will be
reinvesting if there are opportunities, or we might not be reinvesting. So we might get to a point
where we actually put up a couple of hundred million and then start declining, for example,
because projects are finishing and they are being sold off. It really will depend on maximising the
potential in the market for increasing the returns on the money that we have, a big chunk of which
is yielding very little at the moment.

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Hon. R M Clinton: Sorry, Mr Speaker, I will try and wrap up now. Just two more questions. One
is obviously I understand what he is saying and he will understand, of course, that any project,
especially involving building construction, is always prone to delays and overspends etc. To what
extent is he developing a specialist team to assess and stress test any proposals that may come
1085 forward for him to consider for funding? These are necessarily complex arrangements and unless
he has an in-house team of property developers – I do not know if he has – that has the expertise
to be able to analyse the projections and estimates, there could be a gap in expertise. I do not
know whether he is addressing that point or it is too early to say, or if he is just looking at concepts
at the moment, but has he got a team in place that has the necessary expertise to assess the
1090 viability of these projects?

My last and second question is he mentioned GBIC for the stadium. Is that in any way going to
be modular, or is it just to be a mix of construction methods?

Hon. Sir J J Bossano: It was contracted with Portuguese architects who had done the national
1095 stadium in Portugal, and of course GBIC has a parent that has done the biggest stadium on the
planet in Beijing, so we have access to people in the partnerships that we have. For example, we
used UK architects for our modular building and, as I think I have mentioned previously, when the
buildings need to be erected in Gibraltar we will be bringing people from the UK who happen to
have been trained by the Chinese to do modular buildings in the UK. We are making sure not just
1100 that we are doing it to British standards, but that in fact we have UK workmen who will understand
the rules here because they are the same as in the UK. In any event, it so happens that with the
lockdowns in China it is almost impossible to bring the expertise from China anymore because
until very recently, if somebody came from China he could be here for three or four days, there is
a huge cost in bringing him here and then, when he goes back, they make him stay in a hotel for
1105 two weeks before he can come out of the room, all of which would have to be paid for. So today
it is more cost effective to bring somebody from the UK than it is to bring somebody from China,
and that is what we will be doing, hopefully in February when the stuff starts being unloaded and
erected.

In the other areas we are talking to many people – but not always the same people – in
1110 different projects and therefore where we can get advice from people with expertise without
having to pay for it, we do, and when have to pay, we pay, but each project ... The stadium is in a
field of its own, but when we are building something in Laguna, which is some flats and a club,
and we are talking about producing flats for pensioners where there is a demand that has been
brought to our notice that there are people who bought in the 1980s when we introduced the
1115 first co-ownership scheme – people who bought homes then for £38,000 and now have an asset
that is worth £350,000 and have now got grandchildren and their children are now grownups and
are living in other 50-50 homes ... They are not able to access pensioner flats that are rented
because the rule is that you cannot be a homeowner, sell your home and then rent. So what we
have devised is that the charity will be, in this case, selling the homes, which will be less costly
1120 than if they were to try to do it in the private sector. I can tell you that there are quite a number
of people who have made representations to me that it is unfair that they are being prevented

from applying for the pensioner flats that we rent because of the rule that you cannot be a homeowner and then apply for subsidised rented accommodation because otherwise you could sell your home for half a million and then say, 'Rent me something for £50 a month.'

1125 What we have tried to do with the new conditions, that the charity will do and not the Government, is that they will buy this home, they will sell it to somebody who is selling his property which he bought before, for more than he is buying the new one. He may be selling a two or three bedroom and he only needs a one or two-bedroom now. So he will be paid less because the size is less, but he will be paying an unsubsidised price and he will be paying cash –
 1130 because they are not of an age that they can get a mortgage, and in any case they will be selling an asset that is producing more cash than they deploy. But in addition, because this is something we do not want to see finishing up where it was intended at first for people who could not afford anything higher and it has finished up, in many instances after a number of years, in the open market being sold to outsiders ... We do not want the same thing to happen to this, and I think it
 1135 will be more difficult for the Government to do more restrictive conditions, but the charity will be offering to people who qualify, which will be people who are homeowners who are now past retirement age and want to downsize ... They will be able to buy, but they can only sell back to the charity, they cannot sell it to a third party, and it will be guaranteed that when they sell eventually, or when their descendants sell eventually – because it will only be for pensioners – they will be
 1140 paid the lower of the market value or inflation. So they are guaranteed that the money they put into the property will not lose its value, but they will not be using the property to make capital gains, and then the property will only return to the pool.

That, for example, would be an activity that the charity would expect to continue for many years into the future as more or more of these flats are built. It is an experiment. The first ones
 1145 are going to be in Laguna. I can tell the hon. Member that from the number of enquiries I have got, it looks as if they are all going to be sold before they are even finished. (*Interjection*) I have not got the details of the thing, but I think it is in the planning thing that was submitted, yes.

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

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Hon. K Azopardi: Mr Speaker, let me see if I can get something clear. In relation to Community Supplies and Services Ltd, who is directing the decisions of CSS? It is him?

Hon. Sir J J Bossano: The people who work for me provide support to CSS. They are not
 1155 employed by CSS and they are not paid by CSS. So my employees – most of them are civil servants, some are GDC employees – provide the work that needs to be done, free of charge, for them in my working hours, so there is no extra payment. The decision making – they have people they employ themselves. Sometimes they come for help or advice on things and they get the advice they need. Sometimes they come to discuss things with some of my people, to see whether they
 1160 think it is a good idea to do it one way or the other, but then they decide what to proceed with. They may say, 'Can you submit it for me?' or 'Can you prepare it for me?' and we do the paperwork for them. They do not have a sufficient number of resources of their own, but with the passage of time presumably they will be getting bigger and better equipped themselves and may need less help. At the moment, we are available to give them a hand on anything they need because the
 1165 whole thing is something that we very much want to be a success because it is an integral part of what we put together.

Hon. K Azopardi: Mr Speaker, CSS, we have heard, is now involved in a number of projects. I will not rattle them off, we have heard it: Eastern Beach and Coaling Island, which my hon.
 1170 colleague will have questions about, Laguna and others. CSS ... a lot of the applications it is filing before the Planning Commission are signed by civil servants. Someone must be giving instructions to those civil servants to go ahead and file those applications, presumably, as civil servants would

not sign documents unless they had instructions. Is the hon. Member saying he is giving instructions to those particular civil servants to do so?

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Hon. Sir J J Bossano: Mr Speaker, I run a rather more informal system than the one the hon. Member is describing. Sometimes my typists give me instructions. Sometimes the guy who is the messenger tells me to get him things. In my outfit, which is in a separate building from the rest of the empire, we are more of a happy family and we do not have the kind of hierarchy the hon. Member is talking about. Anybody can be asked to do anything. From the Minister to the cleaning lady, a civil servant or the head of Department, we are all one big, happy family.

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Hon. K Azopardi: I am delighted that it is such a great and happy family, but presumably the civil servants ... Civil servants are employed and paid as Government employees, and normally they would act in accordance with duties, powers and requests made by the Government in accordance with Government policy, directed by Ministers or directed by senior officials and so on. A civil servant is not going to decide to sign a private company's planning application unless there has been some kind of direction by the Government that they should do so.

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Really what I am getting to – it is not a difficult question and I am not trying to catch the hon. Member out – is someone must have given ... asked ... if the objection is to the word 'instructions', asked the member of the happy family to sign the planning application, and I just wondered who is doing that. Who is telling these civil servants yes, go ahead and sign these planning applications?

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Hon. Sir J J Bossano: Mr Speaker, the staff of my Department work to provide assistance to the people who are engaged in the delivery of the sponsored project of the National Economic Plan. They provide the assistance that is requested without having to go through a hierarchy of decision-making processes, which means the structure goes up a long ladder and then it comes down, by which time probably the issue is over and done with and should have been resolved. We do not work like that. If somebody asks one of my civil servants for something, unless a civil servant has a doubt about its ... that it might have some negative repercussions, he is free to do it and he does not have to clear it with anybody.

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Hon. K Azopardi: Well, let me ask the question in another way. Is he saying that he did not ask the civil servants who signed those applications to do so?

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Hon. Sir J J Bossano: I am saying that I did not ask them to do it, and if they had come to say to me, 'Can I do it?' I would have asked them, 'Why are you asking? You've been long enough in this Department to know that you do not need to ask.' The people who work in the Ministry for Economic Development know what we are supposed to be doing and have the freedom to make decisions on their own initiative and get things done. They only need to come back when they have doubts about something and they feel uneasy or worried. Then they come back to me, to make sure that it is what should be happening, because they might think maybe somebody has given them one version that is not 100% accurate, but other than that ...

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The system that he describes is a system that I think accounts for many of the problems of delivery of decision-making processes, where everybody in the system is risk averse for a very simple reason, because if you are in the private sector and you take decisions and the decisions are very successful then you get rewarded, and if they are not successful you might lose your job. In the public sector, if they are not successful you do not lose your job, and if they are very successful usually somebody else higher than you takes credit for it, so it is a system that ...

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I have always worked on the basis that we are all equal and we all can do anybody else's job. That includes me. I am no different from anybody else – I make tea for other people, the same as other people make tea for me – and they only come to me when they need my advice because they are uncertain about something and they do not want to do something that might be bad for me. When they come to me, more than anything else it is because they are not too happy about

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1225 something that somebody has asked of them and they think it might be bad for me. They care about me and they come and ask me. They say, 'Joe, this is what they are saying. Are you sure it is okay to do it, that you will not find somebody from the Opposition attacking you?' and I say, 'No, you do it.' That is how it works – really; I am not making it up.

1230 **Hon. K Azopardi:** As I understand what he is saying – because he is getting a bit caught up, I think, with all due respect, as to whether there was an instruction or whether he had specifically asked them or asked them not to sign it – I think what he is describing is that there was an understanding in the Department that because they are involved in these transactions, he is expecting people to take decisions and get involved, get on with it and sign these things.

1235 Can I ask him about CSS, though? Did he or the Government give instructions for the creation of CSS?

Hon. Sir J J Bossano: The creation of CSS? CSS has been created by the charity Gibraltar Community Initiatives. How could we, as a Government, give instruction to a private charity to create a subsidiary? I have talked to the people who are with me in the Government and with the people outside the Government about how we would develop a mechanism to deliver the things that we want to deliver, and the mechanism that has emerged is the one that the people in brainstorming have thought was the best thing to do.

1240 The hon. Member, although he is in the private sector, seems to have an instinctive view that things have to work with somebody giving an order at the top of the chain and the thing going all the way down. It does not work like that. You discuss what it is you want to achieve and then somebody might come back and say, 'I think it would be a good idea to do it like this,' and you might say, 'No, I think it is a better idea to do it like this.' That is the way we work with the people in the team, some of whom are employed in the Government, some of whom are not employed in the Government.

1250 The structure was created by the people who are there now. The people who contributed the guarantee are the people who created the entity. Their names have been published in that thing that has been floating around.

1255 **Hon. K Azopardi:** So the hon. Member is saying that – I am not going to mention names, but it is the names of the individuals that are on the profiles of these companies; those are the individuals who are actually behind these entities, and it is not the Government in any way behind these entities?

1260 At the end of it, we have spoken about high-profile projects where the Government has very clearly taken an initiative in all these areas, whether it is at Laguna or whether it is at Rooke or whether it is at Coaling Island or whether it is the stadium project. Indeed, the hon. Member made the announcement himself, and so you have clearly got involved in all of that, and yet I think you are saying, although it is hard to believe, that this creation has nothing to do with the Government and the Government is not in any way influencing the structure. Is that what the hon. Member is saying, that you are not behind it?

1265 **Hon. Sir J J Bossano:** By telling the hon. Member in the first question that the only one involved was me. There is nobody else involved. Okay?

1270 **Hon. K Azopardi:** The reason for my question was because I had understood – maybe I have not heard it right, so I am giving him the opportunity – that what he had said is that he was the only one involved in the National Economic Plan. What I am asking very specifically is about CSSL.

1275 **Hon. Sir J J Bossano:** CSSL would not exist if there was no National Economic Plan and if I was not the one doing it. It is as simple as that.

Mr Speaker: The Hon. Damon Bossino.

1280 **Hon. D J Bossino:** That was a jaw-dropping moment on this side of the House, and a lot of head scratching because I must say that it is all rather odd and weird. This is almost like extra-institutional things that he is talking about. I took a note – Yes, sir, the question will come. He runs a less informal system, a separate building from the rest of the empire, but at the same time there is –

1285 **Mr Speaker:** May I ask the hon. Member to commence his supplementary question? I do not want to hear any more preambles. Why don't you take the lesson of the Hon. Roy Clinton, who very respectfully asks supplementary questions straight to the point? Can I ask you to do the same?

1290 **Hon. D J Bossino:** Mr Speaker, I do not need to take lessons from anybody, but I will ask the question.

I did not quite catch the last comment he made in answer to all the questions that we posed. As far as all my questions are concerned – I think that is the position and I ask him to confirm the position – he is not answering any of them because he said something about ... This is the note
1295 that I took – something about all the other areas and the Government is not involved. It was literally the last sentence that he read out in his prepared answer. I just want to understand whether I have understood the position correctly and that he, in fact, has not answered any of my questions.

1300 **Hon. Sir J J Bossano:** He understood correctly, Mr Speaker.

Hon. D J Bossino: But in what way is the Government not involved? The planning application submitted to the DPC on behalf of Community Supplies and Services Ltd – the notice of which was signed by one of the civil servants who, I assume Mr Caine Sanchez, works in his Department; I am
1305 assuming he is one of the individuals he has been referring to – says:

The purpose of the current intervention is to temporarily

– it is a misspelling; 'rehouse' I think it is meant to say –

[rehouse] the populations from neighbourhoods subject to alteration and demolition foreseen in urban remodelling to be carried out and which will result in the need for housing units.

Many of my questions were predicated on that, and we have issued press statements asking for clarification on this. But is he saying that this is completely distant from the Government, that he does not know what the applicant is saying when it says this? If that is his answer, it is very odd
1310 and weird that that should be the case when clearly this is something in respect of which there is a public and Government interest, surely, when it is talking about rehousing neighbourhoods and urban remodelling. Can he provide some further information in relation to that?

Hon. Sir J J Bossano: I cannot tell you more than I have told you already. Mr Speaker, I have
1315 told the hon. Member we have not been involved in the drafting or in committing ourselves or intending to do any of the things that he put in his ... The hon. Member asks how many modular buildings. We are not doing a modular building. This is being done by the private sector as part of the delivery of the National Economic Plan. Whether this gets through the DPC and whether it gets built, and whether when it gets built it finds customers on the basis of rehousing or not, is all
1320 speculative. What I am telling him is that it is not as a result of an input from me, in that I have said I want somebody to build this thing in order to decant people from anywhere in Gibraltar.

That has not happened, and that is why I am telling him that the involvement is the involvement only of assisting the people. I do not know whether there is a market for doing any of those things or not. I have got, clearly, an interest, in that it should be approved because it is going to be a modular building.

We have already been contacted – that is the joint venture company has already been in contact with a potential supplier in China. The nature of the building is one that is available at a very favourable price because it is based on the designs that were produced for student accommodation in Glasgow in 2016. If he goes to the internet and looks at the student accommodation of Glasgow in 2016, those are the building units that are still available, which would be a modular building that can actually be transferred and re-erected somewhere else at a later stage.

If it goes ahead, it means that the joint venture company will be doing that work. The actual potential usage of it ... well, I think it is too early to say where the market for that is going to be, but clearly there are many possibilities because we do not know, in a year's time, where our labour may be coming from or not coming from and to what extent we may need a place for labour or to what extent there are people living in very bad conditions who would be able to go there, or to what extent there are people living now in hostels who would be better off living in studio flats.

The hon. Member needs to understand something that I have been trying to get them to understand from the beginning. This is the beginning of a process. People put things about what it is possible they may do. As far as I am concerned, some of the things that are there I do not think are very likely, but there has been no input from me in any of those. That is why I am telling him the only Government involvement is the one I have said, and all the other things he has mentioned which he has picked from this have not been put there by the Government saying we want to be using the building for any of these things. That is what I am telling him.

Hon. D J Bossino: I must admit I am trying to be as objective as I possibly can about this. I am not taking a partisan view on this, (*Laughter*) but I still find it very difficult to follow.

Hon. Sir J J Bossano: I take it he believes me when I tell him.

Hon. D J Bossino: I am taking everything he says at face value. Belief or not is a different matter. (*Interjections*) It is everything at face value, but I just find it very odd and very strange that there is this conflation. This is not a distant arrangement when you have public servants signing off applications on behalf of these companies that are wanting to do things on land in Gibraltar that, as part of that process, states that certain other things are going to happen in relation to other neighbourhoods and land in Gibraltar, due to urban renewal, and that the Minister, in his mind, distances himself from that to the extent that he cannot provide any information to the House in relation to that.

His initial answer was no, and then he has given an explanation as to the thinking process, but here there is a very specific application for a specific project for a very specific type of apartment. I think there are 300 fifty-square-metre apartments. He has talked about the Glasgow student accommodation. Surely, as the Government Minister who is pulling the strings, he is telling us from the National Economic Plan perspective ... Presumably he is just looking at the profit element of it and not thinking about whether there is indeed ... For example, I think anybody down the street would say, 'Well, wait a minute, is there a social need for this? Is there a public policy need for Gibraltar to have 300 fifty-square-metre apartments in that location?' Let's forget the location – irrespective of where the location is. And when you have – supposedly, from what he is saying, and if one believes what he is saying – an independent entity, owned ultimately by a charity, saying 'I think this is a good idea,' and he does not even ask them why that is the case, but in his very friendly environment a civil servant who is under him in the Department signs off the application form ... The whole thing, even when I am setting it out, just does not sound right, I must say, Mr Speaker.

Furthermore, as part of the DPC application – and maybe this assists him, or maybe he has not read it; I do not know ... As part of the design statement it says ... some of which gives us a bit of information, which I think he may have been alluding to in his reply, where it talks about ‘providing adaptable accommodation’, which is what I think he was talking about, ‘for key workers within the located site’. That design statement cites the client as CIMC, which I think is the Chinese entity which is providing the modular blocks in respect of the old people’s home, and GBIC Ltd, which is the joint-venture company in which the Government is involved. It is a joint venture with the company, so the Government is directly involved in that one. So is he really expecting us to accept that what he is telling us is that he has no involvement or understanding of the wider thinking behind this particular project, in terms of the social needs, etc?

Hon. Sir J J Bossano: If the question is am I asking him to accept that I am telling the truth, he should have known me well enough and long enough to know that I do tell the truth. If I have told him what I have told him, then that is the truth. If he does not understand it, if he finds it surprising and all the rest of it ... He is supposed to be asking about information. The information I have given him is that the only involvement ... and that is in the original answer, and that there has been no involvement in the rest, and everything else since is his emotions about the surprise of the answer that has been given. It is still the same answer. If you want to believe it, you believe it; if you do not want to believe it, you do not believe it. It is a free world.

Hon. D J Bossino: It is a specific question: is there a need, in his view – given our interpretation of what must be clearly a governmental involvement through him in these projects – for 300 fifty-square-metre apartments? Is there a social need for it? I am asking him for that information. And, if so, why? But he is expecting us to accept that the answer is not even no – it is blank, it is nothing: ‘Nothing to do with me.’ That is what is bizarre.

Hon. Sir J J Bossano: Mr Speaker, I do not expect anything from the hon. Member. He has asked a question, I have given an answer, and then his supplementary is do I expect him to believe the answer I have given him. Well, look, he can either believe it or he can lump it, I do not really care. He wants information and I have given him the information. If he does not want to believe it, I am quite happy that he should not believe it. (*Interjection*)

Hon. D J Bossino: Mr Speaker, a point of order. I think the way that the hon. Gentleman ... I say this with the utmost respect – I have known him for many years, he is of a certain age; he is my mother’s age and indeed there is a family connection – but I think the expression ‘Well, he can lump it’ is unparliamentary and he needs to be called to order, in my view, in my respectful submission. The Speaker can decide as he as wishes, but that is the point of order I am raising.

Chief Minister (Hon. F R Picardo): Mr Speaker, addressing that point of order, the Hon. Mr Bossano has more parliamentary experience, dare I say it, even than you, although you have much, and he certainly has more than anybody else on this side or that side of the House.

He has summarised accurately the position, which is that when the Government gives an answer, it is given in keeping with the rules of moderation and in keeping with the words that *Erskine May* considers are parliamentary and not parliamentary. He has said, ‘I am here to give information. I give the information. Issues relating to the hon. Gentleman’s emotions as to whether he believes or does not believe the answers given are really a matter entirely for him’ – which can be accurately summarised as lumping it, (*Laughter*) and as long as the hon. Gentleman does not get up and say that he does not believe what another Member has said because he believes that that hon. Member is misleading the House, then there is not really an engagement of the Rules in that respect.

Mr Speaker, in this House one has sometimes to accept things that are said by other Members, whether hon. Members like it or not. I have to accept the questions that hon. Members ask,

whether I like them or not, and they have to accept the answers, whether they like them or not. To a very great extent, we are very often dancing on a pinhead. We are in agreement on 99% of issues and it is just a question of how we speak about issues, how we represent issues and how we address them.

1430 The Hon. the Father of the House is doing something that he enjoys the full confidence of the Government in doing and the full confidence, in my view, of the community, although some people sometimes take more time to understand what he is saying and why he is saying it, and in particular why he is saying it in a particular way. I leave that there and say that there is nothing unparliamentary in the way he has expressed himself and that I do not think the Rules prevent
1435 him from telling hon. Members that if they do not like it, they should lump it.

Mr Speaker: Certainly, if I had been answering the question I would not have used that word. Having said that, I think you have been pushing the Hon. Minister to a degree which has resulted in the Hon. the Father of the House reacting in that manner. I am sure he does not really mean it
1440 and that it was just a reaction to your pushing him and the preamble that you used to get to the point of asking the question, which may at times ... not infuriate the Member, but you have to take into account that this gentleman has been working here, has been a parliamentarian, for many years and he really thinks Gibraltar and – Sorry?

1445 **Hon. R M Clinton:** Sorry, Mr Speaker, you are meant to be completely impartial, I would point out, as a point of order.

Hon. Chief Minister: I do not think that Mr Speaker, for one moment, is lacking impartiality by saying that the Hon. the Father of the House thinks Gibraltar. All of us stand up in this place and
1450 address each other as 'honourable' because the Rules actually set out that we are all honourable. And so, saying that the Father of the House thinks Gibraltar ... I might disagree often with the hon. Gentleman, but I was pleased to see him back here yesterday and I think he thinks Gibraltar, even though he does not think Gibraltar like me. We are all here to think Gibraltar, Mr Speaker, and we have agreed, on issues relating to foreign relations – as I said today in my address – that whoever
1455 from this Parliament was in the negotiations would take the same approach. So it is hardly impartiality to address that. Absolutely, and the Rules say we are all honourable, we all think Gibraltar, and there is no element of partiality in that respect. (*Interjection*)

Mr Speaker: Why doesn't the hon. Member rise and explain why you think I am not being
1460 impartial?

Hon. R M Clinton: Mr Speaker, with the utmost respect, because you are describing the hon. Member ... for whom I too have great affection, but it is one thing for us, on either side of the House, to express a view as to a person's attributes; in my humble submission, it is an entirely
1465 different thing for the Speaker to do so. You should not have a view as to a person's attributes. You should be there to chair the meeting and that is it.

Mr Speaker, I must say I think it is really strange that every time somebody on this side of the House raises a point of order, it seems to be the Chief Minister rising to make a submission. That is not the way points of order are meant to happen. It does not happen in the House of Commons.
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A Member: Yes, it does.

Hon. R M Clinton: It does not.

1475 **A Member:** Yes, it does.

Hon. R M Clinton: Mr Speaker, that is my submission. I will sit down.

Hon. Chief Minister: Mr Speaker, the hon. Gentleman may only have seen some instances of the House of Commons where a person gets up, makes a point of order and the Speaker rules. Of course it is possible in the House of Commons, as elsewhere, when somebody makes a point of order, for a position in respect of that point of order to be expressed by other individuals. Of course it is.

What the hon. Gentleman is saying is that the Speaker cannot express an opinion as to the 'honourability' of Members. What the Speaker would not be able to do is express an opinion about the 'dishonourability' of Members, unless he was making a ruling in that respect. What I am saying to him, Mr Speaker, is that you regard us all as being honourable and thinking Gibraltar, because that is what the Rules say. What the Speaker is saying is what the Rules say, and that is where the hon. Gentleman is wrong in his point of order.

Mr Speaker: My answer to all this is that I cannot force the Minister to give an answer to a question and I do not have any responsibility for the quality of the answer that is given, nor its content. That is my answer to that.

Hon. D J Bossino: Mr Speaker, you have ruled. So be it.

I think all the questions I had highlighted ... two questions which I thought he had not ... not that he had not answered, in the sense ... Put it this way: the answer he had given, for me, is a non-answer, but there were two questions which I had identified in respect of which he had not even attempted a non-answer, but it may be that it may be whittled down to one because he may have answered the point in respect of one of the questions raised by way of supplementary by one of my hon. Friends.

I think it is in relation to Question 503, when I asked, 'Please state what plans the Government has to build further developments using module blocks.' I think what he said is that the Government is not making these decisions, these decisions are being made, if I can put it in these terms, on the private sector side, and then the Government considers, presumably – this is what I think should happen – whether it is a good project or not.

But I think the question which has not been answered at all, not even with a non-answer, is Question 505, which is my final question in that list, which talks about planning and aesthetic considerations and the fact that this particular modular block is going to be so close to the Victoria Keys project. I may have missed it, but I do not think so.

Hon. Sir J J Bossano: The answer I gave was that we were not involved beyond the one that I said yes to, and I said that in respect of all the others, there is no involvement. So what is it that he says I have not answered? I have answered that there is no involvement in any of the other things he has quoted from the submission.

Hon. D J Bossino: Just so I can understand, that final sentence in his prepared reply applies to all of the questions that I filed and applies also to the question about the planning and aesthetic aspects? Have I understood him correctly? If that is the case, that is the case.

Hon. Sir J J Bossano: Mr Speaker, I do not know whether the hon. Member has difficulty understanding things unless he is told the same thing 10 times, because he keeps asking the same thing. The first answer to the question was that other than in the specific area that I mentioned ... in respect of all the other questions there was no Government involvement. He has spent I do not know how much time asking me the same thing about all the other areas where I said there is no Government involvement. If, as he says, he finds it difficult to believe, he can not believe it. If he finds it difficult, he should stop struggling with his conscience and accept that he does not believe it, and that is it. I am telling him, he does not believe it. I do not mind him not believing it; what I mind is him asking me 20,000 times to say something different, which I am not going to do.

1530 **Mr Speaker:** We move on. The Leader of the Opposition would like to ask question? Yes.

Hon. K Azopardi: Yes, can I just ask two questions, if I may? I think they are short, so hopefully I will get short answers.

1535 Can I just ask the Minister whether he is saying, really ...? I understand the creation of this is under the National Economic Plan, so is he saying that all the projects that CSSL are involved in or would be involved in must be sponsored under the National Economic Plan? Is that the rationale of this?

1540 **Hon. Sir J J Bossano:** The projects that are in the National Economic Plan up to now are the ones that I have listed – that is at this point in time. I also said that CSS was not obliged to only work on our projects and work with us. That is to say they are free to be involved in other projects and put in submissions for other people, in which we have no involvement.

1545 Our involvement is sometimes initiated by us and sometimes initiated by somebody who comes to us with a proposal asking that we should incorporate it in the National Economic Plan. I can tell him that there have been some proposals made to us by people who have a design, an idea, something they want to develop and they would rather do it in partnership with us than on their own, and I have said no, because I could see that it was of no benefit in what I have described I am trying to do. That is to say it was simply a development to sell on the open market, to make money. We are not in that business and we would not want to be in partnership in that business,
1550 because in everything we are doing there has to be a social element as part of the exercise because we want to be delivering things which are funded as part of a bigger project that contains other things. So where there is simply another building going up in order to be sold, because there seems to be an insatiable appetite for apartments nowadays, then we are unlikely to get involved. We might get involved at some point because it is a very good return now, and then we can use that
1555 money for something else, but it is unlikely.

Hon. K Azopardi: And then, from that and related to it, if I may – let me understand it – if profits are generated by CSL, where do they go? Does the Government get some kind of cut of the profits? At the end of the day, this is a National Economic Plan, projects you have identified –
1560 where there are social and/or economic needs, but always economic needs, as I understand it, because it is part of the National Economic Plan – to generate growth and so on and so forth. But it is also about creating this structure, which will also, as I understood the explanation – I may be wrong – derive not just an indirect benefit to the economy of Gibraltar, but a direct benefit to the Government's coffers. If I am wrong, I am wrong, but the hon. Member will correct me. If it is
1565 about a direct benefit, how does that work? If there is a generation of profits because CSSL are involved in these, is there an understanding and agreement with the Government as to the divvying up of profits? How does it work?

Hon. Sir J J Bossano: Well, that would depend on the ... that is to say in the projects I mentioned
1570 until now the profit element is insignificant when you take into account ... For example, if you take the Laguna project, what is being produced there is that there will be homes in the way I have described. Those homes will be sold. So at the end of the day, the only profit there would have been the profit that the construction company, of which we are 50% owner, might have made. The buildings would be sold at cost, basically, and the money would then go back. If there had
1575 been any funding, it would go back to the funding entity, if it is us or somewhere else, and there would be interest payments coming in, obviously, from that. If it was something more lucrative, which I do not think there is in the ones we have at the moment, then it would probably be because there would be less of an element of something being sold below market prices or something being provided free. So where we have something free or where we have a need that
1580 we have identified but we are not able to satisfy, and this is being satisfied on terms which we

think are favourable and we have feedback from the people looking for it that is favourable, then it ticks enough boxes for us to want to be supportive and get involved with it.

If it came to a point where there was something that made a lot of money, then clearly we would not be saying the charity can keep all the money. There would have to be an agreement, if we were going to be supporting it, as to what was in it for us for the effort we were making, but so far, in the ones I have mentioned that is not the case. These things are being done on the basis that they cover the costs of everything and there are no losses, and there would only be a relatively small profit for the construction company because the joint-venture construction company is not dealing with this project on the basis of trying to maximise as much profit as it can, because we are controlling that as a shareholder. We do not want the company to lose money, but it gives us an entity in the private sector which we can use to compare what other people are asking for in terms of construction prices. If it came to a point where there was a lucrative contract which was going to produce a lot of money, then at that point, if we decided we were going to be involved, we would not be involved without getting a share of the cake.

Hon. K Azopardi: Just a final question, with your indulgence, Mr Speaker. I understand from that explanation there is no agreement as to the divvying up of profits because of the explanation the hon. Member has given, that certainly on the list of projects envisaged at the moment you are not looking at major profits, but if something were to happen in the future there might be, but at the moment there is no drawn-up understanding or agreement on the divvying up of profits.

Can I ask if he can confirm that, firstly, but secondly, on the CSSL structure itself, is there some kind of board of charity trustees? The charity is Community Initiatives, not CSSL, so is there a board of trustees behind the corporate structure, or are the people, in effect, fulfilling that function, those that are set out in the company profile?

Hon. Sir J J Bossano: There may be and I may not know it, but as far as I know, there is not, and of course the charity has nothing to give to anybody anyway at the moment because it has not been in existence long enough. The charity's income will come from any money that may come from the subsidiary. It has no other source of income at the moment, other than that of the subsidiary. The subsidiary, I have told him, is involved in things with us which are not likely to produce much surplus, if any, when everybody's costs are met, so whatever money is made, if there is any money made, will not be very much, and of course that money would go from CSS to the charity, because CSS cannot do anything else with the money other than give it to the parent. What the future may be will depend on how successful this is and how big it becomes, but at the moment it is not there.

Hon. D J Bossino: Mr Speaker, as part of the structure, from what we have been able to gather, the company at the very bottom of the tree ... In other words, CSSL Ltd is the parent of another company called Wonderworks Media, which was the subject of a question yesterday that I posed in relation to employment within the Town Planning Department. Is he able to tell me whether that is another of CSSL's activity – the provision of labour-hiring services to the Government? As I understand it, Wonderworks Media Ltd is the employer but is providing labour not just to the Town Planning Department but also to other different Government Departments. Can he confirm what the position is in relation to that?

Hon. Sir J J Bossano: We do not hire labour from CSS. We may give them work to do with their labour for us, but we do not hire labour from them as a Government.

Hon. D J Bossino: The 'we' is the Government and 'them' is CSS Ltd, but I am talking about a different company: Wonderworks Media Ltd. Is he aware that Wonderworks Media Ltd ...? Or was that left to CSS as to how they organise themselves and provide labour?

Hon. Sir J J Bossano: *[Inaudible]*

1635 **Hon. D J Bossino:** Okay.

Mr Speaker: Next question.

Q498/2022
Unemployment Benefit –
Number of recipients and nationalities

Q499/2022
Disability Benefit –
Number of recipients and underlying conditions

Clerk: Question 498/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

1640 **Hon. E J Reyes:** Thank you, Mr Speaker.
How many people are in receipt of Unemployment Benefit and what are their nationalities?

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

1645 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** I will answer this question with Question 499.

Clerk: Question 499/2022. The Hon. E J Reyes on behalf of the Hon. D A Feetham.

Hon. E J Reyes: How many people are in receipt of Disability Benefit and what are their underlying disability conditions?

1650 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

1655 **Hon. Sir J J Bossano:** Mr Speaker, there are 14 people in receipt of Unemployment Benefit, of whom 13 are British citizens and one is Belgian.

There are currently 457 people in receipt of Disability Benefit compared to 162 in 2011. The benefit is granted following an assessment of the applicant's inability to deal with normal everyday living requirements, so the underlying condition is not a relevant factor.

1660 **Hon. E J Reyes:** Thank you, Mr Speaker.

I know the Minister is trying to say that those who are entitled to Disability Benefit are entitled ... it is not an underlying factor of what it is, but we were trying to gather information. Is it perhaps like ...?

1665 I know it happens when I do the questions on Education – we have a general theme or heading and how many people fit in that column. Could it be that because there are physical disabilities ...? There are many types of disability. I do not know if the Minister has now or perhaps can work on that one for future statistics and we can perhaps have a dozen general headings trying to identify the type of disabilities – especially, as the Minister has highlighted, we have seen the big increase in number in the last decade, when it has more than doubled. It would be interesting and, I think,
1670 beneficial for both sides of the House to have that style of statistics. I hope the Minister can agree

with me that that would be useful information to acquire for the future if he does not have it at this particular stage.

Hon. Sir J J Bossano: I do not agree that it would be beneficial. I am informed that there are 164 different conditions. If you have a situation where one person with one particular condition gets Disability, I can tell you that everybody else who has that condition will ask, 'Why is he getting it and I am not?' The answer is it has nothing to do with the disability, it has to do with the consequences that are being suffered by the individual.

From what I can gather of the new system, which was announced here on 24th June 2015 and explained then ... Before 2015, there were certain disabilities, illnesses or conditions that were accepted as being, if sufficiently severe, eligible for an applicant to get Disability Allowance. If I told him how many there are, the hon. Member would understand that if we actually said everybody who has one of these 164 gets it, we will have half the population, not just 457.

Mr Speaker: Next question.

Q506-08/2022

Census –

Online and paper questionnaires; publication of report

Clerk: Question 506/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, can the Government confirm how a judgement is being made as to whether to send households a 2022 census form requesting online completion of the questionnaire to some people and paper questionnaires to other people?

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

Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano): I will answer this question with Questions 507 and 508.

Clerk: Question 507/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: How many households have received 2022 census letters seeking online completion of the questionnaire, and how many paper questionnaires have been sent to households?

Clerk: Question 508/2022. The Hon. the Leader of the Opposition.

Hon. K Azopardi: When would it be expected that the report on the 2022 census would be published?

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

Hon. Sir J J Bossano: Mr Speaker, I am informed that the paper questionnaires were initially sent to senior citizens aged 70 and over and all residents of Bishop Canilla House, Albert Risso House, Charles Bruzon House and Sea Master Lodge, although all these citizens have the option of completing the census questionnaire online. Paper questionnaires are also made available to

any citizen upon request. As a result, 17,722 letters were sent to households seeking online completion of the questionnaire. Of these, 4,164 were also sent a paper questionnaire and 13,558 only received the letter.

It is too soon after the census completion to say when it is likely to be published.

Mr Speaker: Thank you, Mr Speaker.

Indeed, the reason for the question was that when I got my own letter I was struck by the fourth paragraph, which said, 'For the first time, the Gibraltar census will be conducted primarily online, although paper questionnaires will be made available to those who may be unable to complete the census online.' I contacted a family member who is elderly, because I thought he might not be able to do the online bit, and I was told, 'I have had a paper question and I have already done it.' I was wondering how people were doing that, so I am glad to see there was a rationale behind it and that people who were of a certain age were given this.

I have also heard anecdotally that some people have not received the questionnaire, so can I ask the Minister – because I have seen in the press that enumerators will do physical visits as from now, I think, from the week of 21st November – if there is anyone out there who has not yet completed it, or has not received an online or paper invitation, how can they do that? I am sure he will agree with me that this is an important exercise in terms of our future planning.

Hon. Sir J J Bossano: I agree entirely that it is important. This is information that gives us a snapshot every 10 years of the changes we are having demographically which affect a lot of other decisions, because it will produce, eventually, an evaluation of how our population is changing in age and composition and probably will confirm what is happening everywhere else – that there is an ageing population and a shrinking working population in comparison. Every census that everybody else is doing is showing that and Gibraltar is likely to show the same result, but the degree to which we are more or less than others can only be accurate if everybody is included.

I am not able to tell him if there is an automatic method for this to be happening, but what I will tell him is that I will contact the office on Monday and find out if they are already doing something about it, and if they are not, ask them to do something about it, because we do not want anybody to be deprived of the opportunity of being included. I suppose in a thing like this there is always a handful of people, somehow, who drop out, but I agree entirely that it should not be permitted.

Questions for Written Answer

Clerk: Answers to Written Questions.

Hon. Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Questions W64/2022 to W69/2022 inclusive.

Order of the Day

BILLS

FIRST AND SECOND READING

Financial Services (Moneylending) (Amendment) Bill 2022 – First Reading approved

Clerk: Order of the Day. (ix) Bills – First and Second Reading.

1750 A Bill for an Act to amend the Financial Services (Moneylending) 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 Financial Services (Moneylending) Act be read a first time.

1755

Mr Speaker: There is some confusion, which I need to clarify.

Hon. Chief Minister: Mr Speaker, ever since I was first elected to this House, I had to bring my Bills with me – in the old days, we did not get any notice of which Bills might be dealt with – just in case a Bill was dealt with. Now they are available online and hon. Members can access them, I am surprised that we have a service whereby we are provided with the Bills. I am all in favour of modernisation, it is all very helpful and everything, but I am surprised that we should pause for that purpose.

1760

1765 **Hon. E J Reyes:** Mr Speaker –

Mr Speaker: No, let the Leader of the Opposition speak.

Hon. K Azopardi: Mr Speaker, let me just clarify. When I was elected back into this House in 2019, I used to bring my Bills all the time, but it became clear that the practice was that the clerical staff would come out and give us all the Bills, so I have stopped doing that. It is more environmentally friendly, instead of printing them all off like I used to do. That is the reason. It is not an awkward point. That is all. It is evolved practice, at least in the last three years since I have been here. I am happy if the practice should change – we can bring our Bills – but that is how it has been.

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Hon. Chief Minister: I am very happy, Mr Speaker, that that practice seems to have arisen in the time we have been in government and that hon. Members are extended that facility, with which the Government does not intend to interfere, but we have never been stopped in proceeding with Bills before for that reason.

1780

Hon. E J Reyes: Mr Speaker, I –

Mr Speaker: Resume your seat, please.

1785

I think I would agree with the Leader of the Opposition. Certainly since I have been here, since 2019, the practice has always been to provide Members of the Opposition with the Bills.

Hon. Chief Minister: Mr Speaker, could that be extended to Members of the Government? We bring our own.

1790 **Mr Speaker:** I shall ask Mr Clerk.

Hon. R M Clinton: Mr Speaker, in terms of environmentally friendly, Members will know they are already printed. As long as there is no additional cost in producing them, they are already available, so I do not see why we cannot just have them available to us.

1795

Mr Speaker: I can confirm that the Chief Minister has certified that this Bill is urgent.

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

1800 **Clerk:** The Financial Services (Moneylending) (Amendment) Act 2022.

**Financial Services (Moneylending) (Amendment) Bill 2022 –
Second Reading approved**

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

The purpose of this short Bill is to amend the Act in order to raise the moneylender's licence duty set out in section 33, and that is in keeping with commitments made in this year's Budget to raise fees across Government in line with inflation. However, instead of inserting the new duty in section 33, a new reference is made to a new Schedule 5, which will house the amount of the duty going forward and subsequently it will not be necessary to bring primary legislation to make this particular Government fee a new one. We will just be able to amend it by notice in the Gazette, which is in fact the way we are able to deal with most of the Government fees and charges. Hon. Members will have seen that after my announcement in the Gazette a notice was printed with all the increases in charges across the board in keeping with the announcement, but this particular fee required a change to primary legislation.

The reason for the urgency is that the moneylenders' licences all renew in December and therefore the fee would have to be raised in December and we would not have the benefit of the new fee if we do not make the amendment now.

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

1820 **Hon. R M Clinton:** Mr Speaker, it seems, on the face of it, a fairly simple Bill and I do not see that we would have any problem in the Opposition in supporting it in its entirety.

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

1825

**Financial Services (Moneylending) (Amendment) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

Chief Minister (Hon. F R Picardo): Thank you, Mr Speaker.

I have the honour to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

1830 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Fur Trade (Prohibition) Bill 2022 –
First Reading approved**

1835 **Clerk:** A Bill for an Act to make provision for the prohibition of keeping animals solely or primarily for slaughter for the value of their fur, to prohibit the importation, exportation and trade of animal fur and items containing animal fur, and other connected matters. The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

1840 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision for the prohibition of keeping animals solely or primarily for slaughter for the value of their fur, to prohibit the importation, exportation and trade of animal fur and items containing animal fur, and other connected matters be read a first time.

1845 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the prohibition of keeping animals solely or primarily for slaughter for the value of their fur, to prohibit the importation, exportation and trade of animal fur and items containing animal fur, and other connected matters be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Fur Trade (Prohibition) Act 2022.

**Fur Trade (Prohibition) Bill 2022 –
Second Reading approved**

1850 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

1855 This Bill prohibits the buying, selling and commercial importation and exportation of fur. The only jurisdictions in the world to have taken such a pioneering step to ban the trade of fur are Israel and a number of US states. Gibraltar will once again show that it can lead the world by joining this leading approach in animal welfare law. The aim of the Bill is to help reduce the cruelty to animals and the risk to human communities associated with breeding, farming and production of fur and fur products by significantly limiting the legal market for such items in or through Gibraltar.

1860 Some members of the public may consider that when farming animals, all parts of the animal may be used and fur is a mere by-product of agricultural farming. This is not the case, and the production of fur is quite unlike farming animals for agriculture. Firstly, the types of species farmed for their fur include foxes, mink, chinchillas and rabbits. These are wild species which have not been bred to be kept in captive environments. Secondly, in order to preserve the skin, animals are killed in particularly inhumane ways, such as gassing and electrocution. In addition, the production of fur has potentially catastrophic consequences for human health and the wider environment. The crowded, stressful and unhygienic conditions on fur farms make them a breeding ground for infectious diseases – COVID-19, for example. Fur production is also intensely toxic and energy consuming, with pelts being dipped in toxic chemical soups, and animal waste runoff from fur factories polluting soil and waterways.

1870 Whilst, thankfully, in Gibraltar we do not have any fur farms, the Bill also prohibits the farming of fur in Gibraltar, to ensure that this activity never finds a home here.

Finally, the fur ban will demonstrate that Gibraltar does not consider commercial activities in any fur to be acceptable and sends a message that similar actions should be taken internationally.

1875 The Bill makes it an offence for any person to keep animals or allow another person to keep animals for slaughter for the value of their fur or for breeding progeny for such slaughter. This is the offence which prohibits fur farming.

The Bill also makes it an offence to deal in fur, meaning buying, selling or hiring, offering or arranging to buy, sell or hire, keeping for these purposes, importing for sale or hire, exporting for sale or hire. It does not include possessing, inheriting, gifting or bequeathing.

1880 The Bill provides limited exemptions to the prohibition on dealing in fur. These are for the purposes of scientific research, education and for religious belief or tradition. The latter is a limited exception necessary to preserve the constitutional rights of persons who use items containing fur as part of a religious tradition.

1885 Besides police and customs officers, all authorised persons being persons representing the Department of Environment and any other person appointed by the Minister have certain law enforcement powers under the Bill.

In the event of a conviction under the Bill, the court may make a forfeiture order in respect of any fur or any animals relating to the offence.

Customs officers have all the powers under the Import and Export Act 1986 for the purposes of this Bill.

1890 Mr Speaker, this is a trailblazing animal welfare law that will be an example to others, and I therefore commend the Bill to the House.

1895 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, I am glad to see the hon. Member has so much energy emanated in the reading of his speech on this issue at this stage of a Friday evening. I am glad to say that we entirely endorse and support his comments and we will support the Bill.

1900 **Hon. D J Bossino:** He has much vigour.

Mr Speaker: Does the hon. Member, the mover of the Bill, wish to respond?

1905 I now put the question, which is that a Bill for an Act to make provision for the prohibition of keeping animals solely or primarily for slaughter for the value of their fur, to prohibit the importation, exportation and trade of animal fur and items containing animal fur, and other connected matters be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Fur Trade (Prohibition) Act 2022.

**Fur Trade (Prohibition) Act 2022 –
Committee Stage and Third Reading to be taken at this sitting**

1910 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, with equal energy, despite the time, 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.)

**Traffic (Amendment No. 2) Bill 2022 –
First Reading approved**

1915 **Clerk:** A Bill for an Act to amend the Traffic Act 2005. The Hon. the Minister for Transport.

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

1920 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Traffic Act 2005 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Traffic (Amendment No. 2) Act 2022.

**Traffic (Amendment No. 2) Bill 2022 –
Second Reading approved**

1925 **Minister for Transport (Hon. P J Balban):** Mr Speaker, I have the honour to move that the Bill be now read a second time.

This Bill amends the Traffic Act 2005. Following representations made by the Commissioner of Police regarding his grave concerns about their ability to deter traffic offenders in a truly meaningful way, a wholesale review of the level of penalties across traffic legislation was conducted. The Commissioner was of the view that the current, then, level of penalties as a result of not having been increased over many years was proving to be insufficient to deter offenders, especially repeat offenders, resulting in a notable decline in road safety.

Our new Highway Code reflects the changes as seen in the UK which create a hierarchy of road users based on their vulnerabilities, pedestrians being at the forefront of these changes as the most vulnerable within the roadscape. We are all pedestrians each and every day, and offences ranging from the inconsiderate to the outright dangerous all have a potential effect on the safety of other road users, regardless of their means of transport, but especially pedestrians and, even more so, children.

1935 The review into the increase in these penalties was conducted paying close attention to the gravity of different offences, as well as the potential serious consequences of such behaviour. This legislation increases the number of penalties contained within the Traffic Act 2005 from level 1 to levels 2 or 3, and in some cases from level 3 to level 4, and disqualification would also be possible.

This is the second phase of the work referred to in presenting the Bill for a Traffic (Amendment) Act earlier this year, setting out to increase the general penalty for offences under the Traffic Act prior to increasing the levels of fixed penalty notices as requested by the RGP in order to ensure that the penalty for the underlying offence is not disproportionately lower when compared to the FPN.

1945 Furthermore, the increase in the penalty for the offence under section 63A of the Traffic Act, of driving or being in charge of a motor vehicle with an alcohol concentration above the prescribed limit, reflects the seriousness of the offence and mirrors the penalties for this offence.

1950 **Mr Speaker,** I commend the 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. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, we, of course, support the principle that there should be penalties and harsh treatment for offenders in respect of traffic matters, but we have not been privy to that consultation or indeed had any discussions with the Commissioner on those issues and we are going to abstain on this Bill.

Mr Speaker: Does the hon. mover or the Hon. Chief Minister wish to respond?

Chief Minister (Hon. F R Picardo): Mr Speaker, if I may say so to the hon. Gentleman, it is disappointing that they will not take it from the Minister that the Commissioner of Police has made the representations he has made. To put it this way, the hon. Gentleman feels a little like a legislative doubting Thomas in the sense that he is saying, 'If I am not in the consultation myself, I will not accept it from the Minister that the consultation results in that representation being made by the Commissioner.' I think it is something that has been said publicly by the Commissioner himself in a number of articles in the local press where he has been interviewed and he has given this indication. We want to see the legislation be able to have the deterrent effect that is necessary, and I think this is the point the Commissioner was making and is being echoed by the Minister, so it is disappointing that we are not going to have hon. Members' support. I do know that there are people around Gibraltar who say the Government has spent so much money on extravagance – not on putting food on the table during COVID but on extravagance – that now it is trying to fill the public finance hole by upping fines. I assume that hon. Members are not going to try to play to that constituency, because this is far too serious for anybody to play to that sort of nonsensical constituency.

What is happening here is the Government is reacting to law enforcement's requests to ensure that fines have the deterrent effect they need to have. I will give the hon. Gentleman an example of something that used to happen in Rome. During a period of great inflation in Rome, the fine for slapping a centurion had remained at something like 10 denarii, and 10 denarii was something that was very affordable. A rich man, to demonstrate the lack of deterrent effect that the fine had, went around slapping centurions and giving each of them 20 denarii so that the prosecution did not happen. We have to ensure that we do not put ourselves in that situation. It is unfortunate that, in light of that, the Opposition is going to abstain from ensuring that the deterrent effect is there on the fines that are provided for, because we have anti-social behaviour not just in our estates, we have anti-social behaviour on our roads. This is what has to be dealt with, and this is why it has to be dealt with in this way. Having said all that, what the Government would most like to see is no income from fines under the Traffic Act. What we would like to see is no offending under the Traffic Act because that would be the best result and that would demonstrate the deterrent effect that we have.

Mr Speaker, obviously on this side of the House we are disappointed not to enjoy the Opposition's support for this Bill. They say they want to support the deterrent effect of the fines in the Traffic Act but they do not want to support the Bill that is going to deliver that, and it is unfortunate that they are going to take that attitude.

Mr Speaker: Does the Hon. Minister wish to make a comment?

Hon. P J Balban: Mr Speaker, yes. I am also disappointed because I thought this was something that would be accepted across the floor of the House.

Over time, fines become inconsequential. This is what we were seeing and what the Police were seeing. We were seeing that people felt, 'Well, it is just £25,' or 'It is just £50 if I pay within two weeks and it does not really matter.' We have seen a lot of people really jeopardising the safety of our roads, especially when we are trying to aim for a child-friendly city and a better

environment for us all. I really thought that this would be accepted across the board because it provides the tools not only for the RGP but also for the courts of law to be able to give fines and make people aware that the consequences can be extremely serious.

For completion, I would like to mention one thing that has happened – just for reasons of transparency. There has been one occasion, and I think not more than five occasions, when there has been an issue because we updated the fixed penalty notice list of offences and at the point of fining, the officer should have moved them to £100 until this Bill went to Parliament. Because during COVID we set up a direct debit system for offenders, there has been one occasion where the person has paid the £300 before time, so when this is passed in Parliament today ... As from next week, this will become £300, but until then the fine will remain at £100. I just wanted to make that clear because that person – I just know of one case – will be contacted and the correct fine level will be applied.

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

Clerk: The Traffic (Amendment No. 2) Act 2022.

**Traffic (Amendment No. 2) Act 2022 –
Committee Stage and Third Reading to be taken at this sitting**

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

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

**Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Act 2022 –
First Reading approved**

Clerk: A Bill for an Act to amend the Children and Young Persons (Alcohol, Tobacco and Gaming) Act 2006. The Hon. the Minister for Justice, Equality and Public Standards and Regulation.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): I have the honour to move that a Bill for an Act to amend the Children and Young Persons (Alcohol, Tobacco and Gaming) Act be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to amend the Children and Young Persons (Alcohol, Tobacco and Gaming) Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Act 2022.

**Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Act 2022 –
Second Reading approved**

2035 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that the Bill for an Act to amend the Children and Young Persons (Alcohol, Tobacco and Gaming) Act be read a second time.

The Act would amend the Children and Young Persons (Alcohol, Tobacco and Gaming) Act 2006 to prohibit the sale of vaping products to young persons in the same way as tobacco sales are banned.

2040 The Bill legislates for the first time on vaping products. Vaping products come in two forms, those which deliver nicotine to the user and those which do not. This Bill is based on Public Health advice. Vaping products are still relatively new and the inhalation of chemicals in a vapour, whether or not there is nicotine present, is not risk free, especially for young people or those with certain pre-existing conditions. The negative impacts and risks vaping products present are not fully understood and cannot be quantified. In spite of vaping products possibly being a useful tool for some to stop smoking, the scientific understanding of both the short- and long-term effects of vapour is, so far, inconclusive, and this uncertainty justifies taking a precautionary public health approach to them.

2050 Vaping products are sometimes referred to as electronic nicotine delivery systems (ENDS). A variety of types have alternative names for the whole device or parts of it, such as tanks, e-cigarettes, vapes, or e-shisha. Vaping products normally contain a carrier liquid of propylene glycol and vegetable glycerine. Nicotine is included in the majority of products, but not all, and most products contain flavouring.

2055 Clause 3(4) amends section 2 of the 2006 Act to introduce a definition of ‘vaping product’. The Bill provides that a vaping product is ‘(a) a device which is intended to enable the inhalation of nicotine-containing vapour by an individual; (b) a device which is intended to enable the inhalation of other vapour by an individual but is intended to resemble and be operated in a similar way to a device within paragraph (a); (c) an item which is intended to form part of a device within paragraph (a) or (b); (d) a substance which is intended to be vaporised by a device within paragraph (a) or (b) (and any item containing such a substance)’. The Bill expressly excludes medicinal products or medical devices, as well as tobacco, which is already provided for.

2060 The term ‘vaping product’ is intended to include all devices known as electronic cigarettes, as well as all related products such as refills, liquids, chargers and other components such as e-liquids. The decision to include products which do not contain nicotine is on the basis of a number of factors. One is that it would be impractical for enforcement authorities to take action against individuals and have to test products. This provides a clear and consistent approach. Secondly, the risks of devices and liquids, whether they contain nicotine or not, are not understood. Thirdly, even products which do not contain nicotine are used in a way which resembles smoking and so pose a risk to the renormalisation of smoking. Fourthly, many products have refillable tanks; they could be sold and initially used with a liquid that does not contain nicotine, but could later be used with nicotine-carrying fluids.

2070 Clause 3(6) amends section 9 of the Act to make it an offence to sell a vaping product to a person under the age of 18 years. The new subsection (1B) will also make the licence holder liable, so that it is not only the shop assistant who commits the offence. The defences available to those selling tobacco products also apply to this new offence.

2075 Clause 3(7) creates a new section 9A and prohibits the hire of vaping products to persons under the age of 18. This is to prevent the use, particularly in catering establishments, of vaping devices by persons under the age of 18.

2080 Clause 3(8) amends section 10 so that the confiscation powers of the Police in relation to tobacco are extended to vaping products in the same circumstances – that is where a police officer has reason to believe that any person under the age of 18 is using a vaping product in a public place.

2085 Clause 3(9) amends section 10A of the rules on access to tobacco, to ensure that retailers selling vaping products ensure that any vaping products are stored in the same way as tobacco, behind a counter or in a locked container.

2090 Clause 3(10) amends section 11 to make it an offence for a person aged over 18 to procure a vaping product for a person under the age of 18. The offence mirrors the offence of procuring tobacco for a person under the age of 18. It is a defence for a person charged with such an offence to prove that he believed the person to be over 18 and that relevant evidence had been produced of the age which a reasonable person would have been convinced by.

2095 Clause 3(11) amends section 12 to introduce a requirement for retailers to put up a notice making it clear that it is prohibited to sell vaping products or procure vaping products for anyone under the age of 18. This replicates provisions relating to notices in respect of tobacco.

2095 Clause 3(12) amends section 13 in relation to the offence of not displaying a notice in accordance with the requirements of section 12.

Clause 3(13) amends section 14 to ensure that if any vending machines selling vaping products are in use, it is clear that they are not permitted for those under the age of 18.

2100 Clause 3(14) amends section 16 in relation to the offence of permitting the use of a vending machine in contravention of provisions of the Act.

Clause 3(15) inserts a new regulation-making power after new section 17A, giving the Minister for Justice power to amend the definition of ‘vaping product’ in section 2. This is designed to futureproof the legislation in the event that new technologies create products which cause harm but in some way fall outside the definition.

2105 Clause 3(16) amends section 21A to reflect the provisions made earlier in the Bill on the offences by licensees.

Finally, clause 3(17) amends section 22 to extend the provisions on the suspension of licences to sell alcohol or tobacco to any licence to sell vaping products.

Mr Speaker, I commend this Bill to the House.

2110 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Leader of the Opposition.

2115 **Hon. K Azopardi:** Mr Speaker, we will support this Bill for the reasons – and I will not prolong the session, but for the reasons that the hon. Lady has indicated. We think this is a Bill that makes a lot of sense and therefore it has our full support.

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

2120 **Hon. Miss S J Sacramento:** Mr Speaker, I thank the hon. Gentleman for agreeing that this Bill makes a lot of sense.

2125 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Children and Young Persons (Alcohol, Tobacco and Gaming) Act be read a second time. Those in favour? **(Members: Aye.)** Those against? Carried.

Clerk: The Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Act 2022.

**Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Act 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.)

COMMITTEE STAGE AND THIRD READING

Clerk: Committee Stage and Third Reading.

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 Financial Services (Moneylending) (Amendment) Bill 2022, the Fur Trade (Prohibition) Bill 2022, the Traffic (Amendment No. 2) Bill 2022 and the Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Bill 2022.

In Committee of the whole House

**Financial Services (Moneylending) (Amendment) Bill 2022 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Financial Services (Moneylending) Act. Clauses 1 to 3.

Mr Speaker: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

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

**Fur Trade (Prohibition) Bill 2022 –
Clauses considered and approved**

Clerk: A Bill for an Act to make provision for the prohibition of keeping animals solely or primarily for slaughter for the value of their fur, to prohibit the importation, exportation and trade of animal fur and items containing animal fur, and other connected matters.

Part 1, clauses 1 to 3.

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

2155 **Clerk:** Part 2, clauses 4 to 7.

Mr Speaker: Part 2, clauses 4 to 7 stand part of the Bill.

2160 **Clerk:** Part 3, clauses 8 and 9.

Mr Speaker: Part 3, clauses 8 and 9 stand part of the Bill.

Clerk: Part 4, clauses 10 to 15.

2165 **Mr Speaker:** Part 4, clauses 10 to 15 stand part of the Bill.

Clerk: Part 5, clauses 16 to 18.

Mr Speaker: Part 5, clauses 16 to 18 stand part of the Bill.

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Clerk: The long title.

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

**Traffic (Amendment No. 2) Bill 2022 –
Clauses considered and approved**

2175 **Clerk:** A Bill for an Act to amend the Traffic Act 2005.
Clauses 1 to 3.

Mr Speaker: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

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

**Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Bill 2022 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Children and Young Persons (Alcohol, Tobacco and Gaming) Act 2006.
Clauses 1 to 3.

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Mr Speaker: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

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

**Financial Services (Moneylending) (Amendment) Bill 2022 –
Fur Trade (Prohibition) Bill 2022 –
Traffic (Amendment No. 2) Bill 2022 –
Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Bill 2022 –
Third Reading approved: Bills passed**

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to report that the Financial Services (Moneylending) (Amendment) Bill 2022, the Fur Trade (Prohibition) Bill 2022, the Traffic (Amendment No. 2) Bill 2022 and the Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Bill 2022 have been considered in Committee and agreed to without amendment. I now move that they be read a third time and passed.

Mr Speaker: I now put the question, which is that the Financial Services (Moneylending) (Amendment) Bill 2022, the Fur Trade (Prohibition) Bill 2022, the Traffic (Amendment No. 2) Bill 2022 and the Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Bill 2022 be read a third time and passed.

Those in favour of the Financial Services (Moneylending) (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

Those in favour of the Fur Trade (Prohibition) Bill 2022? (**Members:** Aye.) Those against? Carried.

Those in favour of the Traffic (Amendment No. 2) Bill 2022? (**Members:** Aye.) Those against? The Members of the Opposition have abstained. The Bill is carried.

Those in favour of the Children and Young Persons (Alcohol, Tobacco and Gaming) (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

Adjournment

Chief Minister (Hon. F R Picardo): Mr Speaker, it looks like we have really put a nail in the coffin of the ape fur for business for the National Economic Plan this afternoon, but I hope not for human fur, given that tomorrow I am going to shave off all mine – and I have not given up persuading the Hon. Mr Balban to come and shave himself too – in aid of Prostate Cancer Gibraltar, at Casemates at 11 o'clock tomorrow.

Mr Speaker, I am rising to move the adjournment. In doing so, I am conscious that our next meeting will be due in the third week of December and that by then either England or Wales may have qualified for the World Cup final and maybe will have won it. They will go certainly with the support of this side of the House. Given that the GFA is not playing in this World Cup, I am sure the whole House will join me in wishing England and Wales all the best.

Mr Speaker, before I move the adjournment, I thank you because you have been in the Chair almost for four hours straight to enable us to get through the business.

If I may say so – which he will hate – the hon. Gentleman sitting next to me, who has been described as being of advanced age by the Hon. Mr Bossino, has this week travelled for Gibraltar, then arrived and done *Viewpoint*, and no sooner was he out of that studio, he was with me this morning at 7 a.m. at Father Charlie's soup kitchen and then has come here to field questions from all of the Members of the Opposition who are present. If that is not a *tour de force*, then let me take him to dinner straight after finishing, to the Med Rowing Club, to finish off.

Before I sit down, the hon. Gentleman is asking me to give way.

Hon. K Azopardi: Yes, and not for any reason other than simply to record, like I did last time, my agreement with the Minister for Health. We are now convening a meeting between us, so that the motion standing in my name will formally stand over to the next meeting.

Hon. Chief Minister: Mr Speaker, I am very grateful for that being recorded, which is what we had understood, and for that reason the motion was not called.

I now move that the House should adjourn *sine die*.

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Mr Speaker: I now propose the question, which is at 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.

The House will now adjourn *sine die*.

The House adjourned at 8.22 p.m.