



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.06 p.m. – 8.26 p.m.

Gibraltar, Wednesday, 19th October 2022

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# The Gibraltar Parliament

*The Parliament met at 3.06 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, 19th October 2022.

Order of Proceedings: (i) Oaths of Allegiance of hon. Members.

*The Chief Justice administered the Oath of Allegiance to the Hon. M L Farrell, the Hon. F R Picardo, the Hon. Dr J J Garcia, the Hon. Prof. J E Cortes, the Hon. A J Isola, the Hon. J J Bossano, the Hon. G H Licudi, the Hon. S E Linares, the Hon. P J Balban, the Hon. Miss S J Sacramento, the Hon. V Daryanani, the Hon. K Azopardi, the Hon. Ms M D Hassan Nahon, the Hon D J Bossino, the Hon D A Feetham and the Hon E J Phillips.*

## CONFIRMATION OF MINUTES

5       **Clerk:** (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 22nd, 23rd, 28th, 29th and 30th June, and 4th and 5th of July 2022.

**Mr Speaker:** May I sign the Minutes as correct?

10       **Members:** Aye.

*Mr Speaker signed the Minutes.*

## ANNOUNCEMENTS

### Tribute to Her late Majesty Queen Elizabeth II

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

15       **Chief Minister (Hon. F R Picardo):** Mr Speaker, the community has had an opportunity to hear, already, fulsome tributes to Her late Majesty from all Members of the House in different fora in the time since 8th September, when her death was announced. It would be remiss of us, however, not to reflect those tributes in this House in some way.

hon. Members will have heard me say, and I repeat here, when it came to Her Majesty, Mr Speaker, we were her Rock and she was ours, and in much more than the geological meaning of those words. For all the time that this Parliament has existed, as well as its predecessor the House of Assembly, we were Her Majesty's seat of Government in Gibraltar. For all hon. Members except Sir Joe and – although it would be rude of me of me to ask – perhaps yourself as a Member, if not an elected Member, we, the rest of us, have all been born in her reign. So the Government considered that the death of Her Majesty on 8th September had to inevitably lead to the cancellation of the National Day celebrations this year. As one Member of the great Gibraltarian public told a foreign television station, once Her Majesty's death had been announced we had nothing to celebrate that week.

Mr Speaker, I refer the House to the statements I have made to various media and elsewhere and reiterate those sentiments to the House today. On 18th September, I also extended condolences on behalf of the people of Gibraltar and all Members of this House directly to His Majesty the King, Charles III, to the Queen Consort, the Earl and Countess of Wessex and the Princess Royal at the reception at Buckingham Palace ahead of Her late Majesty's funeral.

The British Royal Family have seen the depth of the real affection for Her Majesty that there was in Gibraltar and which remains in respect of the memory of her reign. It is also true that the depth of that real affection will also have been seen and felt beyond the United Kingdom. One hopes it will better help some people to understand that, for us, British sovereignty is not an esoteric concept, it is something that runs through our veins and that, like our blood, it comes from our hearts.

Mr Speaker, once we have heard from other Members I will ask that the House should observe a minute's silence as a sign of respect for Her late Majesty Queen Elizabeth II.

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

**Hon. K Azopardi:** Mr Speaker, I will associate myself entirely with those remarks by the Chief Minister on the passing of Her Majesty.

What can one say that is sufficient when something like that happens? A monarch who served not only her country and her people but the entire Commonwealth for 70 years and left her mark and her legacy throughout the entire Commonwealth. As the Chief Minister says, we have, all of us, each and every one of us, reflected on the passing of Her Majesty and her legacy in different ways and on social media, and it is fitting that we should also say so today.

She came here in 1954 and left her mark. The people of Gibraltar felt her loss massively, as we did when the Duke of Edinburgh also passed, before. Her Majesty was in place and saw almost every significant step towards self-government in our community, and it is worth reflecting that she was there at the time of the three Constitutions that were granted to her people of Gibraltar. And while we, of course, always assert our right to self-determination, it is entirely compatible with our place as loyal members of the Commonwealth, so we have always valued our links with Her Majesty. She leaves an enduring mark that will never be surpassed or rivalled as the monarch that she was, who touched the hearts of so many people throughout the Commonwealth and so many people in Gibraltar.

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

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I would like to echo the tributes of the Chief Minister and the Leader of the Opposition for our beloved Queen Elizabeth II, and pass on, of course, my condolences to all within the great British family of nations.

As did I, many of our brothers and sisters felt her passing as the loss of a close, comforting and protective relative, and have felt a degree of orphanhood ever since. Having recently lost my mother, I must admit that losing our Queen reopened wounds in powerful and completely unexpected ways. Many have expressed criticism of some excessively performative and dramatic

shows of mourning, but these are, to me, nothing more than the manifestation of a level of respect and adoration that is not easy to express with words. I hope not to fail these excesses with this honest and heartfelt obituary.

Queen Elizabeth II meant a lot to me, for many different reasons, and I profoundly admire the way she fulfilled her many roles. She will always be an example I will try to follow. As a figurehead, she was an example of how to exercise great power with great sensibility and humility. As a matriarch, she was always capable of navigating the right course between loyalty and responsibility. As a woman, she endorsed and echoed the progress achieved by her female peers despite the traditionalist trappings of the institution she represented. As a monarch and perhaps the greatest exponent of an institution many consider anachronistic, she was capable of garnering global sympathy and uniting the nation in times of hardship. She made republicans embrace the monarchy and recognise the value of emotion, symbolism and tradition. She was a consensus figure standing right in the middle of a time where there is no middle ground. Think what you like about the monarchy, but these are all objective achievements of enormous value.

In a time plagued by polarisation, demagoguery and alienation, Queen Elizabeth gave us hope that we could have unity, dignity and kindness in public life. May this promise inspire us all for years to come.

Thank you, Mr Speaker.

**Mr Speaker:** The Hon. the Deputy Chief Minister.

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the death of Queen Elizabeth, on 8th September, was the end of an era.

Many tributes have been paid to the late Queen, much has already been said and written, so I would like, if I may, to make my own short contribution in this House with a personal story. Six years ago, I agreed to represent the Government at an event at Buckingham Palace. My wife and I attended, together with guests from the United Kingdom and all over the Commonwealth. It was our first visit to the Palace, so logically we were struck with the surroundings. We stayed in our allocated place, chatting to political and military figures and their spouses who came and went; one of them had worked in Gibraltar, one worked for the Royal Family. The Royal Family entered the enclosure and circulated amongst the guests. The afternoon wore on and there were only, more or less, 10 minutes before everybody had to go home. It was then that we saw Her Majesty talking to the people directly in front of us. The image in my mind is of that crowd parting, and in an instant the Queen stood there in front of us. We exchanged pleasantries and, logically, a few words about Gibraltar. I remember that conversation vividly and it was a moment both my wife and I will cherish forever. It was a genuinely humbling experience.

It was obvious to me from that encounter that the Gibraltarians had a special place in her heart, just as she had won a place in ours. This was the Queen who defied General Franco by visiting Gibraltar in 1954, the Queen who brushed aside security concerns to come here and visit the Rock, and the Queen who came here in the face of advice not to do so. Meeting her even briefly was a real honour. It was also genuinely impacting. I understood then the effect Her late Majesty had on the very many people she came across over the years, and when you try to rationalise it, it really comes down to this: Queen Elizabeth II was a constant in our lives. Prime Ministers and Presidents have come and gone – 15 UK Prime Ministers during her reign, 179 Prime Ministers of her realms, 14 American Presidents – but Her Majesty the Queen was always there. Millions of her subjects have not known anyone different. Indeed, it was almost as if the Queen would be eternal, for the Queen was a symbol of continuity, of stability and of strength. She represented tradition and security in a turbulent world, and her passing has left a void.

She was born in a time of empire and she departed this world still Sovereign of her numerous realms and territories – over Gibraltar, too. Indeed, our very own Constitution states that Gibraltar is part of Her Majesty's dominions – now His Majesty's, of course. The outpouring of grief we witnessed only a few weeks ago has shown precisely how much her reign has meant to the people

we represent here in Gibraltar, to the wider British family of nations, and indeed to the world as a whole. The Members of this House have always been clear about their loyalty; our people, too. Her Majesty was a symbol of what it means to be British. She personified it.

125 The House will know that the Gibraltar National Archives organised an exhibition in June precisely to mark the Queen's Platinum Jubilee, and in 2010 a new Gibraltar £5 coin was minted, approved by the Palace, inscribed for the first time with the words 'Queen of Gibraltar'. Those three words said it all. This was a reflection not only of a strict legal and constitutional position; those words marked an emotional and popular bond as well, an unbreakable link between the people of Gibraltar and the late Sovereign.

130 Mr Speaker, in paying tribute to our late Sovereign I want to highlight what has already been said: her dedication, her exemplary devotion to duty and the record she has set as the longest-serving monarch in British history. We now look forward to the coronation of our new King, Charles III, in May.

135 We will all remember where we were and what we were doing at the moment we heard that Queen Elizabeth had passed away. The second age of the second Elizabeth came to a close last month. Her reign was a watershed that will mark a before and after. May she rest in peace.

**Mr Speaker:** I truly believe that the people of Gibraltar feel an emptiness in their hearts at the passing of Her Majesty the Queen. There is a deep sense of grief amongst all of us, and it will be difficult to come to terms with her loss.

140 Her Majesty was a tower of strength as she led her country through the many trials and tribulations in the seven decades of her reign. For us in Gibraltar, Her Majesty was a symbol of British sovereignty. We will continue to nurture and treasure our status as a British Overseas Territory.

145 Her Majesty was held in very high esteem by the people of her Rock of Gibraltar, and we remember her with great love and affection. I am sure that she was proud and fond of her most loyal subjects of Gibraltar. We thank her for a lifetime of service to our small nation.

Her Majesty is now with our Lord and in the company of her beloved husband, and as we mourn her departure we welcome our new monarch, King Charles III, as King of Gibraltar.

150 God save the King.

**Hon. Chief Minister:** Mr Speaker, can I thank you and all hon. Members for those fulsome tributes? It is in the nature of Parliament that we are here to debate the things that divide us and to seek to improve the governance of our nation through the debates that we have, but it is genuinely a pleasure to see all of the people of Gibraltar represented in this place, united under the British Crown and our reflections in respect of the monarch who held that Crown for 70 years in such impeccable fashion and to have seen us all able to swear our allegiance now to the current monarch.

160 Mr Speaker, if I can just sum up by saying that certainly Her Majesty the Queen will go down in history as the emancipation monarch, the monarch under whom colonialism has ended in most of the realms that she was responsible for as monarch when she was elevated to the throne – and remained responsible for, in many instances, but after the emancipation of those people.

165 If in 1954, when she came – as the Deputy Chief Minister reminded us, against the advice of so many – General Franco saw that visit as the beginning of the reasons to start to impose restrictions on Gibraltar, and the fruit of those restrictions was the hardening of the identity of the Gibraltarian as British, then that seed was laid by her and we will always thank her for it.

And so, Mr Speaker, I call that the House should now observe a minute's silence in the memory of Queen Elizabeth II.

*The House observed a minute's silence.*

170 **Hon. Chief Minister:** Thank you, Mr Speaker.

**Tribute to Marie Montegriffo,  
former Member of the House**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, we received equally sad news on 18th August that the former Member of this House, Marie Montegriffo, had passed away. It was certainly a bitter blow to those of us on this side of the House. She had been a Member of the House from 1984 from the moment that the GSLP took all of the Opposition seats, and she had remained a Member of this House until 2007. I therefore had the pleasure of sitting alongside Marie as a Member of the GSLP for four years, from 2003 to 2007, and, to add to my pleasure, I actually sat next to for a lot of that time. I confess that I learnt greatly from her. I learnt how to write an Opposition Budget speech and leave nothing out. I learnt about historic political issues on the GHA and how to write Opposition press releases, and, most importantly, I learnt how to get under my predecessor's skin from her. Perhaps she taught me that a little bit too well, but she did it *really* well, as those who were on this side of the House with her might remember.

I know that she also cared for me a lot as a younger Member and she nurtured me, and I think that is one of the enduring memories that most people will have of Marie Montegriffo, that she was somebody who cared. She cared enough to leave everything for her political service to the Socialist Party and to this community, she cared enough to leave her career to become a Government Minister, and she cared enough for everyone in our small community to work every hour that she could in her Ministries of Health and Sport. She was, in many respects, a pioneer, and yet, despite that, she was approachable and personable in equal measure. I know that she was highly regarded by those she worked with in all her Ministries and by all those whom she had worked with outside of Government. She was also very highly regarded by those who worked for her and those she worked for, in particular the people of Gibraltar and the patients and staff of the GHA that she gave so much time for.

I know that we will all reflect on the fact that she was an excellent parliamentarian. She was well loved across the floor of the House and I know her loss was deeply felt also by Members who served with her in Parliament, even those who were on different sides. In that respect, I will long remember that in moments of tension in this place, certainly in the four years that I was here with her, it was often Marie who would break the ice behind the Speaker's Chair after a particularly trenchant argument might have taken hold. We would all benefit from reflecting on her approach in that respect, I am sure.

Mr Speaker, I have extended the condolences of the people of Gibraltar and the GSLP executive in particular to Gillaine, Marie's partner, whose loss I know is immense. I know all our thoughts are with her at this still difficult time.

Sadly, once again, Mr Speaker, after other Members' reflections, I will ask the House to hold a minute's silence in honour of the service of Marie Montegriffo.

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

**Hon. K Azopardi:** Mr Speaker, on behalf of my party, certainly Members on this side, I would like to extend our respectful condolences to Marie's family, her friends and, of course, her political family in the GSLP. I did so, of course, at the time, but I do so on the record in this House because, for the same reasons, I think it is important for us to do so when a Member of this brotherhood and sisterhood passes.

I certainly know, from sitting on that side of the House when Marie was on this side of the House, that there was no one who got Sir Peter Caruana going more than Marie Montegriffo. That was reflected in the rather long interventions that the then Chief Minister would dedicate to her political points. He did so in recognition of the fact that those points needed answering and they could not just be left on the record, because Marie was always an effective parliamentarian and the points hurt and needed to be responded to, and I say so in the most amicable political way that I can.



220 I was a very young Member of the House when I was elected in 1996. It was a very difficult  
time for this community and a divisive election, but when I became a Member of this House for  
the first time and Marie was my opposite number who had been Minister for Health herself,  
beyond the politics of it all we always enjoyed a very good personal relationship. She was very  
225 kind to me – not kind in this House but kind outside it – and we had a relationship also outside  
this House when I ceased to be a Member of the House in 2003.

The Chief Minister reflects her importance in politics. If I can put it this way, she was massively  
influential, I am sure, and a role model for women. Tomorrow, the GSD will have a memorial event  
for our own standard bearer for women, Terry Cartwright. In many respects, there were two very  
strong women in our respective parties. Marie's contribution to politics was also decades long, as  
230 was Terry's, and certainly on this side of the House I respectfully associate myself with everything  
the Chief Minister has said about her long career, her contribution to politics and the extension of  
condolences to her family.

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

235 **Hon. Ms M D Hassan Nahon:** Mr Speaker, Marie Montegriffo was one of our first female  
political representatives and the first female Mayor of Gibraltar. She was also a dear friend, whom  
I deeply respected and enjoyed spending time with; listening to her pearls of wisdom and  
experience was always a treat.

240 Marie was a trailblazer who showed women such as myself that the path to equality and  
empowerment lies in our institutions and in political activism. With great humility she furthered  
the agenda of the LGBTQ community at a time when simple exercises of honesty and coherence  
were nothing short of heroic. She was a kind, generous and supportive woman, always ready to  
give insightful advice and capable of discussing issues openly and honestly, always prioritising the  
245 greater good for the community. It was this openness that allowed her to take part in Together  
Gibraltar discussions and engage with political rivals with elegance and respect. These qualities,  
which we now associate with a bygone era in politics that was more about the betterment of  
society and less about self-aggrandisement and partisanship, should be praised and recognised by  
our community as we celebrate her life and achievements.

250 Our most heartfelt condolences go out to Marie's wife, Gillaine Morello, and her family and  
friends.

Thank you.

**Mr Speaker:** The Hon. the Deputy Chief Minister.

255 **Deputy Chief Minister (Hon. Dr J J Cortes):** Mr Speaker, thank you.

In paying tribute to the life and career of Marie Montegriffo, I recall having had the fortune of  
knowing her from before she was in active politics and before I was in politics, through her father,  
who was a photographer for the *Gibraltar Evening Post* for many years.

260 As the House knows, she served as a Member on both the Government and the Opposition  
sides, for four terms in opposition and two terms in government. From 1999 to 2007 I sat with her  
on those benches in opposition, and I have to say it was always a pleasure to hear her  
contributions in this House, particularly her legendary Budget speeches on health, to which the  
hon. Member has already alluded.

265 She was a trailblazer for women, certainly, but also, I think, in the area of sports, and in health  
as well, where she made important contributions, too. Also, she was a fighter. In everything she  
did in life she was a fighter, having a wicked sense of humour as well, which sometimes manifested  
itself at the most inopportune or solemn opportunities. I certainly found that she always had the  
perfect remark to say in the perfect situation.

270 Mr Speaker, I want to pay my condolences to Gillaine and to her family.

**Mr Speaker:** The Hon. Prof. John Cortes.

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, if I may add a personal note, I had the honour and pleasure of having an office next to Marie for three years when she was Minister for Health under the Government of my hon. Friend Sir Joe Bossano, and I was her hospital manager and then her general manager. We worked very closely together, and indeed with Sir Joe, and we became good friends.

She cared dearly for the health of the population of Gibraltar. We often forget achievements of the time in Health. Just to mention a few, we inherited a decrepit St Bernard's Hospital that was falling to bits and we totally refurbished it and gave it a new lease of life. Through her leadership, we achieved not only the refurbishment of the Hospital but the introduction of new processes like ultrasound for the first time in the radiology department, new x-ray equipment, new lab equipment which allowed us to automate blood analysis and other analyses for the first time ever. For the first time – perhaps something minor – mothers were allowed to keep babies by their side on the maternity ward, which was not allowed before then. And need I remind this House of the progress made in establishing Calpe House, which she spearheaded from the Health Authority side? It is important that we recognise her huge contribution to the development of Gibraltar's Health Service, and, in paying tribute, that is a point that we must most definitely remember.

**Mr Speaker:** The Hon. Sir Joe Bossano.

**Minister for Social Security, Economic Development, Enterprise, Telecommunications and the Gibraltar Savings Bank (Hon. Sir J J Bossano):** I think everything that Marie did was the result of her decision to join the group of trade unionists who created, in 1976, the GSLP. She was, then, the shop steward in the Bland Group, a member of the clerical staff. It was at the time when we were fighting for parity, and then the logical step from that was ... With the situation that was looming in talks with Spain after 1975, there was a clear need to clarify the position in which Gibraltar found itself. We campaigned on the slogan 'We want to know our future now'. We started campaigning initially as a pressure group and the Labour Government said that they would not talk to us unless we could prove that we had the support of the people. The movement that we had went into politics at that time in order to be able to make sure that the future of Gibraltar was in the hands of the Gibraltarians and not in anybody else's hands. And then, of course, once we entered the political arena alongside our work within the trade union movement to achieve parity, it was obvious that this was not a fight that would only last three-and-a-half years, like the parity one, but that was, in fact, going to last a lifetime.

In the process, I think when we became the first socialist Government in 1984, we brought something completely new to the way things were done in Gibraltar because, for a start, Members were required by the party to be full time, they were not allowed to continue with their employment, and they worked for the 50% wage that had existed under the previous administration because they were part-timers. So, from the very beginning, the demands that the party made were a level of commitment and sacrifice that nobody else had ever been asked to accept in political life. That spirit that was in her commitment and in that of the many others who had started the GSLP, kept her committed throughout her life in everything she did.

After she retired from the House, she was totally active in the party. She would come and help me do my speeches for the manifestos, she would come and help me do my speeches for the United Nations, she would come and help me type my questions and she was always available whenever she was needed; without having to ask twice, she was there. She was there for the party, because she was there for Gibraltar from the moment she took the first step to help us bring into existence what we have today, which I think has been something that has been good for Gibraltar, whatever mistakes we might have made on this long road, the road that I have been

travelling for 50 years. We are here because we care about our country more than we care about ourselves. She was one of us. *(Banging on desks)*

325

**Mr Speaker:** The Hon. Samantha Sacramento.

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I grew up knowing Marie since I was a child. I was 11 years old when we were in government first, in 1988. My family was, of course, very close, and my recollection of Marie growing up was, as we have heard from everyone else, her kindness. I remember a time when she helped with the sponsored patient arrangements for my Grandad to go to the UK, and since that day he always said that she was the one who had saved his life. Since that day there was a huge photograph of Marie and my Grandad in my house. Marie knew that, and she loved the photograph, too.

335

When I first joined Parliament, Marie was always not only kind but also very protective of me, and we spoke often. Later, when I became Minister for Health, I often called Marie for advice. I always recalled everybody's fond memories of Marie as Minister for Health and her kindness. I knew first-hand how important it is as a Minister to make sure that people who need Health are helped, and Marie was very much my guiding light in that respect.

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Finally, I remember the day Marie called me to tell me that she was getting married and she thanked me and our party for making that possible.

345

I have incredibly fond memories of Marie from all my life, and I am extremely grateful for all the guidance that she gave me personally and, needless to say, what she did for women and women in Parliament.

Thank you, Mr Speaker.

**Mr Speaker:** The Hon. the Chief Minister.

350

**Hon. Chief Minister:** Mr Speaker, Marie would be very disappointed if we forgot that she was also a great sportswoman and that she represented Gibraltar on a number of occasions, in her beloved sport of squash in particular. We have made some references to her being Minister for Sport as well, but she was also a sportswoman in representation of Gibraltar. The last thing I want is if some people are right about all this and I turn up at the pearly gates and Marie is there to tell me off because I forgot to say that she was one of Gibraltar's leading sportswomen as well. Indeed, as we have been reminded by Sir Joe, anybody who has been heroic enough to try to type anything for Sir Joe Bossano in the number of bits that it comes deserves praise indeed.

355

I am so pleased that once again this House is united in reflecting on the contribution of a Member like Marie Montegriffo. I would invite everyone to now hold a minute's silence in respect of her memory.

360

*The House observed a minute's silence.*

**Hon. Chief Minister:** Thank you, Mr Speaker.

#### PAPERS TO BE LAID

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

365

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Annual Report of the Gibraltar Regulatory Authority for the year ended 31st March 2022; the Audited Accounts of the Gibraltar Regulatory Authority for the year ended 31st March 2022; the Annual Report of the Gibraltar Police Authority for the year ended 31st March 2022; the Licensing and Fees (Amendment of Schedule) Order 2022; the Licensing and Fees (Amendment of Schedule

370 No. 2) Order 2022; the Qualifying (Category 2) Individuals (Amendment No. 2) Rules 2022; and the  
High Executive Possessing Individual Skills (Amendment) Rules 2022.

**Mr Speaker:** Ordered to lie.

375

**Thanks to all from Hon. Ms M D Hassan Nahon  
for friendship and support during period of bereavement**

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

380 **Chief Minister (Hon. F R Picardo):** Mr Speaker, before we carry on, I think the hon. Lady wanted  
to make a contribution. I wonder whether this is the right moment to do it before I suspend.

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

385 **Hon. Ms M D Hassan Nahon:** Mr Speaker, if I may, I would like to register here, in this House,  
and for the purposes of *Hansard* too, my deepest gratitude to hon. Members for their tributes,  
letters, words of support and kindness shown towards me and my sister on the passing of our  
beloved mother just four months ago today. I was absent from the House at the time, so this is  
my first chance to thank you all, from the Chief Minister to the Deputy Chief Minister, the Leader  
of the Opposition, your good self, Mr Speaker, and especially my good friend the hon. Lady,  
390 Minister Samantha Sacramento for your friendship, affection and kindness during such a difficult  
time for me and my family.

I also take this opportunity to thank the people of Gibraltar for your outpouring of love and  
respect for my late mother. We shall be forever indebted to all of you for your generous words  
and support.

395 Thank you.

**Standing Order 7(1) suspended to proceed with Government Bill**

**Chief Minister (Hon. F R Picardo):** Thank you, Mr Speaker.

I now beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to  
proceed with a Government Bill.

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

## Order of the Day

### BILL

#### FIRST AND SECOND READING

##### Extradition (Amendment) Bill 2022 – First Reading approved

**Clerk:** (ix) Bills.

A Bill for an Act to amend the Extradition Act 2018 for the purposes of implementing, in part, the requirements of the Convention on Extradition between the United Kingdom and the Kingdom of Morocco dated the 15th April 2013, and signed in London.

405 The Hon. the Minister for Justice, Equality, Public Standards and Regulations.

**Mr Speaker:** I wish to confirm that I have been notified of the urgency of this Bill.

410 **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 the Extradition (Amendment) Act 2022 be read a first time.

415 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Extradition Act 2018 for the purposes of implementing, in part, the requirements of the Convention on Extradition between the United Kingdom and the Kingdom of Morocco dated the 15th April 2013, and signed in London be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Extradition (Amendment) Act 2022.

##### Extradition (Amendment) Bill 2022 – Second Reading approved

420 **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 the Extradition (Amendment) Act 2022 be read a second time.

425 The purpose of the Bill is to implement the mandatory requirements of the Convention on Extradition signed between the United Kingdom and Morocco in 2013. We are currently not provided for under Gibraltar law. Gibraltar's proximity to Morocco makes this Agreement beneficial. Gibraltar is largely compliant with the requirements under the Convention, and for that reason it is a short Bill. The United Kingdom has advised us that we need to form part of the Convention and there is a very tight timeline. Gibraltar is also included in other bilateral extradition treaties with other countries, and this would be a useful addition to these other international arrangements.

430 I will take each amendment as it appears on the Bill, Mr Speaker.

Clauses 1 and 2 contain provisions in relation to the title and entry into force of the Act.

In relation to the age bar, clause 3(2) amends section 17(1) of the Extradition Act 2018 by adding a further bar to the list of reasons barring extradition under section 17.

435 Clause 3(3) adds a new section 19A to the Act. The effect of this section is to bar the extradition of a person who would have been under the age of criminal responsibility had the offence

occurred in Gibraltar at the time the extradition offence was committed. This is consistent and in line with Gibraltar law and also provides an important protection. It also aligns more with the practice in the United Kingdom.

Clause 3(4) introduces a new section 109A. This provides the Minister with two powers – (a) to make regulations, and (b) to amend the Act – for the sole purpose of implementing conventions, treaties, bilateral or multilateral agreements, other obligations or standards concerned with these, the recommendations of international bodies that are involved with the adoption, monitoring or promotion of these obligations and standards and any other international obligation that concerns matters covered under the Act. Regulations made under the Act can contain consequential, incidental or transitional provisions. Regulations to amend the Act can also contain transitional, transitory or saving provisions. This regulation-making power is a very common provision where international agreements are concerned. Similar provisions can be found in the Proceeds of Crime Act 2015 in section 184, the Imports and Exports Act 1986 section 129G, the mutual Legal Assistance (Council of Europe) Act 2018 section 18, the Trademarks Act section 19, the Patents Act section 14, section 152(1)(f) of the Terrorism Act 2018 and section 223A(1)(b) of the Merchant Shipping Act.

In relation to the transit provisions, clause 3(5) inserts new sections 110A to 110B into the Extradition Act.

Clause 110A provides the interpretation provisions.

Clause 110B(1) makes provision to facilitate the transit through Gibraltar of a person who is being extradited from a third state to a state where a transit request is approved by the central authority in Gibraltar.

Clause 110B(2) provides for the particulars that must be contained in that transit request.

Clauses 110B(3) and (4) deal with the formalities of the request and the response to that request.

Clause 110B(5) provides that the transit must be supervised by a police officer and the person who is transited must be deemed to be in the custody of that police officer.

Clause 110B(6) provides that where a person is being conveyed in transit and makes an unscheduled stop through Gibraltar, in that scenario the central authority must be provided with the information referred to in clause 110B(2) and this person shall be deemed to be in transit through Gibraltar. There are already similar transit provisions under section 20 of the Extradition Arrest Warrant Act 2004 and section 19 of the Mutual Legal Assistance (International) Act 2005, which apply in different scenarios.

Mr Speaker, I commend this Bill to the House.

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

**Hon. D A Feetham:** Mr Speaker, we will be supporting the Bill, but I would ask for clarification from the Minister in relation to certain parts of it.

The first point is under proposed section 109A(b), which allows the Minister, by regulation, to amend this Act for the purposes of subsection (a). Bearing in mind that we are dealing with extradition, we are dealing with depriving people of their liberty, are there any plans for those regulations to then at least be laid before Parliament, allowing Members of Parliament to potentially, should an issue arise, at least debate them in Parliament? I know – we have done it when we have been in government and they have done it when they have been in government over the last 11 years – that Bills do occasionally make provision for regulations to amend the principal Act, but when you are dealing with something like this, which is about potentially depriving people of their liberty, it is a practice that really has to be justified and also has to be scrutinised very carefully by us, as legislators, in order to make sure that essentially nothing is done by way of side win, so to speak, without proper scrutiny. I would ask her to comment in

relation to that and whether there are any plans specifically for regulations to be laid before Parliament and debated in Parliament.

490 The second point I would appreciate clarification on is section 110B. This Bill appears to me to be about transit from a third state to a Convention state. Is this directed at a transit from Morocco through Gibraltar to a state under the Convention? Is that the main purpose of this, or is it wider? I ask that question because the title, we are told, is 'to amend the Extradition Act ... the requirements of the Convention on Extradition between the United Kingdom and the Kingdom of Morocco, dated the 15th April 2013, and signed in London', but it does not appear, at first glance, 495 to be limited to Morocco. Perhaps if she could give me a little bit more information in relation to that.

Mr Speaker, those are our comments, trying to be as helpful as possible and accepting on this side ... the Minister and the Chief Minister have said this is an urgent piece of legislation ... that, of course, that is so and that we are debating its urgent consideration.

500

**Mr Speaker:** The Hon. Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I want to thank hon. Members for indicating that they are going to be supporting this Bill.

505 The United Kingdom signed this Convention in 2013, but it is taking some time for that Convention to come into effect. It is about to come into effect, and this is the moment when we have the opportunity to be included in it. As the part of the British family of nations covered by the ratification of the United Kingdom of this Convention closest to Morocco, of course it is in our interest that we should be able to form part of the process of ratification, so that as soon as it is possible we will be able to enjoy the benefits of this extradition treaty.

510 Mr Speaker, I am going to address only the point that has been raised by the Hon. Mr Feetham on the regulations, and my learned and hon. colleague the Minister for Justice will take the other point that he has made.

The Government has no plans to bring any regulations to Parliament. The hon. Member says it is those regulations that might have the effect of depriving an individual of their liberty, and therefore, for that reason, they should be brought to this House, even if they are simply laid, so that hon. Members could have the benefit of debating them. I want to take issue with both aspects of that contribution from the hon. Gentleman. On the first, because it would not be regulations that we make under this Act that would have the effect of depriving an individual of their liberty. 520 An individual would be deprived of their liberty only if they are deemed to have committed a criminal offence for which they are detained, and that offence would likely not be an offence created by this Bill. A person might be, for example, illegally in Gibraltar. The offence is in the Immigration Act; it is not here. What this will do is provide the pathway out of Gibraltar for that individual, either because they have been convicted of being illegally in Gibraltar or because there is another route for their extradition. Extradition very often – and not in the classic case of 525 immigration that we might be dealing with in the context of most people who are illegally in Gibraltar from Morocco, but most often – is about a person having committed a criminal offence in another state, then being found in a second state and the state where they committed the criminal offence seeking that they be taken back there. Obviously, in the context of south to north immigration the circumstances are usually different, but the offence that leads to detention and deprivation of liberty is not an offence that is being created by this Bill and will be in effect under this Act; it is an offence in another Act. This is the route for the person being removed from the jurisdiction, and that routing is a routing that is going to be – of course, as it could not be otherwise under our legal system – subject to judicial scrutiny at every stage. So, what this Bill does is give 530 powers to courts to extradite, but subject to court jurisdiction and court supervision. So, first of all, the first issue I take with what the hon. Gentleman says is that these regulations will give rise to deprivation of liberty. They will not.

The second point the hon. Gentleman made was that laying the regulations here was the way that hon. Members would be able to debate the regulations. In fact, when something is laid as a regulation made, we could have a debate at that stage, but of course the regulation would already have been made, it would already be in effect, so there would be no difference between the Government laying the regulation ... Of course, regulations, when they are made by the Government, to have effect, have to be published. They are published to the world and they are published in the Gibraltar Gazette. The whole world is given notice of them. Legal practitioners receive the Gazette, they see the regulations made up, and all of that would happen before the laying on the table. There is, of course, another way that hon. Members can bring about such a debate: they can put a motion in the terms of the regulation and seek to debate it. There are many ways to achieve a debate on a motion.

Mr Speaker, although for those reasons I do not believe it is necessary for us to lay regulations on the table and neither do I think we should do so – it is a practice that governments making regulations to amend legislation ... It is a practice that is very circumspect and successive Governments have done it. We have been very careful when we have used those powers in particular, but I have no difficulty telling the hon. Gentleman that we will share the regulations with them in draft before they are made, in case they have any concerns that they want to express to us, because if they were to express a concern with which we might agree, we would not want that it be expressed after the regulation is made, when it is laid in the Houses as a regulation made. In the same way as we have done with hon. Members during the COVID period etc., we are quite happy to share those regulations with them before they are made, if they have to be made, so that we take their views, and if they have anything to put to us, we are happy to consider that.

I do not know whether before I sit down the hon. Gentleman wants to come back on any of those issues. I am happy to give way, but otherwise I am happy to sit down.

**Mr Speaker:** The Hon. Samantha Sacramento.

**Hon. Miss S J Sacramento:** Mr Speaker, in relation to the second point that the hon. Gentleman raised, he will be aware that this Bill amends the principal Extradition Act, so when it comes to the definition of 'state' it is as defined in the Extradition Act.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Extradition Act 2018 for the purposes of implementing, in part, the requirements of the Convention on Extradition between the United Kingdom and the Kingdom of Morocco dated the 15th April 2013, and signed in London be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Extradition (Amendment) Act 2022.

**Extradition (Amendment) Bill 2022 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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



**COMMITTEE STAGE AND THIRD READING**

**Extradition (Amendment) Bill 2022 –  
Clauses considered and approved**

**Clerk:** Committee Stage and Third Reading. The Hon. the Chief Minister.

585 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to resolve that the House should dissolve itself into Committee to consider the following Bill clause by clause, namely the Extradition (Amendment) Bill 2022.

*In Committee of the whole House*

590 **Clerk:** A Bill for an Act to amend the Extradition Act 2018 for the purposes of implementing, in part, the requirements of the Convention on Extradition between the United Kingdom and the Kingdom of Morocco dated the 15th April 2013, and signed in London.  
Clauses 1 to 5.

**Mr Chairman:** Clauses 1 to 5 stand part of the Bill.

595 **Clerk:** The long title.

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

**Extradition (Amendment) Bill 2022 –  
Third Reading approved: Bill passed**

600 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Extradition (Amendment) Bill 2022 has been considered in Committee and agreed to without amendment, and I now move that it be read a third time and passed.

**Mr Speaker:** I now put the question, which is that the Extradition (Amendment) Bill 2022 be read a third time and passed. Those in favour of the Extradition (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

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

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

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

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

## Questions for Oral Answer

### DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q276-77/2022

#### Counselling, psychological support services and Child Protection Services – Number of children referred

**Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.  
Question 276/2022. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state how many children have been referred to counselling or other psychological support services since the answer to Question 97/2022?

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

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**  
Mr Speaker, I will answer this question together with Question 277.

**Clerk:** Question 277/2022. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, since the asking of Question 97/2022 can the Government state how many children have been referred to Child Protection Services?

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

**Hon. A J Isola:** Mr Speaker, I can confirm that in respect of the GHA, 117 children have been referred to counselling or other psychological support services. I can confirm that in respect of the Care Agency, 49 children have been referred to counselling or other psychological support services.

In respect of Question 277, since Question 97/2022, the Care Agency has referred 261 children to Children Services. As I do not wish to mislead the hon. Member, I am advised by the Care Agency that the correct term is Children Services and not Child Protection Services, which Question 97/2022 and this question both refer to. All children referred to the Care Agency's Children Services are triaged by the duty team. The duty team's manager will review, categorise and allocate the referral of a child to a social worker following the relevant policies and procedures pertinent to the issues in question.

**Hon. E J Phillips:** Mr Speaker, Question 97/2022 referred to ... I think the answer to that question was 112 children were referred for purposes of counselling and other psychological support services. The figure that the Minister now has given me is 117 in respect of counselling and then 49 in relation to psychological support services. I am just trying to rationale the numbers, because it seems like a very significant increase in numbers since the asking of that question.

Just to add a little bit of narrative to it, the Minister was, as I was, very concerned about the numbers here in respect of children being referred. Can the Minister give any further and better visibility as to what we are doing to support these children beyond this, because the numbers continue to be alarming, to say the least?

**Hon. A J Isola:** Mr Speaker, the numbers that I quote are obviously for different periods and not the same length of time, and so it is difficult to compare the two on a mathematical basis.

Clearly, the numbers are higher than they have been in the past. On average, the number of referrals to Child Services has ranged from 350 to 380 per year. In 2018 it was 376 – so they fluctuate – and 266 referred in 2019, so they are slightly higher than those years, and the team, I understand, are looking into what is, if any, the cause of that increase. There is certainly greater awareness and greater use. Whether those two will bridge that gap that the hon. Member is putting his finger on, I do not yet know.

**Hon. E J Phillips:** Just in relation to Question 277, I know that the Minister, in response to questions to the Leader of the Opposition and myself at the time, said that one child is too many. I think that is one of the phrases that he used in his answer. I have not checked *Hansard*, but I think it was that type of language, and I entirely agree with that analysis that he conducted at the time of that question. Insofar as Child Services, I know the answer last time was in relation to Child Protection Services. This is obviously a slightly wider term – Child Services – that would encompass other matters apart from protection. Is that right?

**Hon. A J Isola:** The term is Child Services, so Child Protection Services – in other words, children who are requiring of that – is a small part of Child Services. Child Services encompasses all the services which they may be referred to, so the number in respect of child protection is obviously a small part of the global number that I have given.

In respect of one child being too many, obviously the numbers that we are talking about cover a whole range of reasons as to why children may have been referred. I do not think we can surmise or imply that they are all as serious as some may be, and I do not want to be driven in that direction in terms of what each one of them is because I would not go there. But yes, as I said, this is something that has been considered and looked at by the Care Agency. I met with them recently and they were expressing some concern as to the numbers as well, so it is something they are looking at with a view to trying to understand better what can be done to prevent those numbers increasing further.

**Hon. E J Phillips:** Just one further question generally in relation to Questions 276 and 277. I assume this has to combine the joined-up approach within schools as well, because that is ultimately where the notifications are coming from. I believe that the last time we asked these types of questions, the schools were directly referring into the system. What is being done in schools internally to review the resource element? If we are referring out, it might mean that we might need greater resourcing on the ground in schools. Is the Minister currently looking at that with his counterpart at the Ministry for Education?

**Hon. A J Isola:** Mr Speaker, children and their families are referred with a range of difficulties. It is, as I mentioned before, very wide. Some are anxiety, some are self-harm, some are school related – bullying is one example – bedwetting, depression. The range is very extensive and very wide, so the school is one entry into the services of identification. There are many others, but that is certainly one, and yes, of course an important one because they have a good rapport with pupils and have a good idea of when somebody is not behaving in a normal way and can identify and then refer a problem that is requiring attention.

I think it is way too early to begin to say whether we are able to deal or cope with what we have. Clearly when the Care Agency want more people, they have them and they use them, so that is not something that I think we need to be concerned with. There is the resource and there is the support there for them today.

**Mr Speaker:** Next question.

**Q278/2022**

**Children referred to Mental Health Services –  
Numbers receiving medication, counselling or other therapies**

**Clerk:** Question 278/2022. The Hon. E J Phillips.

705 **Hon. E J Phillips:** Mr Speaker, further to Question 97/2022, can the Government state of the 112 children referred to Mental Health Services how many are receiving medication as a form of treatment and how many are provided with counselling and/or other forms of therapy?

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

710 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the number of children receiving counselling or other forms of therapy is 35.

In connection with the information being requested by the hon. Member, the GHA would need to review the individual records of the 112 children in order to provide an accurate answer, which I am advised is an onerous exercise as not all GHA records are held electronically and would also entail a manual exercise. The GHA would be happy to provide this to the hon. Gentleman when the information is available in due course.

720 **Hon. E J Phillips:** Just so that I can follow up, if I email the Minister I am sure that he will be able to provide that information electronically to me at the appropriate time when it is ready?

**Hon. A J Isola:** Yes, Mr Speaker, the work has commenced; it was just not ready in time to be provided now.

**Q279/2022**

**Number of suicides in last 11 years –  
By age and sex**

**Clerk:** Question 279/2020. The Hon. E J Phillips.

725 **Hon. E J Phillips:** Mr Speaker, can the Government confirm the number of suicides over the last 11 years broken down into age and sex?

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

730 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the number of suicides recorded by HM Coroner during the last 11 years is 20. All of these are males. The breakdown in age is as follows: 20-29, four; 30-39, four; 40-49, three; 50-59, five; 60-69, three; 80-84, one.

735 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer. Obviously this subject touches many people in our community, and I think that certainly on this side of the House that quite astonishing figure – not in number, but actually insofar as the male population is concerned ... I know that we have all recorded Mental Health Awareness Day, all of us in this House, in our own way and publicly by way of our own positions in Gibraltar, but it is an astonishing figure insofar as how it dominates insofar as the male sex. I would be grateful, given the fact that the Minister has done 740 the work in getting this number so that we can all be more aware of the loss of life in this area,

for what resources are currently at the Government's disposal to help those people in those age brackets in trying to prevent what is a tragedy in families and for the rest of our community.

745       **Hon. A J Isola:** Mr Speaker, if one looks behind the 11 years ... The last 11 years have been all male. Before that, since 1990 when these records have been made available to us, there are only four females from 1990 to now, none in the last 11 years. In the last three years we have only had two, so that would indicate a reduction in terms of the numbers despite the perception that this is a number that is going up and astronomically so. This last year I am delighted to say the number  
750 is zero – one the previous year and one the year before that. I think if you look at the United Kingdom, for example, 2021 was 7% up from the previous year, so in terms of statistics I think we are doing okay. But again, as I said to the hon. Member when we referred to a previous answer I have given, one is too many and so work is going on. You will know that there is a huge amount of work going on in terms of creating awareness, creating the resource and the assistance and  
755 support and help for those who may think they may need that support. I think the work that has been done in that respect, particularly in creating awareness and getting people to phone these lines, and providing the services of people who are trained and able to deal with those calls, will help us further in dealing with this. That work is very much work in progress, and there is a lot more still to be done.

760       **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer, and of course we should, all of us in this House, and I am sure the Minister might, in this reply to this question, continue to support the mental health charities in Gibraltar that do such great work in highlighting not only this issue but of course the wide areas of mental health challenges across our community. I am sure he  
765 would agree with that analysis.

The Minister had the figures from 1990 onwards in relation to females. I think he referred to four. I wonder whether he has the same figure in respect of males.

770       **Hon. A J Isola:** I do, Mr Speaker, but I would have to tot it up. I am very happy to pass that on to him later on in the session.

With respect to the work of charities, I think I have been astonished since coming into this Ministry in recent months at the extent of the support and the work that we do with all of the charities and all of the associations to promote each of the different areas in which they support us, and create more awareness and more of a working relationship, a closer working relationship  
775 with them between the health and care services and all of these charities, for which, of course, we are hugely grateful and depend on for so much of the good work that they do and that we do as well.

780       **Hon. E J Phillips:** I am grateful for your patience, Mr Speaker, in relation to this. It just goes to the point that the Minister has made in relation to the mental health charities because, as you know, there was recently a video deployed in relation to particular patients who have had mental health challenges over a number of years in relation to assisted living, and one of the calls was the support that individuals in our community need for assisted living moving forward. I know the GHA CEO was in attendance at the video showing this week, along with me and the Hon.  
785 Mr Clinton. What that video did display was quite a powerful and moving message about individuals in our community, and to be fair to the Government, actually, there was support for some individuals but not for others. It was a bit of a mixed bag insofar as support for those who require assisted living, and their families, actually, who fall within that vulnerable category as well.

790       The Minister does talk about resources and I just wanted to question him as to how the Government will deploy further resources in relation to that assisted living because I currently understand there are seven units that are available. It might be interesting to learn from him what the Government is doing in that area.

**Hon. A J Isola:** Yes, Mr Speaker, I understand the point the hon. Member is making. I think it is important to remember that the clinical assessment that is made determines whether assisted living is appropriate or not. There are cases where the professionals themselves do not believe it is, but the families may believe it is. And so it is not a question of just having endless numbers of units available for assisted living, it is very much a clinical assessment process that goes through with the professionals telling us when they think they are and when they think they are not.

Yes, we have seven now where there were none before, so that is an improvement, but that does not mean that the Care Agency is asking us for more or for less. We are not being pressed for more, which indicates to us that they can work with what they have available to them, and if they do need more they will come to us and ask for it. So I think it is really important with all of these areas to understand that there is a professional process, with the agency and with the GHA, of professional assessment, clinical assessment, and that is obviously what we follow always.

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

**Hon. K Azopardi:** Mr Speaker, the hon. Member may not know, but in relation to the seven flats that are provided for assisted living, can I assume safely that the level of assistance will vary in each case, so some of them may be people who are in the community who had domiciliary care services, but some of them may have live-in assistance? Is that correct?

**Hon. A J Isola:** Mr Speaker, in seeking to have more and more people at home, whatever the ailment – which is an objective, we want to keep people at home – again, an assessment is made as to how much care they need, and whatever care the professionals say is required is then provided to them.

Whether in respect of those seven today there are some living in them or not, I do not know the answer to that question, but what I can tell the hon. Member is that certainly it is an assessment as to what level of care they need, and in many of these cases they have care from family, care from professionals and care from co-workers, so it is very much on a case-by-case basis.

**Mr Chairman:** Next question.

#### Q280/2022

#### Numbers receiving medication for mental health conditions – By condition, age and sex

**Clerk:** Question 280/2022. The Hon. E J Phillips.

**Hon. J Phillips:** Mr Speaker, can the Government provide details of the numbers of people receiving medications in respect of all mental health conditions, broken down into condition, age and sex?

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

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, there are currently 1,846 people receiving *some form* of medication in respect of *all* mental health conditions.

In connection with identifying the age and the sex of the individuals in question, the GHA has advised that it would take a considerable amount of time to provide accurate information.

However, the GHA would be happy to conduct this exercise – and, indeed, has started – and provide the hon. Gentleman with the information requested as and when it is available.

840 If I may provide more information, of the 1,846, 26 are in-patients and the rest are out-patients.

**Hon. E J Phillips:** Just one question, Mr Speaker. In the Minister's experience of the current portfolio and the work he is doing within mental health – current – what is his view as to that number historically, if he looks at the statistics? With respect, it looks alarming from where we sit, in terms of the number of people on medication for mental health conditions.

845 I know that, generally speaking, the Government and the Opposition are very supportive together, insofar as the use of counselling and therapy as an alternative to medication, not least given the long-term gains that counselling and therapy can provide for those people suffering from mental health conditions. How is the Government looking at transitioning away from medication? Clearly, there will be cases where there will be clinical need for medication, but ultimately, insofar as those who require counselling and therapy, what is the Government doing to try to move the dependency away from medication in this area to counselling and therapy?

855 **Hon. A J Isola:** Mr Speaker, I think the sexy number is obviously the 1,846, which is alarming, but the number that gives you a far better impression of the nature of the problem is the in-patients, which is 26. The number of people on some form of medication ... that medication is very drastic, on extremes on both sides. I think before we draw any conclusions in respect of the numbers, we need to understand better where the numbers are higher. So, if there are higher numbers in the more serious types of medication, then obviously the problem is a different one than if they are at the lower end of the scale – both of which require attention anyway, I agree.

860 Of course we would all like the numbers to be lower, both in-patient and out-patient. I know that part of the work that has been done and is carrying on with the Director General and Peter Wadum Buhl, who are advising us in respect of, specifically, mental health, is to address these issues and to understand better. I think that work, when it is concluded, will greatly assist us in understanding if there is a problem, and if there is a problem, how serious or not it may be. We will only get that when we get that further information from them.

865 I will get the information the hon. Member has asked for, which will be made available to me, I hope, in the coming 10 days to two weeks, and I will then pass it on.

870 **Hon. K Azopardi:** Mr Speaker, may I just ask how this is defined? The hon. Member has asked about the numbers of people receiving medications in respect of all mental health conditions. What is the threshold there? I recall having asked a question about the number of people who have received medication for anxiety, or antipsychotics, or depression, and it being a much higher number, so I am just wondering what has been the understanding of whoever prepared the answer of the scope of mental health conditions. Can I understand that? It does not seem to be capturing, if you look at the consistency of the figures, everyone who might have been receiving medication for depression or anxiety. It may be that that is outside the scope, so we need to understand the scope of how this has been prepared.

880 **Hon. A J Isola:** Mr Speaker, this is why I urge caution in respect of the numbers, because I suspect that some of the medication may be in respect of anxiety or stress, or something like that. I do not know what measure has been used to calculate the definition in the eyes of the staff who have dealt with ... It says 'all mental health conditions'. It is quite a wide question, so I suspect we have thrown the net pretty wide to ensure that everything is captured within the answer. I will certainly ask the question and see if I can fish out the original question that the hon. Member refers to – I do not know if he can help me as to when that may or may not have been, because that would be helpful in trying to understand if there is a difference and if we are comparing like with like.

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

**Hon. Ms M D Hassan Nahon:** Mr Speaker, if I can, on the back of this mini-discussion, ask the Minister if he remembers a few years back, in the time of the last Minister for Health, Minister Neil Costa, there was a moment when I believe it was Pfizer who warned Gibraltar of all the  
895 medications for depression and anxiety that were given out. The corporation was concerned at how much we were consuming for a community of our size. I would like to ask whether the GHA undertook some kind of plan to target this feedback that we were given in order to minimise the dependency on drugs for anxiety and depression after we had been given this very essential and eye-opening information in order to stop this dependency.

900 **Hon. A J Isola:** Mr Speaker, the answer is yes, they have, and they continue to. It is an ongoing process of engaging with the GPs to ensure that the prescribing of these medicines is appropriate and not just patient driven because the patient has got used to something and wants to continue. That work is ongoing all the time and it was one of the matters referred to me more recently when  
905 we introduced some changes to the pharmacies in the generic medicines which cause some of the same problems the hon. Member is referring to. So yes, very much aware of it and they are engaging with GPs to ensure that we work towards dealing with that exact issue.

**Mr Speaker:** The Hon. Daniel Feetham.

910 **Hon. D A Feetham:** Mr Speaker, thank you very much.

My hon. Friend Mr Phillips asked about alternative therapies. The reason for my supplementary is this week I had a meeting with somebody who suffers from mental health and she was telling me – my question is whether the Minister can actually look into this – that she has been referred  
915 to a therapist, but the therapist is saying to her that she can only be seen six times and after the sixth time that is it; there is no discretion on the part of the therapist to see her a seventh, eighth, ninth or tenth time if it is justified. She has then got to essentially go back to the GP to get another referral and come back. It just seemed to me very odd, because the system has to have the flexibility that if the therapist says she has to be seen a seventh or an eighth time, there is that  
920 flexibility for the therapist to do this.

It is self-evident I am not a doctor and I have no inside knowledge about the system, but could he at least have a look into that, because I thought it was very odd when a constituent who came to see me about the problems that she has had within the mental health system was telling me about this, and I thought it was too late now to ask questions about this, but next time round ...  
925 and given that these questions have been asked now it gives me an opportunity to raise with the Minister.

**Hon. A J Isola:** Mr Speaker, the first point I would make is that the hon. Member does not have to wait for Question Time to write to me. I would be very happy to look at it and revert to him, as  
930 I have done with some of his colleagues on that side of the House.

The picture that the hon. Member has painted is alien to me. I do not understand it and it does not make any sense to me, so if he does write to me I will certainly look into it, as it makes no sense at all.

935 **Mr Speaker:** I think we have deviated substantially from the original question and answer and I think we need to move on. With respect, we need to move on.

**Hon. K Azopardi:** I was going to move on, Mr Speaker; I am just answering the ... Can I just give the hon. Member the ... not the question number, but I can tell him that the answer was given in  
940 the House in ... it would have been January 2020, and the figure that I was given at the time was that the total figure of people receiving antidepressant and anti-psychotic medication was 3,974.



I think it is important to understand. Despite what the hon. Member has said about the width of the definition, it seems to me that it is the other way round, so I just wonder how it has been drawn and it would be helpful to understand how it has been drawn. If he goes back to his Department, it would be interesting to see where things lie.

**Hon. A J Isola:** Mr Speaker, I would be very happy to look at that.

**Mr Speaker:** Next question.

**Q281/2022**

**Numbers receiving therapy, counselling or CBT –  
By condition, age and sex**

**Clerk:** Question 281/2022. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government provide details of the number of people within our community receiving therapy, counselling or cognitive behaviour therapy, broken down into age and sex?

**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, within the GHA there are currently a total of 139 persons in our community receiving therapy, counselling or cognitive behaviour therapy. The breakdown is as follows: 35 under 18, of whom 20 are male and 15 are female; 98 between 18 and 64, of whom 50 are male and 48 are female; six are 65 or over, of whom two are male and four are female.

Within the Care Agency there are currently a total of 190 persons in our community receiving therapy, counselling or cognitive behaviour therapy. The breakdown is as follows: 49 under 18, of whom 21 are male and 28 are female; 136 between 18 and 64, of whom 71 are male and 65 are female; five are 65 or over, of whom two are male and three are female.

**Hon. E J Phillips:** Would the Minister mind if I get a copy of that particular answer?

**Mr Speaker:** These are the prepared answers and you will get them either today or tomorrow, I believe.

**Q282/2022**

**Mental healthcare –  
Budget**

**Clerk:** Question 282/2022. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state the actual budget for the provision of mental healthcare in Gibraltar?

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

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**  
Mr Speaker, the mental health budget for this current financial year is £5.7 million.

**Hon. E J Phillips:** Does the Minister have a breakdown of how that is allocated beyond the mental health budget? We have had numerous exchanges on the lack of mental health budget. Public Health England has criticised us, in relation to the mental health situation in a report of April 2019, for not having a mental health budget. It would be helpful to have from the Minister a bit more information as to how that is distributed across the services, given the lack of visibility we currently have on that particular figure.

**Hon. A J Isola:** Mr Speaker, I would be happy to provide the hon. Member with that information.

**Hon. K Azopardi:** Can I just ask if the hon. Member has a figure in front of him? Does he know how much money is being provided for counselling services in the Mental Health Services?

**Mr Speaker:** Of the £5.7 million, how much is –?

**Hon. A J Isola:** No, I do not have that information here, Mr Speaker.

**Hon. K Azopardi:** I would just ask the hon. Member perhaps to consider that issue with his Department and write to us, but also consider it internally, because in relation to the previous question, if I heard him correctly, and he may correct me if I am wrong but I heard that the answer to the question of the number of people receiving therapy, counselling or cognitive behaviour therapy was ... did he say 190?

**Hon. A J Isola:** A hundred and thirty nine.

**Hon. K Azopardi:** A hundred and thirty nine? Well, in the context of the fact that the previous answer to that was a 1,846 people receiving medication, and, as I illustrated to him a moment ago, they had given a previous answer in this House which seems inconsistent, that almost 4,000 people were receiving anti-psychotic or anti-depressant medication, it seems a very tiny proportion of people are receiving counselling. Perhaps that is something that the GHA should reflect upon, and if it is a resource issue it should be addressed.

Can I just say that of all the people who come and talk to me about mental health problems, almost the biggest complaint is the lack of support and lack of access to counselling services, and the figures that he has just pointed to seem to indicate that those complaints are not far wrong?

**Hon. A J Isola:** Mr Speaker, the numbers that the hon. Member has mentioned do not sit with mine. He mentions 4,000 receiving some form of medication. That may have been in 2020. The number I have is 1,846 and I have told the hon. Member already 26 of those are in-patients and the rest are out-patients with a whole string of varying degrees of strength of treatment.

With respect to therapy, I have said there are 139 persons in the GHA and 190 in the Care Agency, so the numbers are not as disparate as the hon. Member referred to, but I will certainly look at the point he has made and consider it further.

**Hon. K Azopardi:** Mr Speaker, can I just say, first of all, I am not sure whether those numbers are consistent, for the reasons we have outlined before, and it is something that perhaps the Department needs to check, given the scope. But even if we were to take the figure of 1,846 and the cumulative figures of 190 and 139, we are still talking about 240 people out of 1,846, if that figure is accurate. That is a small proportion. Doing the maths quickly in my head, it is about 15% of the people on medication and it correlates ... It seems to support the point that is made to me

a lot by people who engage with Mental Health Services and, I think, with other people on this side of the House, that people are finding it difficult to access resources for counselling to the point that a lot of people are forced, if they can afford it, to go private, and those people who cannot afford it are left languishing.

1035 In the context of the review of mental health services and the strategy that they announced and so on, and the keenness which they have said publicly they have to review and expand the services for mental health, I am asking the hon. Member to look at that issue.

1040 **Hon. A J Isola:** Mr Speaker, I am not going to speculate on the numbers. I have agreed to go back and check and have a look to ensure that we get the correct picture and we know we are talking about the correct numbers. I am not going to begin to agree or disagree as to whether the numbers are high or low without even knowing.

1045 The basis of the medication is clinical. It is a clinical assessment. They are the ones who are deciding whether the treatment is going to be one of medication or one of therapy. I am not hearing the same things the hon. Member is hearing, but if he writes to me and tells me and gives me examples, I will very happily look at them to ensure that where therapy is needed it is being given.

1050 **Hon. K Azopardi:** This is my final question. The hon. Member needs to understand it from this perspective, that people come and see me. Some people get medication and that is the end of it, but a lot of people I am aware of who come and see me are given medication but they are also put on a counselling path. The problem with not accessing the counselling is that you bounce from prescription to prescription, you get put into a corner of endless medication. And so it is not as easy an answer as to say the reason for a bigger number of people on medication is simply because  
1055 the clinicians have decided that you only need medication. A lot of the people who engage with the Mental Health Services are given medication as a stopgap, sometimes as an enduring thing, but are also told to go to counselling, but they face great difficulty in engaging with counselling services.

1060 **Hon. A J Isola:** Mr Speaker, I am happy to note and look into these issues. The GHA is spending a lot of time with a lot of expertise in this specific area, and so I have every confidence that we will get to the right place as we roll out the National Mental Health Strategy that was launched in 2021.

#### Q283/2022

#### Primary Care Centre appointments – Difficulty in accessing

1065 **Clerk:** Question 283/2022. The Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state why it has yet to tackle the appalling situation as regards the inability of our citizens to access PCC appointments?

1070 **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 hon. Member will be aware that the GHA has previously advised that as part of their Reset, Restart and Recover strategy, a significant transformation programme for Primary Care services would be announced. I am pleased to now refer the hon. Member to Press  
1075 Release 766/2022 detailing the significant changes which will be introduced as from tomorrow.

As I say that, I would like to sincerely thank Dr Valerie Flores, Dr Elaine Flores, Patrick Geoghegan and all the rest of the team who have worked so hard to deliver the strategy which we hope to see come into full force tomorrow and which I am delighted to see the hon. Member has welcomed.

**Hon. E J Phillips:** Mr Speaker, Members on this side of the House will, of course, welcome initiatives that seek, at their very heart, to improve this process. I know the Minister and I have shared conversations about PCC appointments and the staggering difficulties that are encountered by everyone in accessing medical appointments, but how does the Minister reconcile the latest changes – which we hope, of course, will improve the system – with the statements made back in 2018 by the former, former Minister for Health, where he characterised the changes at the PCC then as extensive, impressive and which referred to a first-rate service moving forward?

What I would say to him in relation to that particular question is we have been here before, haven't we? And whilst we have every confidence that the system may well be improved, many people in our community have lost trust and confidence and I would hope that he would agree with me that this process will, hopefully, restore that trust and confidence in our Health Service and the PCC Appointment Committee.

**Hon. A J Isola:** Mr Speaker, the hon. Member has quite a perverse way of welcoming initiatives such as this. A welcome has never been more meek than that one. Good Lord.

Between 2018, which is the date to which the hon. Member refers, and today, something has happened. I do not know if the hon. Member is aware that there is this thing called COVID that for two years has shaken the very core of our Health Service and, indeed, the economy, not just here but around the world, to require change to come. Whenever you mentioned the Hospital and you forget to mention COVID, you commit a pretty fundamental mistake because when you talk about waiting times, if you do not also, in the same breath, refer to COVID you are not being realistic. So when you say would I reflect on what we did in 2018 and today, this is a progression of the same effort to stay ahead of the curve.

I mentioned in the press conference on Monday that in 2011 there were 16 GPs and today we have over 26 – it is 26.2, and then it was 16-point-something – and we have gone from ... I cannot remember the number because I have not got it noted down, but we have significantly increased the number of appointments – I think was from 140,000 to 190,000 a year. So the whole use of this facility by our people has grown enormously. There is no explanation for it. And so, when you are trying to deal with so many people calling into a system, all at eight o'clock, hundreds and hundreds – for a blood test or for the wellness clinic or for the sexual health clinic or for an urgent appointment – at the same time, no matter how good that system is, it is not going to work.

When the Chief Minister asked me to help him and he said, 'For goodness' sake, please look at the appointments system,' – which I have accepted before in this Parliament was not good enough – the first thing I thought was surely we just need a decent phone system. No. Surely we just need a good calendar system. No. This needed fundamental change, and that is why it has taken us not a week or two, it has taken us months to put all the different things in order that we hope, together as a package, will enable us to deal with the problem and ensure that we can meet the needs of the community.

And so, by filtering the calls from eight until 11 just for the need for a same-day GP visit and pushing the bloods and everything else to 11 o'clock, and then having the evening surgery available to those ... and linking the phone system to 111 so that you have clinical expertise available to triage calls ... There may be no appointments but there may be somebody in need of an appointment, so the new system will deal with that person and say come in this afternoon, or, if it is urgent, get yourself to A&E right now. It seeks to deal with the urgency and, at the same time, you have the online booking system four weeks in advance with your named GP. And the app is also being launched tomorrow. From your phone you will be able to book your blood appointment up to four weeks ahead, a GP appointment four weeks ahead with the GP you prefer

and they will become your named or preferred GP. If that person is unavailable, then obviously you will have to go to another one – there are no appointments necessary.

1130 There will be teething problems, there will be issues, but I can assure the hon. Member that if people pick up the mantle that we have asked them to, in terms of acting responsibly and only calling at eight when they need to see someone that day – go to the chemist first, self-help ... We are still going to introduce these mobile units which will be going around our community on different days, offering support to people who need it, at different times of the week in different  
1135 parts of Gibraltar. We are trying to do everything we possibly can to keep people away from the eight o'clock phone call and from the PCC unless they have to, but giving them the opportunity to book up to four weeks in advance and to ensure that they have the best service available during the times they need them – and 'needing' is the really critical word in all of this.

Am I confident this is going to work? If this does not work, I honestly do not know what we are  
1140 going to have to do in Gibraltar to get our appointments systems working. I do not know because this is *really* pulling out every stop: 490 more appointments a week. This is a significant change. Everyone has bent over backwards to make this work and I hope the community responds favourably, has some patience with us over the next couple of weeks as all these new systems bed in, and enables us to get this working for the benefit of all our community.

1145

**Mr Speaker:** Just the one.

**Hon. E J Phillips:** I am grateful, Mr Speaker.

It is an important issue, of course. I am just struggling. As impressive as the Minister is in  
1150 explaining the magnitude of the changes and the package of measures that he announced on Monday – and we contributed to the debate publicly on the *News Watch* last night – I would just say one thing to him. He talked about COVID as being the difficulty, given what Minister Costa said back in 2018, namely the impressive and extensive reforms that would lead to very significant changes and a first-rate service, but we also heard the same in 2020 in the context of COVID,  
1155 insofar as the Reset, Restart and Recover strategy to again make changes to the telephone lines. Whilst we are supportive and willing to assist the Government in whatever way we can to rebuild that trust and confidence within our community, is he confident that the work that is being done to restore that confidence amongst the community will, in fact, happen? A lot of people have lost that trust and confidence. I know he acknowledges publicly in this House and outside that this is  
1160 probably one of the most difficult things that we can achieve, but is he confident that the system will now change to accommodate the pressure on the GHA?

**Hon. A J Isola:** Mr Speaker, I do not remotely agree with the premise of the question, which is that people have lost trust and confidence in the GHA. I believe that people are cheesed off that  
1165 they cannot get an appointment when they want to, but when they get in and they need help the story that I hear from patients and the many letters I get from people saying thank you is extraordinary. So I do not believe there is a lack of trust or confidence at all.

I accept that the appointments system – and I have said this publicly – has not worked as it should. It has not, but how many people were coming to complain to you about appointments in  
1170 2018 and 2019? There were not any. The noise was now. The system now cannot cope with the incredible demand that we face from people seeking those appointments since COVID. You could say it was since 2021, but from 2018 to when COVID struck, the appointments system was not really an issue. People struggled, but it worked. The numbers increased and so the problem is extenuating and it has to be dealt with, and that is precisely what we have done.

1175 I would not for a second wish to accept that any member of the public has lost trust and confidence in the extraordinarily hardworking people at the GHA who provide a damn good service, in some cases in very difficult circumstances. I give the GHA my vote of serious confidence in the work they do and the manner in which they deliver it. I sympathise with people who have had problems with the appointments system, absolutely, and that is exactly why we are trying to

1180 improve the service we offer the community, to make sure that we can get even that bit that was not working so well working very much better.

**Mr Speaker:** Next question.

**Q284/2022**  
**Cat 2 individuals and HEPPS –**  
**Numbers**

1185 **Clerk:** Question 284/2020. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

**Hon. K Azopardi:** Mr Speaker, can the Government advise how many Category 2 individuals and HEPPS there were at the following dates: 31st March 2018, 31st March 2019, 31st March 2020, 31st March 2021 and 31st March 2022?

1190 **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 information being requested by the hon. Member is publicly available on the Government Statistics page and the statistics available date back even further than date for which the hon. Member has asked the question, which is 2018. However, I will obviously provide the information.

1200 As at 31st March 2018, there were 346 Cat 2s and 146 HEPPS; March 2019, 355 Cat 2s and 148 HEPPS; March 2020, 335 Cat 2s and 171 HEPPS; March 2021, 338 Cat 2s and 192 HEPPS; March 2022, 355 Cat 2s and 210 HEPPS.

The hon. Member will note that in respect of both Cat 2 and HEPPs the numbers are increased, and in respect of HEPPs, significantly so.

**Mr Speaker:** Next question.

**Q285/2022**  
**AquaGib –**  
**Financing; indicative purchase price**

1205 **Clerk:** Question 285/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

**Hon. K Azopardi:** Mr Speaker, can the Government advise how it intends to finance the purchase of AquaGib, and does it now have an indicative purchase price?

1210 **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, at present we do not have an indicative price, but rather are working together with the shareholders of AquaGib to come up with an agreed formula to determine this based on the value in the accounts. As you will be aware, some of the unprecedented issues this summer are

leading to discussions that involve insurers and the management of AquaGib, which ultimately impinges on this.

1220 With regard to financing this, the Government is presently exploring a number of options and we will advise Parliament of these once we have narrowed this down.

1225 **Hon. K Azopardi:** Mr Speaker, does the Minister have any view of the kind of timescale for those discussions, both in terms of the basic formula for arriving at the purchase price and also the financing arrangements?

**Hon. A J Isola:** Mr Speaker, the formula is what we are currently working on. In terms of its implementation and applying it, there are factors outside our control – the insurance is one that I have mentioned – which may have an impact on that.

1230 As to the timing, I am not able to give him an indication, but what I can tell him is that we are working very closely with AquaGib. We have a board meeting this week, at which further discussions will take place afterwards in respect of this issue, and I fully expect this to happen ... I cannot give a date, Mr Speaker.

1235 **Hon. K Azopardi:** Mr Speaker, just a clarification, so that I know whether I have understood the answer correctly. When he says that they are discussing the formula and its implementation, is he saying that the formula is up for grabs as well, or is it just the implementation? Have they landed on a correct and agreed figure and it is simply now about implementation, or is it that they have not set a figure? Can I just understand the answer?

1240 **Hon. A J Isola:** Mr Speaker, what I have said in my answer is to come up with an agreed formula to determine the price based on the value in the accounts. So there are a number of things in the air – the timing of when that is looked at in terms of the accounts, which is the date, and what we are seeking to do is agree the formula so that when that date is agreed, that formula will be applied to the accounts on that date. The formula is as good as agreed. They are still working on some of the minor details, but in the main it is pretty much already agreed.

**Hon. K Azopardi:** And if the formula is agreed –

1250 **Hon. A J Isola:** Pretty much.

**Hon. K Azopardi:** – pretty much agreed, is he able to give us the figure, or is he unwilling to do so because the other factors are still up in the air?

1255 **Hon. A J Isola:** Mr Speaker, I cannot give him a price because I have explained that the formula depends on the number in the accounts at any given time, so I would not be able to do that even if I wanted to.

**Mr Speaker:** Next question.

**Q286-88/2022**

**Mount Alvernia, Dr Giraldi and St Martin's –  
Staff numbers; nationalities; numbers through recruitment agencies**

**Clerk:** Q286/2022. The Hon. D A Feetham.

1260

**Hon. D A Feetham:** Mr Speaker, how many people work at Mount Alvernia, Dr Giraldi and St Martin's?

**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 287 and 288.

**Hon. D A Feetham:** Mr Speaker, what is the nationality of the people who work in Mount Alvernia, Dr Giraldi and St Martin's?

**Clerk:** Question 288/2022. The Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, how many people who work in Mount Alvernia, Dr Giraldi and St Martin's are employed by recruitment agencies, providing details of the agencies in question?

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

**Hon. A J Isola:** Mr Speaker, there are currently 323 persons working at Mount Alvernia, 125 persons working at Dr Giraldi and 135 persons working at St Martins.

The nationalities of the people who work at Mount Alvernia are as follows: British, 170; Spanish, 135; Moroccan, 11; and one of each of the following – Argentinian, Brazilian Portuguese, French, Italian, Polish, Russian and Romanian.

The nationalities of the people who work at Giraldi are as follows: 39 British, 78 Spanish, two Italian, one Polish, one Irish, one Romanian, one Australian, one Belgian and one German.

The nationalities of the people who work at St Martins are as follows: British, 127; and Spanish, eight.

I am providing the information in relation to St Martin's, which is an educational establishment, for administrative ease to avoid the Minister for Education having to get up also, but I will not be able to answer any supplementaries in respect of that.

Three people who work at Mount Alvernia are employed via recruitment agencies as follows: two agency workers contracted via Meddoc and one agency worker contracted via ADA.

Forty four people who work at Dr Giraldi are employed via recruitment agencies as follows: 37 agency workers contracted via ADA; five agency workers contracted via Meddoc and two agency workers contracted via We Care.

Twenty two people who work at St Martin's are employed via recruitment agencies as follows: six through supported employment; 14 agency workers through GJBS; one agency worker via ADA; and one agency worker via Meddoc.

**Hon. D A Feetham:** Mr Speaker, I only have one supplementary and then I will digest the statistics the hon. Gentleman has provided. He said 14 GJBS in St Martin's. Can he explain how an employee from GJBS comes to be working in St Martin's, unless they are dealing with maintenance or something of that sort?

**Hon. A J Isola:** Mr Speaker, the 14 persons contracted through GJBS are lunchtime attendants. They are not carers or working within the educational realms of St Martin's, simply lunchtime attendants.

**Hon. K Azopardi:** Mr Speaker, can I just ask, in relation to the figures under Question 287, the nationalities of the people who work in Mount Alvernia, Dr Giraldi and St Martin's, the numbers that he has given, I suppose they fall into different categories, but does he have a subdivision? For example, in relation to the Spanish employees at Mount Alvernia, Dr Giraldi and St Martin's, the



two bigger numbers, as I took it, are 135 at Mount Alvernia and 78 at Dr Giraldi. Are they primarily carer grades? Is that the division of labour?

1315

**Hon. A J Isola:** Mr Speaker, I do not have that information available to me, so I would not want to hazard a guess as to which of these are doing what.

1320

**Hon. D A Feetham:** Mr Speaker, in relation to these numbers – 323, 125 and 135 – does the Hon. Minister have the figures for those people who are permanent and pensionable – in other words, they are permanently employed – and those people who perhaps are on a one-year or two-year contract, where the contract has not been made permanent?

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**Hon. A J Isola:** Mr Speaker, I have given the numbers in respect of those who are employed by recruitment agencies. That is the division that I have, which is the division that was asked for by the hon. Member. If he wants those again, it was three from Mount Alvernia, 44 from Dr Giraldi and 22 –

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**Hon. D A Feetham:** No, that is not the question I have asked. I have those figures. The first question was how many people work at Mount Alvernia, Dr Giraldi and St Martin's. That is nothing to do with recruitment. Some of those will be through recruitment agencies. I am asking out of the 323, 125 and 135 do you have the figure for permanent and pensionable or one-year and two-year contracts. If you do not, I will ask it next time round.

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**Hon. A J Isola:** That is what I was trying to explain, Mr Speaker, that I have given him the numbers of the total, and of the total, if you deduct the numbers through recruitment agencies, that is the division I have. That is what I was trying to say. So in respect of, as an example, Mount Alvernia, of those 323, three are employed by recruitment agencies and the rest are employed directly, not through recruitment agencies, but I do not have the subdivision of that number.

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**Hon. K Azopardi:** Mr Speaker, I am getting confused by that last answer where he engages the deduction of the last figures from the 323. Presumably the hon. Member is not saying that, using the example I was giving before on the same line, 135 Spanish nationals working at Mount Alvernia and 78 Spanish nationals working at Dr Giraldi ... they are not all permanent and pensionable? Presumably, some of those are on contract, are they not?

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**Hon. A J Isola:** Mr Speaker, I think we need to be careful in terms of the language we use, because to call someone permanent and pensionable is normally attributed to people who work in the public sector, in the Civil Service. Somebody can be on contract, employed, who is not permanent and pensionable, he is on a contract.

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I have not got the information to draw the division between permanent and pensionable, contract and recruitment agency, if you want to have that answer.

**Mr Speaker:** Next question.

**Q289-292/2022**  
**COVID boosters administered –**  
**Number by resident and non-resident**

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**Clerk:** Question 289/2022. The hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, of the 40,474 COVID boosters administered to 30th September 2022, how many were first COVID boosters, i.e. a third dose of a COVID vaccine, broken down by residents and non-residents?

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

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I will answer this question together with Questions 290 to 292.

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**Clerk:** Question 290/2022. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, of the 40,474 COVID boosters administered to 30th September 2022, how many were second COVID boosters, i.e. a fourth dose of a COVID vaccine, broken down by residents and non-residents?

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**Clerk:** Question 291/2020. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, of the 40,474 COVID boosters administered to 30th September 2022, how many were third COVID boosters, i.e. a fifth dose of a COVID vaccine, broken down by residents and non-residents?

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**Clerk:** Question 292/2020. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** How many third COVID booster – fifth COVID vaccines – had been administered by GHA by 11th October 2022, broken down by residents and non-residents?

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

**Hon. A J Isola:** Mr Speaker, of the 40,474 COVID boosters administered to 30th September 2022, 30,941 were third doses, of which 23,564 were administered to residents and 7,377 were administered to non-residents; 9,508 booster doses were fourth doses, of which 8,527 were administered to residents and 981 were administered to non-residents; similarly, 25 booster doses were fifth doses, of which 24 were administered to residents and one was administered to non-residents.

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A total of 572 third COVID boosters – fifth COVID vaccines – had been administered by GHA by 11th October 2022, of which 560 were administered to residents and 12 were administered to non-residents.

**Hon. K Azopardi:** Mr Speaker, when you just look at those figures you can see quite a significant descent, I suppose, in the take-up figures between ... Obviously, the vast majority of people got vaccinated once or twice. You then have 23,000-odd residents getting the first booster, if I can put it that way, the third vaccine, but only 8,000 taking up the second booster, and now we are in the realms of the third booster, the fifth vaccine, so it may be that we are expecting further descent. Is the Government concerned about the difference in numbers of take-up of the booster vaccine?

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**Hon. A J Isola:** Mr Speaker, I think the challenge is that people think COVID is over; we all know it is not. The clinical advice continues to be get your vaccine. The GHA continues with its awareness campaign to ask people to get their vaccine and, indeed, for those over 50, to take the flu jab as well. The GHA continues to call people, to seek to invite them to come in and have the vaccines, and will continue to push the population to be as fully vaccinated as it can be within the realms of what has been provided for them.

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So yes, we would like more people to be vaccinated and we will continue to work to push the clinical advice that we get from the GHA, which is for vaccination.

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**Hon. K Azopardi:** Mr Speaker, as I understood the current position, the GHA was offering the fifth vaccine, the booster, to people over 50, I think it was. Given the numbers, would it be sensible to offer the vaccine to whoever wants to take it? It is not as if you are managing the programme that you used to manage in the early days, where you really needed to stagger the rollout in the community. As we are entering winter, if the hon. Member is concerned about that message perhaps it might be prudent to extend the offer, now that we are in October, to whoever wants to take it up.

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**Hon. A J Isola:** Indeed, Mr Speaker, we are coming to the winter months when I am sure we will see an increase in the incidence of COVID in our community, so yes, I fully expect the board of the GHA and the executive team to do exactly what the hon. Member has suggested.

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**Q293/2022**  
**Gibraltar Health Authority –**  
**Number of vacant posts**

**Clerk:** Question 293/2022. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, can the Government confirm how many posts were vacant at the Gibraltar Health Authority at 11th October 2022 and provide a list of current vacancies at the Gibraltar Health Authority?

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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, at this moment in time and after agreeing to many vacancy policy issues with the Director General in recent bilaterals, there is significant activity at this particular juncture. As part of the GHA's post-pandemic Reset, Restore and Recover Strategy, there are many boards, interviews and re-advertisements currently taking place. The GHA is, therefore, working on this, but exact numbers will be provided to the hon. Member as soon as this phase has been completed, within the next 10 days. I am advised that all clinical, allied health professional and nursing vacancies are being covered in the interviewing period where there are vacancies in the process of being filled.

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In addition to that, I would say I am able to provide the hon. Member, in the next couple of days, with a list of all those that are currently in train. In other words, there is another question on the Order Paper relating to the Ophthalmology Unit, where I am going to be saying there is one coming in November. So these are in process and I would like to give the hon. Member some proper information and not just give lists without background information in respect of each one and how it is being managed and handled.

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**Hon. K Azopardi:** So the hon. Member is not able to give me a precise figure of how many posts are vacant today – is that really what he is saying?

**Hon. A J Isola:** Not now.

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**Hon. K Azopardi:** Not now, but he will give it to me in the next 10 days. Mr Speaker, that is fine. I just put on the record – and perhaps with your indulgence, Mr Speaker can reflect on it –

that I may have questions I want to ask about that list when I get it in 10 days' time, and I do not want to infringe the six-month rule, so I would like to be able to have the ability to ask follow-up questions relating to the information that he will give me in 10 days' time.

**Hon. A J Isola:** Mr Speaker, that is perfectly sensible and reasonable and I have no issue with it at all. When he receives the information, if he has any questions to ask at the next sitting I would be very happy to take them.

### Q294/2022

#### Power cuts –

#### Duration, districts and reasons

**Clerk:** Question 294/2022. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, how many power cuts have there been from 1st January 2022 to 30th September 2022, giving a breakdown of the duration of the power outage, the district affected and the reason for the same?

**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 now hand over a schedule detailing how many power cuts there have been from 1st January 2022 to 30th September 2022, giving a breakdown of the duration of the power outage, the district affected and the reason for the same.

#### Answer to Question 294/2022

#### APPENDIX 4

FILE 200

RECORD OF I-IV POWER CUTS

GENERATOR FAILURE REPORT

YEAR 2022	Date and time	Duration	Districts/Areas affected	Reasons for Power Cut	Type
1	28.01.2022 11.11	36 mins.	Blackout within GMES/MoD network. Vineyards, Nelson's view.	Private contractor damaged cable by Fossway tunnel. The earth fault triggered a blackout at GMES network. Restored by 11.47 with assistance given to GMES by GEA and MoD contractors. GEA S20 tripped causing power cut to Vineyards and S80 Nelsons view.	Network Failure
2	28.01.2022 16.00	7 mins.	Bedlam Court, Ocean Village Complex, Tradewinds, Casemates.	Operational switching at S61 WDC panel tripped causing power loss to Bedlam Ct, Casemates, Ocean Village, Tradewinds.	Network Failure

3	11.03.2022	2 — 11 mins.	Bayside, Varyl Begg West, Marina, Jetty Five, Watergardens, Ocean Village Complex, Waterport Terraces, William Jackson, New Harbours. King's Bastion, Cornwall's Lane, Governor's Parade. Alameda, Rosia Bay.	NMPS IFLS testing caused a trip of Set 1 causing feeders to open.	Generation Failure
4	08/07/2022	48 mins.	GEA network suffered no loss of supply but local consumers suffered power outage due to supply from ex MoD network.	Cable from GMES power station to Norfolk House S/S tripped on load. Upon first restoration process, Norfolk House tripped all ex MoD network including local consumers.	Network Failure
5	20.07.2022	67 — 116 mins.	Western Arm. Approx. 80% Gib-wide power-outage.	Cable fault at S68 Western Arm to S36 North Mole caused WDC panel trip affecting supply to Gasnor Plant. Gas supply main valve shut down in safety protocol caused trip on NMPS engines.	Network Failure
6	02.08.2022	6 — 43 mins.	Marina, Watergardens, Ocean Village Complex, Bedlam Court, Waterport Terraces, William Jackson, Waterport Place. King's Bastion, Cornwall's Lane. JBDC Alameda, Rosia Bay, Sunnyside Steps, Little Bay, Europa Business Centre.	NMPS TX2 fault caused trips of engine-bay cooling-fans triggering safety-protocol shutdowns of 3 Gas Engines. Reference to PACIS lost at NMPS CR.  S55, S63 and S65 restored manually.	Generation Failure
7	12.08.2022	40 — 55 mins.	Alameda, Sandpits, Sunnyside Steps, Rosia Bay, Little Bay, Europa Business Centre.	Dual cable fault at S15 to S17 Willis's Road (spiked by contractor) and S19 to S67 Beach view Terraces.	Network Failure

**Hon. K Azopardi:** Mr Speaker, we will digest the schedule and we may have more points to raise in the future, but I am just looking at the list and for the purposes of those people listening there are seven on this list, seven power outages in the period, ranging from a few minutes to almost a couple of hours in one respect. I am just looking at the last column, where they are categorised in one of two ways, either network failure or generation failure. *(Interjection)* Well, 'Generation Failure', it says. *(Interjection)* Failure of a generation! Can the hon. Member help us understand the difference?

**Hon. A J Isola:** Mr Speaker, you have generation of power which is the North Mole power station, which is a generating station, and then you have the way we get to people's houses, which

is what is called a network. So we have a generation failure and a network failure. I would have thought that with all the eminence we have across the floor, we would have had no difficulty in understanding that.

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**Hon. K Azopardi:** Mr Speaker, I do not pretend to have any eminence in engineering, still less electrical engineering.

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To the extent that there are issues affecting the network – and, of the seven, five are about network failure – isn't that indicative of the need to review the network and find ways of improving the issues, so that we do not have to suffer so many power cuts? Not just seven this year, but last year I think the figure was almost 30.

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**Hon. A J Isola:** No, Mr Speaker, it is indicative of a private contractor damaging the cable by Fossway Tunnel, where the earth fall triggered a blackout of GMES' network, restored by 11.47 after 36 minutes.

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The information is given because each incident is different and is not indicative of a problem with the network. You will see that two, maybe three of these are the ex-MoD network – that is in the south district of Gibraltar – and that is an older network than our own and something that is being integrated into our own network over a period of time, working closely with the Ministry of Defence.

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So no, I do not believe it is indicative. People have to understand that if we have a generation failure within the power station ... For example, the two that are generation relate to works going on to integrate the current new power plant. Systems trip because these are all software driven and if you do not do something and the computer says no, you have a trip and you have a power cut. This is part of the process of integrating a new power station into the community.

The difference between Gibraltar and anywhere else in the world, or most parts of the world, is when power fails from one generation source another one kicks in. We have not got another one. We have one power-generation source, so that complicates the issues, but generation trips are absolutely normal all over the world with new power stations.

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Would I wish that we had zero at all and I could tell the hon. Member, today, zero? Of course I would, but this is a very sophisticated piece of kit that is being integrated into our community and is producing power to us. Are there issues? Yes. Will they continue? Unfortunately, I suspect they will.

#### Q295/2022

#### Power's Drive Tunnel – Reservoir stock level on day preceding fire

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**Clerk:** Question 295/2022. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, what were the water reservoir levels the day before the fire at Power's Drive Tunnel?

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

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the reservoir stock level on the day before the fire at Power's Drive Tunnel was 22.289 million litres.

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**Hon. K Azopardi:** And, Mr Speaker, that is from a total possible capacity of water reservoir of what?

**Hon. A J Isola:** To put the answer I am going to give the hon. Member in some context, the stock levels ... Our reservoirs are never full, so I think the total capacity, from memory – and this is a guesstimate – is around 70 million, then normally during the course of the year at around 40, reducing as you get closer to the summer months. If I look at it from 2020 onwards, I do not see a single month from July 2020 to date ... No, I am afraid that is not it. I cannot make that ... The vast majority of the months are below 50 million. As we get closer to the summer months the volume of stock reduces for two reasons: there is more water used and our production is fixed, and therefore, during the summer ... I remember last summer – and I have said this publicly during board meetings of AquaGib – we had a very keen eye on the amount of water we had because we were looking at alternatives should we need to bring in more water to meet the increasing demand. The demand has continued to increase over the years. This year would have been the same as last year had it not been for the fire at Power's Drive which caused us the problem that we had.

**Hon. K Azopardi:** Mr Speaker, the hon. Member will correct me if I give the wrong figure. I believe that the water consumption of Gibraltar is around 5 million litres a day, something like that. If that is right, this was reservoir levels of not more than four and a half days when the tunnel fire happened, and given the explanation he has given, that total capacity is around 70 million but it is normally at around 40 million and it lowers towards the summer months, isn't one of the lessons of the whole incident that we need to do much more to build up reservoir levels and perhaps to a higher level throughout the year and also to increase reservoir levels?

**Hon. A J Isola:** Mr Speaker, stock level and production ability are what dictate what stock we are advised we need to have. Do not forget this is AquaGib, a privately owned company, which is responsible, under contract to Government, for our water supply, and the measure they have taken is that if we are producing 4.5 million litres a day and we are using five – in the summer, it is higher than five – then we are treading water and we are okay. When you have a sudden cut off of four or four and a half million a day and you are left with one and a half at the Waterport, you are going to have a problem.

The speed with which we moved to restore that was remarkable. I did not think we would make the timelines that were set. In fact, AquaGib came in ahead of time in terms of producing, and then the Balaena reverse osmosis plant that was procured for us by the dockyard, who came to our rescue with that one that produced an extra million, has made the position more comfortable.

When anything goes down, to bring it back up is a real challenge because consumption continues. That was the battle, the consumption continued, so we took out, as the hon. Member will know, all the high users and found alternative sources for many of them and reverted back to just the ones that had to have it, and that enabled us to limit the damage to that 10-day period when people had problems at home.

**Hon. K Azopardi:** Mr Speaker, I am grateful for the explanation. Indeed, the Chief Minister was away and I had a briefing from the Deputy Chief Minister, for which I was grateful, as to the detailed mechanics of these things during the time when the fire was ongoing at that stage, and the Chief of the Fire Department was there.

I am not critical about the way the emergency was then handled. The emergency was handled well by the essential services and AquaGib once it had happened. What I am saying to the hon. Member is that perhaps one of the lessons to be drawn from this is that Gibraltar really should not function at a level where we have only four days' back-up water, because if something happens it is cataclysmic to an essential service, and what we should be doing is making sure that our capacity is higher and our reservoir capacity levels are able to be expanded.

I am not sure if the hon. Member heard that because he was having an aside with the Chief Minister. If he wants me to repeat it ... Yes, I will. Isn't the lesson to be drawn from this that we

1580 should not be functioning at four days' back-up water, that our reservoir levels need to be higher  
and not at the levels which he has indicated, and that, indeed, given that there is probably an  
increase in population ...? The Hon. the Father of the House went on television recently to talk  
about the census, and he was talking about the increase in population and the increase in  
infrastructure and the pressure on infrastructure, and we know all the pressure there is on the  
sewage infrastructure and so on. Perhaps it is important to review our water infrastructure as  
1585 well, to increase reservoir capacity.

**Hon. A J Isola:** Mr Speaker, the Government has already announced – and the hon. Member  
has already asked a question on it – that it is purchasing the remaining shares of AquaGib to bring  
the critical supply of water into public ownership and into Government hands.

1590 I think the Government would have preferred to have had more water in its tanks, of course  
we would. The Government has for some time been preparing to have not just more production  
of water available to it but in more diverse places. In other words, the reliance on one place for  
so much capacity of our water is something that the Government did not believe was the best way  
forward, and consequently one of the lessons learnt ... It is not really a lesson learnt because it  
1595 was going to happen anyway because the provision of the new AquaGib facility at North Mole  
already has provision ... In fact, there is plant arriving in November, nothing to do with the issue  
at Power's Drive.

What is going to be happening at Waterport is there is going to be, instead of 1.5 million litres  
of provision there will be 3.5 million litres of provision of water. So when we have that facility and  
1600 the facility a Governor's Cottage we will be able to manage our water stock and supply far more  
efficiently and with far more resilience than we have ever been able to do before.

The hon. Member, I am sure, will welcome that news and the decision by Government to buy  
AquaGib and bring the water provider into public ownership.

1605 **Mr Speaker:** Next question.

#### Q296/2022

##### ITLD –

##### Increase in staff complement

**Clerk:** Question 296/2020. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, the GSLP Liberal Government said in a recent press  
release that it had increased the complement of staff at the ITLD department. By how many  
1610 people has the staff complement increased in the last 24 months?

**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):**  
1615 Mr Speaker, the information that the hon. Lady is requesting is public information – it is obviously  
in the Estimates, which are public documents, every year – but I will give the information  
notwithstanding.

Indeed, the Government stated that the complement of the ITLD department has grown by  
more than 100% since 2011. In 2011-12, the ITLD had a complement of 15. There is currently a  
1620 complement of 31. In the last 24 months, the complement of the ITLD has not increased, which is  
completely understandable bearing in mind what we have been through in the last two years and  
that our commitment is to maintain complements as at 9th December 2011 and we have more  
than doubled it since that date.



**Hon. Ms M D Hassan Nahon:** Thank you for the answer, despite it being publicly available; I was unaware. Thank you.

Can I just ask, from what I understand, the Government's servers have almost doubled from something like 180 to 340 since 2017, so I think we can deduce that the workload may have increased as well as you need more and more technology to satisfy that. My question would be if we have not increased complement in relation to this increase of what we see as the machinery, are we putting our department of ITLD at too stressful a level where perhaps low morale and poor output would ensue?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, can I just get up on a point of procedure to set out that when information is publicly available the Government does not habitually provide it because it is publicly available information? In particular, in this case, we are not dealing with publicly available information which is beyond this House. That information is in the Book that we hand the hon. Lady and all hon. Members each year – it is the section that deals with ITLD – and the fact that we have provided the information in this case should not for one moment be taken to suggest that the Government must, or accepts that it should, provide publicly available information in the context of Question Time, because the rule has always been that if it is publicly available it should not be asked about. I just wanted to make that caveat.

I will allow the Hon. Minister to reply to the question, but given that we have doubled the server capacity, why haven't we doubled the number of people – we have, as he has just confirmed.

**Hon. A J Isola:** Mr Speaker, there is no question that since 2011 the work that ITLD carry out has increased. That is acknowledged, not just in doubling the numbers of people who work in that Department but in the investment that has been made in the very servers the hon. Lady talks about, because those servers are changed every ... I think it is five years, and there is a current round of tenders going out now for the new servers.

So yes, we accept that the ITLD workload has increased significantly. We have increased the complement significantly, we have increased the investment significantly and I would accept that we have some more to do, and we are engaging with them to get there. So I am confident that working together we will be able to deliver the service that not only Government expects from them, but they will be happy to deliver for us.

#### Q297/2022

#### DHA orthodontists –

#### Whether Government satisfied with complement

**Clerk:** Question 297/2020. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Is Government satisfied with the complement of orthodontists in the GHA?

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

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the GHA has commissioned a review of the dental services it provides. This includes a review of the scope of dental care currently being provided by the GHA, the workforce and infrastructure required to adequately cover the scope of dental care and how the current resource is being utilised. The current complement of orthodontists will be evaluated on the basis of the findings of this review.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I appreciate the Minister's answer regarding the review, which would of course give rise to us giving him some space to ensure that the new policies come into force, but my representations – and there have been several – are that currently the orthodontist complement has gone down from two to one and many teenagers who are in need of braces are being told that there is no guarantee that they will get them due to the decrease in orthodontists. My understanding from these representations is that parents are being told that the new policy is adopting a UK approach, which is based on quotas rather than needs based, and that would mean that many needy teenage patients with maybe justifiable complexes as well about the state of their teeth are being left behind.

Can the Minister tell us when we will know more about how they plan on filling this complement and what he would tell parents, at this stage, of children who are being denied orthodontic treatment, please?

Thank you.

**Hon. A J Isola:** Mr Speaker, no, the GHA is not following the UK practice, as the hon. Lady has referred to. At this present time, we have five dentists and two orthodontists, one of whom is acting up as a dentist, and there is a vacancy for one orthodontist, which is in the process of being filled.

Again, I have to mention COVID because, yes, there is a long waiting list. As I have also said in this House before, the GHA has actually gone out to private contractors in Gibraltar to seek to ask for their support to clear the backlog, to bring ourselves up to date as quickly as we possibly can. That is ongoing. We have orthodontists in private practice helping us with this process, but there is more work to be done. What the review is going to tell us is with the capacity of work that we need to deliver, is the complement we have too high, too low or spot on, what is the nature of the services that we should be providing and what is the nature of the services that maybe we should not be providing, but the ones that the hon. Lady has referred to are clearly ones that we will continue to provide, especially in respect of children.

So I think my answer would be we have, today, five dentists and two orthodontists. We are aware that we are one down on orthodontists, which will mean that the orthodontist will go back to being a dentist, and I hope once the review is concluded and we are able to clear the backlog with the support of the private sector, we will be in a better place.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Minister again for his answer. Can I ask him the timeline of this review? By when will they have some kind of answers and feedback in order to proceed with the new decisions and policies?

**Hon. A J Isola:** I do not have an exact date, but I know it is an external review by people from outside coming in and looking at us and seeing what we do, so I would expect to have it relatively shortly. I would hope by the end of the year.

#### Q298/2022

#### GHA Domestic department – Management of and relationship with employees

**Clerk:** Question 298/2020. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Is the Health Minister satisfied with his Ministry's management and relationship with the employees within the Domestic department in the GHA?

**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, yes.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I have been made aware over months, and in fact the last couple of years, of the low morale within this department and the fact that they feel there is a shortage of staff, where people are covering positions of high responsibility, in many cases for years and for the same remuneration. Their conditions have made them feel ... As many of them have dubbed it, they feel that they are the forgotten department.

So my question for the Minister would be whether he has any sort of plan to engage this department, many of whom are feeling quite marginalised, in order to restore job satisfaction and general satisfaction for the employees this department? If not, what would he say to these employees?

**Hon. A J Isola:** Mr Speaker, the question asked the Health Minister with his Ministry's management and relationship with the employees, and with that I am happy because I do not have a relationship with them other than in respect of a dispute which has been resolved.

I am not aware of any of the matters that the GHA deals with, with the Domestic department, but from the agreement we have reached with them in the last 10 days I can tell the hon. Lady that they are extremely happy and that we have come to that arrangement and dealt with a longstanding dispute, which has now been resolved to both our and their satisfaction. Other than that, I am not aware of any issue at all, hence my saying that yes, I am satisfied with that relationship.

**Q299/2022**  
**GHA electrical works –**  
**Whether being privatised**

**Clerk:** Question 299/2022. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Is Government privatising electrical works within the GHA which have traditionally been carried out by the Gibraltar Electricity Authority?

**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, no.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I have been told that as staff are retiring they are being replaced by private contractors and there are roughly 28 vacancies missing that have not been filled. What would the Minister say about this assertion, which has not come from rumour but from disgruntled members of the electrical agency?

**Hon. A J Isola:** Mr Speaker, I think I recognise some of the numbers the hon. Lady has referred to, but in different contexts. If I were to tell you that within the GHA the Techno-medical team, which is the team from the GEA in the GHA, is smaller than the total number of 28, which is the number of vacancies the hon. Lady has referred to ... So absolutely not. There are not 28 vacancies within the Techno-medical team at the GHA.

There has been an issue, because the way this works is that the GHA has works carried out within its buildings and when it does those, if it feels that the works can be done in house by its Minor Works team, who use the Techno-medical team from the GEA, then they will do that, but

1760 even when they do that they will get quotes to ensure that the pricing that has been given from  
the Minor Works team within the GHA is competitive. If it is competitive, it will be done internally  
and they will do it, hopefully, during normal hours at no cost. If it requires overtime, then that will  
be considered. When the works are specialist works, and you can imagine the Hospital – many of  
the works ... There are two large projects going on now which are actually contracted out with the  
1765 agreement of the GHA Minor Works team and with the agreement of the Techno-medical team,  
who accept that they could not do those works anyway. The Techno-medical team in the GEA  
predominantly service electrical equipment within the Hospital, of which you can imagine there  
is lots. That is their prime function, not to do building works. That is why I said no, it is not  
privatising electrical works, because we are not; we are carrying on in exactly the same way we  
1770 always have done, where there are some specialist works where outside contractors come in, and  
what can be done internally is done internally provided the price is, obviously, competitive and in  
the interests of the taxpayer.

There is no question at all of vacancies being replaced by private contractors. I met with the  
shop stewards and I met with the unions yesterday to make that point absolutely clearly to them,  
which they accepted, so I do not think that there is any concern that the hon. Lady has made in  
1775 that respect.

**Clerk:** Question 300/2022. The Hon. D J Bossino.

1780 **Hon. Chief Minister:** Mr Speaker, I am just conscious of the fact that you have been in the Chair  
for three hours. I wonder whether this might be a convenient moment to take a 15-minute break  
before we come back.

**Mr Speaker:** I am grateful.

1785 **Hon. K Azopardi:** Mr Speaker, with your leave, can I just say – and with the Chief Minister's  
giving way – I was going to say before, when I asked questions on behalf of Mr Clinton, as my hon.  
colleague here, Mr Bossino, will ask questions for Mr Reyes, that in case the listener is wondering,  
the reason we are doing so is because both my colleagues unfortunately have COVID and that is  
1790 also the reason why they were not here to take the Oath of Allegiance?

**Hon. Chief Minister:** Mr Speaker, I am grateful to the hon. Gentleman for clarifying that. I could  
not find a convenient moment to say it, and I thought it was better for him to do so. Of course I  
look forward to seeing them both back as soon as possible in full health. COVID is not what it was  
when it hit us in March 2020 but it is still something that should concern us.

1795 I would simply reflect that when the hon. Gentleman says we have we have done nothing, he  
has just got up and talked about listeners. He is still living in the world in which people are only  
listening to us on the radio. We are now in glorious technicolour, one of the great reforms after  
the new dawn of 2011.

I move that the House should now recess for 15 minutes.

1800 **Mr Speaker:** The House will now recess for 15 minutes, to return at 20 past six.

*The House recessed at 6.05 p.m. and resumed at 6.23 p.m.*

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

**Q300/2022**

**Construction and Engineering Trades Training Centres –  
Trainees; instructors and current vacancies; future plans**

**Clerk:** Question 300/2022. The Hon. D J Bossino on behalf of the Hon. E J Reyes.

1805 **Hon. D J Bossino:** Can Government provide details of the number of trainees currently enrolled at both the Gibraltar Construction Training Centre and the Engineering Trades Training Centre, providing details of the estimated completion dates of such courses and the qualifications to be obtained upon successful completion of said courses?

1810 **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, before I give the answer, can I just say, having been put out of action for a fortnight by COVID myself, I wish both my friends, Edwin and Roy, a speedy recovery and I hope it will not keep them in bed as long as it kept me.

I will answer this question together with Questions 301 and 302.

1820 **Clerk:** Question 301/2022. The Hon. D J Bossino on behalf of the Hon. E J Reyes.

**Hon. D J Bossino:** I would just like to thank the Minister and acknowledge his kind remarks. I understand they are both doing very well.

1825 Can Government provide details in respect of the number of instructors currently employed at both the Construction Training Centre and the Engineering Trades Training Centre, together with details of any vacancies which may presently exist?

**Clerk:** Question 302/2022. The Hon. D J Bossino on behalf of the Hon. E J Reyes.

1830 **Hon. D J Bossino:** Can Government provide details of its future plans for both the Construction Trades and Engineering Trades Training Centres?

**Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

1835 **Hon. Sir J J Bossino:** Mr Speaker, the number of trainees currently enrolled at both centres is 35. The estimated completion dates of the courses and the qualifications on successful completion are as follows. Level 3: Fabrication and Welding, November 2022 and 2023; Electrical Engineering, November 2022, 2023 and 2024; Mechanical Engineering, November 2022, 2023 and 2024. Level 2: Diploma in Building Maintenance, August 2023; Diploma in Plumbing, August 2023.

1840 There are five instructors currently employed at both centres. There are three vacancies which presently exist: one bricklayer, one painter and decorator, and one electrical instructor.

If, by 'future plans', the hon. Member means between now and the next General Election, there are no plans to change the role of either Training Centre.

1845 **Hon. D J Bossino:** Mr Speaker, in respect of the first question I posed, which dealt with the number of trainees, can he tell the House whether there are any current intentions to expand

upon the intake of numbers? He said there were 35. Is there any intention to expand on that and indeed to promote this in schools, given that not everybody wishes to pursue an academic route?

1850 **Hon. Sir J J Bossano:** The number we take in is determined by the fact that there is an intake of eight in any one of the specialities, and in the case of Electrical and Mechanical Engineering, which are done in GibDock, the requirement is higher because there is a higher requirement in terms of technical knowledge. For example, in Electrical Engineering and Mechanical Engineering you have to translate from drawings to physical work, whereas in the construction trades it is not as demanding so there are no entry requirements. In addition, the construction trades can be taken to craft labour in two years, whereas the other ones require three because they require more time at the place of work.

1855  
1860 At the moment, the number of people who apply is in excess of the capacity of the centre and we do not have an intention of increasing, but we may have to do so in future. There are some trades where we have to reconsider what it is we are training people to do. For example, if we are talking about a future with no car engines, then it will be electrical training for electric cars that will be needed, and therefore motor mechanics will be a shrinking market and electricians will be an increasing market.

1865 Looking ahead, I think we will have to make sure that if technological changes are changes that demand skills in the market we then increase in one area and maybe decreasing in another. For example, in Fabrication and Welding we did an exercise last year and found that nobody who had trained in welding and fabricating since the centre had opened in 1996 had ever got to work in welding and fabricating, so we decided that we would not keep on training people in that area. We actually tracked every single person who had completed the course and not one single individual in the entire history of the centre had gone on to work in what he had been trained to do, and therefore it did not seem to be a worthwhile thing. We therefore decided to discontinue this in future. This is why there is a course that finishes in 2022-23 but there is not one in 2024. In that case, when we are looking at the manning levels, when vacancies come up we may need more instructors in one area than in another, but it will be driven by the demand in the market.

1870  
1875 **Hon. D J Bossino:** But in the context of expansion, did he say there is a demand? I may have misunderstood him, but did he say there is a demand but there is, in fact, a limited number of places available to meet that demand? And that if that understanding is correct and I have heard we say it is about the various skills, does that not answer the question – in other words, that there is a requirement for further expansion?

1880  
1885 **Hon. Sir J J Bossano:** The biggest problem we have is not in expanding the centre itself, it is that we have great difficulty in getting employers. At the moment, for example, we have people who have done everything they need to do in the electrical training and we are having difficulty in getting private sector electrical companies willing to take them on, even though they are provided free of charge and they will not necessarily have to employ them. They need to do real work. The City and Guilds and the other awarding bodies will not accept that the work is done in a simulated situation in the centre – where it can be done – except in the plumbing trade. The plumbing trade is one where you can do the whole course, finish it and get the certificate without leaving the construction sector, but for the other trades – and I do not know why the difference exists – you have to work in a real place on a real building site, and sometimes ... I remember one year we had a particular group – this led to some changes in the content of their course – who could not finish because the course that had existed there before required that they actually went on a building site to work on cavity walls and there was no building site in Gibraltar doing cavity walls. The situation was that the guys had done everything they needed to do to finish but they could not actually finish the last module that was required because there was not a single building site and we could not simply put them in the Training Centre to do a cavity wall and then knock the cavity wall down. That is not permitted. On subsequent courses we were able to substitute

something else, and that was because we are now concentrating more on the maintenance work. On the maintenance work, for example, you do not need to know how to build a cavity wall because that is not something you would normally do when you are doing maintenance. If you are doing maintenance, you are mostly doing internal work and repairs and this is where the bulk of the work is.

One of the positions that I have explained previously that we need to understand about the construction industry, particularly in the context of the fact that many of the construction companies only have frontier workers, is that the construction industry for many years now has had specialist workers, so when you are doing foundations people come in from Spain and Portugal, do the foundations and go away. If you had somebody here trained to do foundations, he would be out of work for six months of the year because there is no possibility of going in the opposite direction to work, with our wages above the UK and their wages below.

So where is the future employment? The more buildings we have, the more buildings will need maintenance, so we see the importance of having people trained to do maintenance, so that at least the permanent growth in the construction sector which would be providing the maintenance to ever greater numbers of buildings will be with local Gibraltarians. That is where the work is, but the problem at the moment is that if we plan to take more people, we might do by taking on more instructors, but unless we have more building companies willing to take them on, they cannot finish the work, and at the moment we are in that situation that we are using the maximum that is available.

**Mr Speaker:** Next question.

**Clerk:** Question 303 –

**Mr Speaker:** Switch on your microphone.

**Hon. D J Bossino:** This is in relation to Question 301 and the number of instructors, in respect of which he said there were three vacancies, I think. Can he say where those posts are being advertised? As we understand it, the information reaching the party is that the advertising of those vacancies has been limited to Government employees, Gibraltar company employees and the GDC, whilst we understand that there is interest from outside these two groupings. Can he expand a bit on that?

**Hon. Sir J J Bossano:** Mr Speaker, every vacancy in the public sector is initially advertised inside the public sector. The policy of the Government, of which I have made no secret, is that when a vacancy comes up we see if it is possible not to fill it, given the state of the estimates in the Budget, which hon. Members are well aware of, and if it does get through we hope to be able to fill it internally and then maybe the vacancy that is created by filling it internally will not need to be filled. In order to restore the Budget to what it used to be, which is that there should be no deficit, we have to constrain the numbers and increase efficiency, and that is part of my job, not in training but overall in the size of the public sector.

**Hon. D J Bossino:** One final question, Mr Speaker, in relation to that question. Is he able to say whether one of the vacancies is in relation to the Construction Training Centre Manager who has retired and that position is not yet replaced? Can he confirm that?

**Hon. Sir J J Bossano:** The three vacancies for instructors, which is what the question was about, is what I have given you in the answer. The manager is also being advertised internally.

**Mr Speaker:** Next question.

**Q303/2022**  
**Disability Allowance –**  
**Number of cases where revoked or discontinued**

1950 **Clerk:** Question 303/2020. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state how many people who have been in receipt of Disability Allowance have had that allowance revoked or otherwise discontinued over the last three years?

1955

**Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

1960 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, out of 479 people in receipt of Disability Allowance, 28 have had their allowance revoked or discontinued over the last three years.

1965 **Hon. E J Phillips:** Mr Speaker, I am grateful for the Father of the House's answer to that question. Can he be more helpful in explaining the reasons for that revocation or discontinuance of the Disability Allowance and whether that is broken down in the other part of the written answer to that question, potentially, the information that is given to the Minister in respect of that data?

1970 **Hon. Sir J J Bossano:** No, Mr Speaker, I do not have that information, but as far as I understand it, the system is that there is a periodic review and then presumably the people who originally decided that the allowance was required have decided it is no longer required. This is a team of experts, doctors and so on, who take this decision.

1975 Remember that when the allowance existed before, in 2011, it was based on a medical condition. The system was reformed some years ago and the effect has been to increase it and make it available to many more people. There were 162 in 2011 and there are now 479. The reality is that, for example, two people can have the same medical condition and one person may be able to cope and live a normal life and the other person cannot. Therefore, the criterion is the ability to lead a normal life rather than the condition you have. Before, what the doctors listed was if you have this condition you can, and if you have some other condition you cannot. That was because sometimes the people with a condition that was allowable actually were able to cope better than someone with another condition that was not allowable. So now it is entirely arbitrary, in the sense that somebody makes a judgement. That judgement may be justified or not justified in the eyes of a layman, but the system that was newly created put that decision in the hands of a team that then makes a recommendation to the director and then the director either accepts or rejects the recommendation.

1980 I think when the question is one of granting in the first place, the director has a discretion but I doubt that he would go against the advice, unless there were some very compelling reasons; but when it is a question of disallowance, I do not think the director has the discretion to say, 'Although they say it is no longer needed, I will keep on giving it.' I do not think that is the case.

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1995 **Hon. E J Phillips:** I am grateful for the answer. This question actually arises in the context of my hon. and learned Friend Mr Feetham's questions in the past. I reviewed those contributions and the excellent work he does with his constituents in trying to get to the bottom of this longstanding issue. I have had a number of people who have approached me in the context of my Health portfolio who have been in receipt of Disability Allowance and have had very little notice in terms of that revocation, and in fact they do not know the reasons for the revocation. It is simply a very



short paragraph in a letter saying it is being removed. I need to give those individuals the reassurance that this will be properly investigated.

2000 I bring it to the attention of the Father of the House because it is an important issue for people who have, in the past, received the benefit. I understand what he is saying in relation to regular review at technical level with experts, but what I would ask him is whether he is able to take on this feedback that I am trying to provide him with and hopefully get some further answers as to why these 28 in particular have had it revoked. That is the reason why I asked for the reasons from the Father of the House. I am grateful.

2005

**Hon. Sir J J Bossino:** I went beyond what the question asked – how many people there were – just to get some feel for how many get revoked. It does not seem to be a very high number out of 479, so that suggests that the normal thing is that it does not get revoked. Obviously, the amount of information I get is limited because nowadays, with data protection, people are very sensitive, but I will try to see if there is a pattern to the reason why these 28 were revoked and the other 450 were not.

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**Q304-310/2022**

**Public debt – Figures for June to September 2022;**

**General Sinking Fund – Balance as at June to September 2022;**

**Gibraltar Savings Bank – Listed bond portfolio; unclaimed deposits**

**National Economic Plan – Engineer's Lane air-raid shelter; application procedure**

**Rooke Nursing Home – Arrival date of modular units;**

**Jewish Home – Refurbishment costs**

**Clerk:** Question 304/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

2015

**Hon. K Azopardi:** Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following dates: 1st June 2022, 1st July 2022, 1st August 2022 and 1st September 2022?

2020

**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 305 to 310.

2025

**Clerk:** Question 305/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

2030

**Hon. K Azopardi:** Mr Speaker, can the Government advise the balance on the General Sinking Fund on the following dates: 1st June 2022, 1st July 2022, 1st August 2022 and 1st September 2022?

2035

**Clerk:** Question 306/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

**Hon. K Azopardi:** Can the Government advise what the effect has been on the listed bond portfolio of the Gibraltar Savings Bank given the sell-off in the bond markets; and to what extent has this affected the ability of the Savings Bank to distribute its £50 million of reserves?

2040 **Clerk:** Question 307/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

2045 **Hon. K Azopardi:** Can the Government advise the value of unclaimed deposits identified under section 11A of the Savings Bank Act and what amount, if any, has been transferred to the Consolidated Fund?

**Clerk:** Question 308/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

2050 **Hon. K Azopardi:** Mr Speaker, can the Government advise how the air-raid shelter in Engineer's Lane is a sponsored project under the National Economic Plan; and how are applications made to be included in this plan?

2055 **Clerk:** Question 309/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

**Hon. K Azopardi:** Mr Speaker, can the Government advise when the modular units are expected to arrive from China for the Rooke Nursing Home project?

2060 **Clerk:** Question 310/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

2065 **Hon. K Azopardi:** Can the Government advise how the Jewish Home was refurbished at 'no cost to the taxpayer', according to Sir Joe Bossano, when the Estimates Book Improvement and Development Fund under subhead 4(v) shows an outturn for 2021-22 of £305,000 and a forecast of £900,000 for 2022-23 for this project?

2070 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

2075 **Hon. Sir J J Bossano:** Mr Speaker, the gross public debt and the aggregate debt after the application of the Sinking Fund to gross debt, cash reserves and net debt figures for the months required were as follows in June, July, August and September. I will go through the months and then the individual items: gross public debt, £822.7 million in June and July, and £847.7 million in August and September; aggregate debt £797.3 million in June and July, and £822.3 million in August and September; cash reserves, £40.3 million, £24.6 million, £52.4 million and £40.8 million; net debt, £757 million, £772.7 million; £769.9 million and £781.5 million.

The balance on the General Sinking Fund on the requested date is the same as previously stated.

2080 There has been no effect on the listed bond portfolio of the GSB as a result of the sell-off in the bond markets.

The value of unclaimed deposits identified under section 11A of the Savings Bank Act since 2011 stands at £11,990.03, of which £9,821.58 was transferred to the Consolidated Fund on 30th June 2015.

2085 The air-raid shelter project is sponsored under the National Economic Plan in the manner described in the written answer to Question W27/2022. Prospective developers who are

interested in being sponsored under the National Economic Plan in respect of any planned project can contact my office and arrange a meeting with me.

2090 The Rooke Residential Home modular units are expected to be delivered in Gibraltar early next year.

The Jewish Home refurbishment will be at no cost to Government because the I&D contributions will be refunded in the current financial year.

2095 **Hon. K Azopardi:** Mr Speaker, I am not sure how the Minister wants to do it. It is my first experience of his rolling up of Mr Clinton's questions, which has now become traditional. I do not know if he prefers that I roll up all the supplementaries. I am happy to do that, if he wants to make a note, or I am happy to take them one by one. It is whatever he prefers. Let me just run through and then he can stop me if he thinks I should not ask them all together. It might be easier to do it that way.

2100 In relation to Question 306, he says there is no effect on the bond portfolio of the Gibraltar Savings Bank. Given the well-reported turbulence over the last two or three weeks, it would be helpful to get a more extended explanation as to why that is so. If it is so – and the hon. Member has said it is – that is good news, clearly, but it would be helpful to get a more extended answer on that.

2105 In relation to Question 308 on the air-raid shelter, he has explained that it is in the manner described in Written Answer 27/2022. I do not have that with me – my hon. colleague would have that, presumably, and he may wish to probe that next time – but he says if anyone wants to make an application they can contact his office and arrange a meeting. Can he expand on whether there is some kind of written criterion for the making of applications? If there is, what is it? How is it  
2110 obtainable? If there is not a written criterion, what is the general in-principle criterion by which anyone listening – or viewing, of course – can then determine whether or not it is a good idea for them to make an application? Is there something that he can seek to explain that? Does he agree that it would be helpful for there to be some clarity on the process and on the criteria?

In relation to the modular units to arrive from China – and he says they are expected to arrive  
2115 early next year – can he expand and say once these units arrive ...? If I have understood his previous explanations in the House, the modular unit form of construction is quicker once it is here because what you are basically laying is like Lego – if I can put it that way, in my simplistic view of construction. So how long will the Lego take for completion, assuming they arrive in January or February? Does he have advice as to the expected completion of the Rooke Nursing  
2120 Home project?

In relation to the refund of the costs of the Jewish Home, can he say who is providing that refund?

2125 **Hon. Sir J J Bossano:** Mr Speaker, in terms of the effect on the bond, there are two reasons for it. One is that the indication before the turmoil was of increasing bank rates. There was a clear policy decision being taken some months before that the days of almost free money – some parts of Europe having a minus interest rate and the UK 0.05% – were coming to an end and central banks were saying that in order to curb inflation the central bank rates were going to go out ... and therefore, by definition, there was an inverted [inaudible] curve, which indicated the  
2130 possibility of a recession and the inevitability of higher interest rates. So the portfolio that we had, which in any case is a portfolio which is principally in the short dated and which we hold to maturity and we do not re-value it on a ... If the hon. Member looks at the bond portfolio in the Savings Bank – which I produce a report on, at Mr Clinton's request, every month – the figures there are not constantly being revalued up and down. If they were, then in fact the value would  
2135 be going up and down all the time. Since they are all short dated and they are all held to maturity, we do not sell them before the maturity date because they are short dated. We therefore had a portfolio which was changed before the turbulence in order to be proofed against the potential effect of the turbulence. Therefore, we did not expect it to affect us, it did not affect us and we

have been able to sell things where, in some cases, even without the turbulence we would have had a capital loss simply because we had bought above the par value, because the coupon might have been 4% and the yield 3%, therefore we paid more than 100% in the knowledge that the yield we were getting was in fact less than the coupon and that there would be a capital loss because we had paid more than 100%. But it is all in vehicles that do not go beyond 12 to 24 months, and the real big changes have been in the long term, which have gone into an inverse curve, where there has been a drop at the longer end even greater than at the shorter end. We have not had any long-dated bonds and that is where the big changes took place, so that is the explanation for that.

The next was the question on the written criteria, or how do people come ... The answer I gave last time is that when somebody comes and suggests to me ... because it is not a secret that we are prepared to include an initiative from a private developer. The number of developers in the Gibraltar economy you can count on the fingers of both hands, and therefore, if they are interested in exploring the possibility of us engaging with them and supporting them, and maybe helping in the investing, then they ask to see me and they come and explain what they are planning to do. In some cases I have to say I am not interested because this is just something they are doing to make money and we only get involved in things that are not merely to make money but also have an element of producing something long term for Gibraltar or meeting a social need. If somebody wants to build apartments to sell at £10,000 a square metre, then it is unlikely that I would be interested in sponsoring it, but if somebody comes along with a project and says we are going to try and see if we can get your support and involvement in doing, for example, something we are looking at, which is transition housing, where there would be privately funded and privately rented accommodation created for the people who are waiting to go into 50-50 and who are, at the moment, facing problems – which could get worse with interest rates going up – of having to meet payments on what they are going to buy and rents in the private sector, which are very high and leave little after paying two things ... That is a particular problem in the housing market for ordinary working people in that category, and I am exploring with some people whether it is possible to come up with a scheme where it would be for those people in that category alone ... so that it would be people who would not be getting the accommodation on a permanent basis but in order to be able to get out of something where they are paying maybe £1,500 a month to getting something where they would be paying £500 or £600. So there are things that are in the pipeline on which I am talking with different people.

Everybody in the market knows I am doing it and people contact my office and say, 'I have something I would like to discuss with you. Maybe the Government is interested in sponsoring this and helping me bring it about.' That is how the system works. We do not do forms criteria or anything else. Anybody who thinks there is something that fits the things we are doing in the National Economic Plan, which are to do with creating activity or creating social needs, which the Government at the moment is not able to do because we have a problem with a recurring deficit, which I am required to bring an end to ... and therefore I am looking for alternative ways of delivering things for our people which will not make our public finances go in the wrong direction, which is going further into the red instead going back to the black. That is basically the philosophy.

The modular units should be here in January, hopefully, but I cannot guarantee it because this is a question ... They are being manufactured now. The manufacturing should be finished by the end of this year, and then it is a question of ... I think it takes, normally, 42 days for the ship to arrive here. With all the units it will be one trip. And then the units, as the hon. Member says, will be slotted in, but you cannot just slot them in and leave them there like that. There will be several months of continued work here in terms of making all the connections in the structure that is now at the fifth floor, which is a concrete structure into which the modules will go. We have all the services joined still to the existing structure, and then this has to be joined to the units because the modules come fully furnished. That is to say each module already has a shower in each bedroom, a small kitchenette in each bedroom and all the services we are going to provide in the home. All this will require several months of further work. I hope the thing will be ready for

occupation maybe by May or June, around about that time, if everything goes to plan. With the construction and the delays in deliveries nowadays, you cannot be as confident as you would have been a few years ago, because everybody knows that there are shortages happening all the time as a result of the disruption there is in the global economy. The timeline is that kind of thing, so hopefully by January we will see the ship here, and then I think it will be a few weeks to put everything up, all 280-odd modules, and then there will be several more months of work on the building until it is finally complete and considered to be ready for occupation.

On the refurbishment of the Jewish Home, I have told the House before that the developer was CSS. In the previous financial year, we started funding things that needed to be paid before the construction phase started. That is things that were concerned with mainly invoices from architects, planning and that kind of thing. We financed that initially and it is going to be refunded. It would have already been refunded, but they are now considering a second phase, and there is a provision in this year's Budget if the second phase goes ahead. There has been a lot of discussion about the second phase of the Jewish Home. It may have the potential for taking in new people coming to retire to Gibraltar who are very attracted by the idea of a Jewish Home which meets all their needs, because we have a kosher kitchen and it has all been done exactly to the requirements of the community. We have not yet used any of the money in this year's Budget, so if it looks like the second phase does not go any further and they do not need any help from us, then that money in the I&D will be available for something else, and, in addition, we will have the money that we spent the year before coming back into the I&D Fund as revenue.

I do not think I have left anything out, but if I have the hon. Member can remind me.

**Hon. K Azopardi:** No, but just a couple of things that stem from those, if I may, just for clarity. Helpful answers on all those issues, but can I ask, going back to Question 308, which is the sponsored projects under the National Economic Plan, as I have understood the hon. Member's explanation, there is nothing in writing but there is a judgement in his discretion as to whether there is a social-economic need, public interest assessment, basically. So someone will come to him and he just makes an assessment of whether the project, as explained to him, is in the public interest for a variety of reasons. Can I just ask what is the effect of being a sponsored project under the National Economic Plan? What is the effect of the sponsorship in terms of the financial or other benefits that may arise from it being a sponsored project? He talked about the interesting idea on housing and I am not sure if he is able to share more details with the House on the kind of numbers he is looking at or the type of dwellings he is looking at to break the back of that. I suspect that one of the big challenges, if something like that gets off the ground, is to then only have them as transition dwellings, but that is by the by.

Again rolling up my questions in the interest of speed, can I ask, on Question 309, which is the Rooke Nursing Home project, is he envisaging the importation of labour for the purposes of that phase of the project, given that this must be a fairly specialist kind of job? When the boat arrives from China, or wherever it is coming from – (**A Member:** Slow boat.) the slow boat from China; no, 42 days is not a bad journey – are we getting labour, and, if so, how many people? Presumably that is quite a big job. He talked about the Lego kind of project being set up within weeks and then maybe months, but that is still quite fast, so presumably, if the answer to the question is there is labour involved, it is probably quite significant labour. Hearing him, I thought it was interesting that he said the modular units already arrive with, for example, showers – very interesting – and I was wondering how they marry the whole Chinese standards, British standards ... (*Interjection by Hon. Sir J J Bossino*) They are all British standards, built in China but to British standards? Okay, very interesting. (*Interjections*)

Turning to his first answer, have I understood his answer correctly? Is it that the Government has drawn down on the £50 million amount budgeted by 1st September? Is that the correct understanding of the figures he rattled through at the beginning in respect of debt and so on, that they have drawn down the £50 million?

**Hon. Sir J J Bossano:** Mr Speaker, to answer the last question first, the answer is yes, we have drawn down. That is why the gross debt is up, having used the money. That is why the net debt is not as up as the gross debt.

In terms of the importation of labour, we are importing labour to do the integration of the modules into the structure. The labour is being imported from the UK and they are UK workers – not Chinese workers – who have done this already in the UK.

The modules are to UK standards because the company has been supplying it to the UK before supplying it to us. It has been certified here as being of that standard because we have a partner in China. One of the problems we sometimes can get in ordering stuff from China is that what goes into the container may not be what you ordered and you find out when it gets to the destination, so we have people who are our partners, who are supervising so that we get what we are supposed to be getting, as a safeguard of the quality of what we are getting.

The partner we have has a very big presence in the construction industry in the United Kingdom. It is responsible for building the Manchester Airport City, which was a £500 million development, and it is very big in the Midlands. It is involved in something like a total of £3 billion in construction work. Because we have still maintained the EU system of posted workers, the workers working for our partner in the Midlands will come out here as employees of our partner, still paid by the parent company in the Midlands, and we will pay them, which is the system of posted worker that has existed within the European Union, where one could go to provide a job in another member state and the job would be on the basis of going there, doing the work and then coming back, and you pay tax in the state in which you do the work but you are covered by the social insurance in your home state. We have not removed any of those elements of our membership of the EU because we put on hold, when the negotiations started, the law that we had repealing these things. This is something we are interested in continuing to have with the UK anyway, so that it works in both directions and so that we can send workers there to do work and they can send them here. We think there is potential for that, if we are able to do it, but at the moment it is working in one direction only, so people can send posted workers from the UK to do work here and they continue to be employees of the parent and not employees of the customer. So we are, in that aspect of this project, the customers. We will have some of our own workers here working alongside them, so they will acquire some of the skills, and in future projects we may need to be less reliant.

At the end of the day, because of all the restrictions in the lockdowns and that there have been in China all this time, it was actually cheaper to bring in UK workers than to bring them from China because of the difficulty of travelling in and out of China. If somebody comes here from China, when he goes back he has to spend three weeks in a hotel before they will let him out. We then have to pay for the three weeks the guy is going to be in the hotel, even if he has only been a week here. We did our sums and because the company had ... I think they probably only need to send something like 20 guys to do this. It really is something that happens very quickly once the modules are here, but there is still quite a lot of work to do in integrating the services and this is why it takes several months.

The vessel that brings the modules will only stay here for seven days and then, after that, we have a penalty, which I think is something like £10,000 a day, so it is very important that we do the work very quickly while the ship is here because these things are very expensive.

In terms of the sponsoring, it depends what it is. It is not that I have total freedom to decide what is in Gibraltar's interest or not; it is that much of it is already spelled out in the manifesto. We said in the manifesto we were going to do more elderly people's homes. We thought we would have the money to do it in 2019 when we wrote the manifesto. The reality is that we want to be able to do as much as possible of our manifesto, and if we can find a way of doing it in partnership with the private sector, where there is a profit element for the private sector and we get what we want for our citizens, then it makes sense to do it, and this is what I am doing.

For example, in the case of the investor I mentioned in my last year's Budget, and I think it was again in this year's Budget, which was a reconversion, which is the circular economy using a new

2295 invention of a vehicle which is predominantly for the taxi trade, the Gibraltar company that did  
that is a sponsored company under the National Economic Plan. What does that mean? It does  
not mean we are putting in any money, but I actually went to support the international launch in  
Italy. The company has now obtained orders for quite a few thousand of these vehicles in Italy.  
They have bought two unused car factories in Italy and I went there with the owners to talk to  
2300 investors on the basis of the confidence we have in this product, the fact that it is a product that  
meets the fundamental approach to climate change, which I am convinced is the only one that  
will work because it is a product where it is ... The first vehicle is for the taxi trade. The taxi trade  
vehicle will be provided to people in the trade for a higher rate, which will be €1 per kilometre.  
The vehicle is provided free. The battery is recharged free. The maintenance is free. The vehicle  
2305 belongs to the company and not to the driver, so if you have a company that has a fleet of a  
thousand taxis, they can get a thousand of these cars free and the only element is that they pay a  
euro a kilometre for the use. Why is it better for the climate? Well, apart from the fact that the  
whole thing is battery driven and the battery can be changed in six minutes because it goes into a  
unit that takes the battery out automatically and puts another one in and then that is recharged  
2310 and the car carries on, you have now an incentive for manufacturers to make things that last.  
When you are hiring something, the longer it lasts the more money you make, but if you are selling  
it, the sooner it wears out and they cannot buy another one, the more money you make. So you  
then use the profit motive of the capital system to produce long-lasting goods instead of having  
an inbuilt sell-by date so that people continually have to replace what they have. My commitment  
2315 to this company, more than anything else, is not just because if it is as successful as it has the  
potential to be, it will probably be the biggest company we have ever had registered in Gibraltar  
in terms of capitalisation, but I want it to succeed because of what it will do for the planet and the  
climate. I think it is a good thing for Gibraltar to have it here and it is a good thing for the  
Government to sponsor it, because it is a good thing for humanity.

2320

**Mr Speaker:** Next question.

**Q311/2022**

**Disability benefit –**

**Number of applications outstanding**

**Clerk:** Question 311/2022. The Hon. D A Feetham.

2325 **Hon. D A Feetham:** Mr Speaker, in relation to the answer provided to W28/2022, please state  
how many of those outstanding applications/appeals remain to be determined.

**Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and  
Enterprise.

2330 **Minister for Social Security, Economic Development, Enterprise, Telecommunications and  
the GSB (Hon. Sir J J Bossano):** Mr Speaker, in relation to the answer provided to W28/2022, the  
following outstanding applications/appeals remain to be determined: two applications  
outstanding for three years, 10 applications outstanding for two years and 48 applications  
outstanding in the last year.

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**Hon. D A Feetham:** So in reality there has been no movement, Mr Speaker. The answer last  
time round was that there had been two applications outstanding for more than three years, or  
appeals, 10 outstanding for more than two years and 55 for more than a year. It has come down  
by seven in the year category, but no movement in the two and three categories.

2340 What does the hon. Gentleman say to somebody like ...? I saw a lady last week. She had a leg amputated as a consequence of bacterial infection and she has lost a substantial part of her hearing. She has an application that is outstanding for longer than a year, so she would be in the two-year category. What does he, on behalf of his Government, have to say to somebody like that who has been waiting for over a year to have her application for disability benefit determined?

2345 **Hon. Sir J J Bossano:** Mr Speaker, what I would say, if I were the one who had the power to determine it, is she should not have had to wait that long, but I do not have the power to determine it. The system we have is dependent on the people who have not been functioning for a long time. They tell me that the disruption to the Social Services Adult Care recently, where  
2350 everybody had to be working from home, has not helped and that they have really only restarted the work in September, and we are in October. There is no way to satisfy that lady or any excuse that can be made. If it were a decision that I could take, I would, but I cannot.

The first thing I asked when I got this data was why have you started with the people with one year instead of the people with three? I would have thought you would start with the people  
2355 waiting the longest. They tell me that of the ones who have been there longest, of the two applications ... one, the assessment was received in October 2022. What happens is there is a panel. I do not think there are time limits on the panel. The assessment was made in October 2022 and then the assessment was sent to the director on 12th October. So that is one. It has not been resolved because the director has to take a decision on the recommendation of the panel.  
2360 Presumably that will be done after this meeting – very quickly, hopefully.

Of the two that are there for three years, they tell me the other application is pending documentation to complete the claim, that the Department has written to the applicant by letter on two occasions, on 10th August 2021 and on 29th November 2021 and that the person has also  
2365 been contacted over the phone on 4th May 2022 and advised in all instances to provide the relevant information, and he has not done it. That is the explanation I was given for the two people there for three years. It seems to me that one finally is about to be resolved and the other one seems to be in the hands of the applicant to resolve it by actually delivering whatever information they have been asking him for three years to deliver.

Of the ones that have been there for two years, which is 10 applicants, they say three have  
2370 already been assessed and are now with the director and seven are still with the panel and have not yet been sent to the director, but apparently there is action taking place.

All I can say is I am sorry for the people who have been waiting. I wish it was something I could resolve. I sincerely hope that when the next House comes in I will be able to tell the Members that it has all been done and we have made further progress on the other ones in the last 12 months.  
2375 Certainly I can assure the House, Mr Speaker, that I am as keen to see these cases resolved as the hon. Member opposite.

**Hon. D A Feetham:** Mr Speaker, I am just going to read out to the hon. Gentleman a message that I received five minutes ago from somebody else. I have not seen her, but she has sent me a  
2380 message:

I just wanted to reach out regarding disability benefit applications. I am feeling rather helpless at the moment. I initially applied mid-2020 and was rejected, and I requested an appeal last August. During the initial application only my GHA records could have been reviewed as they did not contact any of the private doctors that I had listed. I have since been sending updates on any changes to my medication or circumstances, but have not heard anything since April when I received an acknowledgement email of some files I sent. I have been trying to call regularly, but never get through and have not had any response to more recent emails. I have finally got through today, spoken to [...]

– I am not going to mention the public servant –

and have been told there is a likely further two years' wait due to backlog.



That is what this lady has sent me. I am not inventing this message that has been sent to me. Does he know anything about a two-year backlog in determination of applications?

2385 **Hon. Sir J J Bossano:** Obviously, I do not, because that is in conflict with the information I have provided to the House, which is the information that has been provided to me. The two-year backlog would be the people who have been there for two years. If the hon. Member gives me more specific information I will certainly investigate it, but this is a very difficult area because the level of information that you can get cannot be one that identifies the individual who is  
2390 complaining, unless the individual personally comes to you and says, 'I want you to look into my case.' I do not get names and I do not get details of what is wrong with the people who are making the applications.

The system, as I mentioned in the earlier question, has been that there is now a much bigger group of people with a right. As I explained in the question that was asked previously, when we  
2395 came in, in 2011, there was, as there had been for many years, a list of medical conditions, and either you had the medical condition or you did not. Originally, it started with Down's syndrome only, and then further conditions were added at different stages, so the eligibility grew as conditions were added. If you did not have one of the eligible conditions you could not apply, never mind be treated. When the concept was altered to the disability not being the criterion but  
2400 the ability to lead a normal life being the criterion, then, in effect, the potential of people not being able to cope ... As I said in my previous example, the reality is that two people can have an identical ... Somebody can have a stroke and, as a result of recovering from that stroke, be limited in how much of a life they can lead, and there are people who make a huge effort to be self-sufficient and not depend on anybody. If they apply and put down all the details of how they are  
2405 managing, they probably will be rejected because they are doing okay, whereas somebody who has a different approach to life or is less strong-willed may become incapable of doing anything on their own, and they will get the allowance. So the allowance and the assessment are now driven by the criteria of how well you are managing your condition, rather than how bad the condition is. Somebody, for example, who is not able to perform things will get it and may be visibly less ill  
2410 than somebody else who has been rejected. This is something that is difficult for people to understand. There are people who seem to have very little wrong with them who get the allowance, and there are people who have lots of things wrong with them who do not get the allowance.

I think the change was made on the basis that there was increasing pressure from people asking  
2415 why it was Down's syndrome only; then why were people with autism not included, so autism was included; then why people having an accident and being in a wheelchair were not included, so that was planned in; and then, eventually a policy decision was taken by the Minister at the time to take a completely different look at it, and that system then created a much bigger number. So, as I mentioned, of the 28 that had been discontinued, we now have 490 compared with 116 in  
2420 2011.

This is the system we have. If there is a way of improving it, I am prepared to look at any suggestions, but at the moment all I can do is report to the House the information that I am being provided with. I can tell the hon. Member that if anybody who approaches him is willing for him to give me the details, I will then ask specific questions as to why this is happening to this person,  
2425 but I cannot do it any other way because I do not have access to files, I do not have access to names and I do not have access to their conditions. Data protection prevents all those things from being made available to me because I am not a professional entitled to have access to that information.

2430 **Hon. D A Feetham:** Mr Speaker, I understand everything the hon. Gentleman has said. This goes to the issue of rejection. We have discussed this and we have debated it. There has been a debate. We have suggested various ways forward, the Minister has not agreed with those, but that is a different aspect of the debate.

What we are talking about now is the very significant delays in the determination of applications. That is what we really are talking about now. Does he not agree with me that really, on something like this, where you are ...? Sometimes people try it on and I accept that. This is the reality of anywhere in the world, that some people may try it on and may be not deserving, or less deserving, but there are people who are genuinely deserving who are not trying it on. I have just mentioned one person. Does he not agree with me that because there are genuine cases and genuine hardship created by those genuine cases, there is a duty on the administration – which you head at the end of the day; I know it is the Civil Service, but you are responsible to this House for that administration – to determine applications expeditiously and there is no reason why an application of this sort, if all the information has been provided, should not be determined in three months, four months, five months, six months at the most? Therefore, does he not agree with me that perhaps a system where the Minister says, ‘No, hang on a minute, this is not acceptable and I want applications to be determined in a maximum of six months’ ...? There is nothing wrong with that, actually, for a Minister to basically take that position and make that statement to his Department – does he not agree with me?

**Hon. Sir J J Bossano:** I agree with him, Mr Speaker. First of all, I do not agree that it is a different thing, because it is the same people who say they reject it as the people who say they accept it. The people who review and the people who grant it are the same people. These people are doctors and specialists.

**Hon. D A Feetham:** I am not saying granting it, I am saying determining one way or the other.

**Hon. Sir J J Bossano:** Determine whether they get it or they do not. (**Hon. D A Feetham:** Yes.) Yes, well, there is granting it or rejecting it, okay? These are the same people who remove it. It is the same body that removes it.

**Hon. D A Feetham:** I know that.

**Hon. Sir J J Bossano:** So it is not a different issue. The people who take the decision to remove it and the people who take the decision to recommend that it should be given are the same people. Those people are a finite number of people, and because we have changed the criteria, there are now hundreds of people who can apply who could not apply before 2011. (*Interjection by Hon. D A Feetham*)

I can say to the people in my Department this is not acceptable, but the people in my Department cannot say to the group of doctors what they are doing is not acceptable, because they are not subject to direction. As I understand the system, we send the stuff to them and then we wait for them to come back with their recommendations, and then the director takes a decision based on the assessment that the panel has made and the recommendation that the panel has made, which is give it or do not give it. He then takes the decision to do it.

It is clear to me that the system is working too slowly for the volume of people who are now in the pipeline, which was not there before. I do not know whether there are enough people in the system in Gibraltar in the Health Service such that we can take them from doing something else to spend time doing this. I am not saying there are more deserving or less deserving cases, because I am not qualified to make that judgement. The criterion is not that anybody is less deserving because they are trying to milk the system. I cannot imagine you can invent something you do not have. I have told him if the criterion is ‘is the person able to lead a normal life?’, there is an element of subjectivity about it. This is not the same as saying if somebody has cancer they are entitled to disability. They either have it or they do not, which is what used to happen before 2011. You had a list of illnesses, people made a case for an addition to that list, and therefore there were 120 or 130 people at any one time who were getting the allowance. The position now is that there are four times as many people and therefore there are many more applicants.

In terms of other questions in other areas, it is quite evident that we seem to be having lots of health problems now in numbers, where we were not before. When the hon. Member asks me about disability and says, 'I cannot understand how we have got so many children in school with learning disabilities compared with what there was in the past, a massive increase.' That does not mean people are making it up. If it is real, then the most serious thing is that it should be happening, not what we can do for them: what is going wrong that this is happening?

What I am saying to the hon. Member is the system that we have, if there is a way in which it can be improved so that the people who have to take the decision are able to take the decision faster, then I am all for it, but I cannot instruct the experts on how long they should take on each case. Obviously, if there is a given number of experts and an increasing number of applicants, there is going to be a problem in how quickly it is being processed. The argument is that they have been out of action for a very long time and they only really started normalising the process in September, and I have told the hon. Member what has been happening since September.

If there are people who have a particularly strong case which is self-evident and they are not getting the response they should be getting and they go to him, then just like when there is somebody looking for work or somebody looking for a home and they go to the Opposition, if the information is put in my hand or in the hand of anybody else, as far as I am concerned I am grateful that I get to know that there is a case where I need to investigate if the Department has treated the person as they ought to be treated. Therefore, the only thing I can do, in terms of specific cases, is commit myself to asking for a detailed explanation of why this is happening. As a general case, all I can hope is that if they tell me the system has now come back into action in September, we will see a difference from now on from what it has been like up to now, but I do not think I can do more than that ... and agree with him that everything is wrong is something that ... just so that he can say 'Bossano agreed with me that everything is wrong.' That is not what I am going to do.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, if I can be of assistance to the hon. Gentleman, he said, 'What should I say to this lady who is an amputee, who has been waiting so long?' The answer is very simple. It is that as a result of the reforms that the Government implemented, she can claim. She could not claim before the reforms that this Government implemented because it was not a disability she was born with.

**Mr Speaker:** Did the Leader of the Opposition want to pose a question? He indicated earlier that he did.

**Hon. K Azopardi:** Well, I did, but it was similar to the hon. Member's question. The only thing that was going through my mind when I was listening to the Father of the House give the answer was when he said, 'I cannot do more about it.' I did, initially when he gave his answer, detect a sense of frustration that the delay is big. There are 60 families affected and these are real situations, and some people – 12 families – have been waiting more than two years and two for more than three years, so these are real situations where people feel, whether or not ... Some of them will be granted and some of them will not be granted, but those are real situations where people feel that their life is slightly on hold, where they could get a bit more support. In a very difficult cost-of-living crisis it would be helpful if these things were determined.

I could sense the frustration. He says, 'I do not know what more can be done.' This is a non-statutory system and so on, and I am aware that there is a criterion, so the suggestion that there should be an introduction in the criterion by the Minister of a time limit for the determination of applications by the panel and by the Department is a sensible way forward if there has been this backlog. The only question would be the size of the time limit, but I am not sure if the hon. Member wishes to take that on board. From the answer he gave my colleague, it appears he does not think that that is something that can be considered, but I would ask him to reflect on it further because if the Department has made a criterion which governs the process, it is not so radical a step to just introduce something more to say that these applications will be determined within x

period in the same way as other things that there may be time limits for. People are entitled to see a determination of their rights within a reasonable period.

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**Hon. Sir J J Bossano:** I am told that since 1st September 28 cases have been heard by the panel. That is one a day. Is one a day too little? I suppose that it is not just a question of hearing somebody and saying yes or no. These people have to spend time examining the thing to make sure that they are being fair to all the applicants, that they are being fair to the ones where the recommendation is negative and the ones where the recommendation is positive.

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He mentions the one and the three years. I have told him of the two that are from three years ... The first thing I asked when I was given the answer was why have you started with the people who have been waiting one year instead of starting with the people waiting three? The logical thing, as a layman, is that you want to help the guys who have been waiting longest. I was told, 'One does not answer our questions,' so clearly there is something that is required in the criteria which they have been asking for, for two years by phone and by letter, and the person does not answer. That one of the two in three years is likely to be there for three, four or five, presumably, until he produces the information they are asking for. On the other one, I am told they have already done an assessment and the assessment has already been sent to the director, on 12th October, which is a few days ago. That is what is happening with the two people from three years ago, which he mentioned. One is stuck in the system because they are asking for something the person does not have or the person does not want to give. The other one, apparently, is in the process of being resolved but I do not know whether the resolution of that one will mean that the panel will have recommended that the disability should be awarded or that it should not be.

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Accelerating the process does not necessarily mean that everybody who has applied is going to get a positive answer; accelerating the process means a decision is taken. Sometimes, if you give people less time to make a decision, you may be doing a disservice to the applicant in that they say let's say no to everybody, without being as thorough as they need to be. I think 28 cases on 1st September, if they keep at that rate, should produce a considerable reduction in the backlog.

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All I am telling the hon. Member is I am not unsympathetic to the concerns they have about the people affected, but the system we have is designed to do something which requires more complex judgement than the system that existed before, which was simply that if you claimed to be affected by a particular condition you were examined and either you had it or you did not have it. You could be leading a totally normal life otherwise and you got Disability Allowance because you had that particular condition. That did not take much decision making. It was simply a yes or a no. If it is to what degree you are able to lead a normal life, there is a level of subjectivity there and you could easily get some people saying, 'I think they should get the Disability Allowance because they are finding it very difficult to lead a normal life,' and somebody else might have a different judgement. So the people on the panel really need to be conscientious and look into these things in depth, given the subjectivity that the nature of the criteria require, which is an assessment of whether they can manage. This is why, I suppose, they revisit it because the person might be able to cope better further along the condition than they did at the beginning. Some people initially may have an accident which creates a level of disability from which they can recover. Other people may have a lifelong condition, where they are born with a genetic change which is a handicap to them and is not going to disappear.

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I have already told the Members opposite I am prepared to go into any individual case where the person is willing that I should do so. If they are not willing ... they are entitled to their privacy. I am prepared to go back and monitor how this is happening and bring back the information, hopefully that there is less delay and that we are progressing faster. I do not think the hon. Member is going to expect me to be able to go further than this.

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**Mr Speaker:** Next question.

**Q312/2022**  
**Apprenticeships –**  
**Whether continuing locally**

**Clerk:** Question 312/2022. The Hon. Ms M D Hassan Nahon.

2590 **Hon. Ms M D Hassan Nahon:** Can Government confirm whether apprenticeships are in place and continuing locally?

**Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

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**Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Yes, Mr Speaker.

2600 **Hon. Ms M D Hassan Nahon:** Mr Speaker, insofar as electrical apprenticeships go, I have an email here, sent to an aspiring apprentice by the Ministry of Economic Development, saying that there would be no further intakes until a suitable instructor is recruited to fill in for the ex-instructor who recently retired. So my question is until when will aspiring apprentices be waiting to start learning the typical trades offered by these schemes?

2605 **Hon. Sir J J Bossano:** As given in the answer to the other question, the trainers we need to recruit, and therefore people will be taken in when we have the people to do the training.

In the case of the electrical apprentices, there is a problem in placing them. We have a situation where there are now two people in level 3 who have been removed from the firm they were with because there were not getting the opportunity to do the work they needed to do to be able to qualify and finish their training. There is a problem in that you cannot commit to take people on if you cannot deliver what is required for them to complete their studies.

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**Hon. Ms M D Hassan Nahon:** Mr Speaker, I appreciate that answer, but I would like to ask the Minister what the prognosis is to find trainers. Obviously, I think it would affect the quality of jobs being done and market trade if we do not have these apprenticeships taking place because we cannot find the trainers.

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**Hon. Sir J J Bossano:** I have said we have vacancies and we have now advertised the vacancies, but even if we have the trainers, the difficulty in the numbers we can take and the difficulty with the people who are there finishing is not the trainers; it is that there are things they have in their modules which they specifically have to do in the real world. They cannot do it in the training centre. The awarding bodies accept in the early stages that when they are being taught they are asked by their trainers to do things. So, if somebody has to dismantle an electric module he can do it in the workshop in the first year and put it together and the trainer will look to see if he has done it properly, but to get to level 3 he has to be doing it in a real environment, in the market, with an employer, and if we do not have employers who are providing that kind of work then we have a problem in them being able to finish. There are people who are at level 3 and we have had to remove them from one particular company and try to put them in another. We have not yet succeeded in persuading the other to take them, but I hope to do so next month so that they can actually do what they are missing in their module. This is part of the problem, in that you cannot force people to take somebody on, or they do not have that kind of work. There are people who have electrical workshops and do electrical work in houses and so on, but there are certain things that the module requires and you have to tick them all, and some are more difficult than others.

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In one particular case – I do not want to mention the name of the company – it was clear that the lads we had there would never finish because they were not getting the opportunity to do a

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particular level of more sophisticated work which the City and Guilds qualification requires them to have. What happens then is that the work is done in the workshop and the trainer goes from the training centre to the workshop to see the work being done in a real environment. The difficulty is there, rather than in the training. I think we will not have a problem in having applicants for the training, but how many we can take depends on how many placements. In the electrical trade they only spend the first year ... and the next two years they have to be out with employers, still as employees of EDEC because we pay the wages of the apprentices. They are on the Minimum Wage, which is much higher than the wage of an apprentice in the UK, but even though they have them as free labour as an incentive, sometimes they put them on menial jobs and they never get the level of experience that is required. So, until we have more available companies willing to provide the work we need, we are limited as to how many trainees we can take in. As far as I am concerned, the more we train, as long as the market is there, the better.

**Q313-16/2022**

**Rooke residential home – whether private or public facility;  
Mount Alvernia – option for existing residents to remain; criteria and financing terms for residents moving to new facility**

**Clerk:** Question 313/2022. The Hon. Miss M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Will the Rooke complex be a private or public elderly residential facility?

**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 314 to 316.

**Clerk:** Question 314/2022. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Will residents who wish to continue to reside at Mount Alvernia, despite the new Rooke facility, be able to do so?

**Clerk:** Question 315/2022. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Will residents of Mount Alvernia who choose to move to the new proposed Rooke complex be expected to subsidise their stay or will the residents' financing terms be the same as are currently in place?

**Clerk:** Question 316/2022. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** What criteria will be used to prioritise residents wishing to move to the Rooke site from Mount Alvernia?

**Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

**Hon. Sir J J Bossano:** Mr Speaker, any resident of Mount Alvernia who prefers to move to the new home will be able to do so, and those who wish to continue living at Mount Alvernia will be able to do so.

2685 There is no current consideration of applying criteria as to who may move, since there is no way of knowing whether any of the current residents would seek to move to the new facility, and this is only likely to happen after the facility is handed over by the contractor and potential residents see what the new residence offers and exercise the choice of moving or staying in their present accommodation.

2690 The residents in the future residential home at Rooke will continue to contribute to their costs on the same basis as they do currently at Mount Alvernia, if sponsored by the Government. The residential home will be privately owned and operated.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, if I can ask a couple of supplementaries on these few questions. Firstly, the Minister has said it is going to be privately operated, so does this mean that residents are going to have a different type of service than they have at the moment at Mount Alvernia? Has it been weighed out as to whether the new standards that are going to be applied will match the traditional ones that we have now, where the residents have the full gamut of GHA services and resources, like ERS on call and facilities like medical equipment and things like that, which, from what I understand, they will go without if it is a private arrangement? How will the Government ensure that the same standards are met?

**Hon. Sir J J Bossano:** This is a residential home, not a nursing home, and therefore the entitlement to medical care is with the National Health Service and not the residential home. This is a place where people are living, not where people are treated for illnesses. This is what Mount Alvernia used to be many years ago. That is how it started and that is what it was supposed to be. At the moment, there are doctors in Mount Alvernia. There will not be doctors here. The doctors will visit like they visit any patient at home, or the patient will go to the Hospital to see the doctor.

2710 This is the same issue that the hon. Member thought was happening with the Jewish Home, which is not happening. That is to say the people in the Jewish Home get access to the Health Service the same as they would if they were in their houses, because it is a residential home, the same as the Jewish Home is a residential home.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Minister for that answer. It is interesting that he brings up my own take on the Jewish Home, because when we did bring up the issue of the Jewish Home I was told it was actually still public and not private. Now I am being told that the new Mount Alvernia is going to be private but on the same basis as the Jewish Home. I think the Minister should really keep a little bit of consistency when he offers us these new incentives, because we are seeing a complete change of heart in his reply.

2720 When he talks about this being residential and not a nursing home, my concern is that these residents obviously are just going to be getting older and frailer, so when he talks about no doctors and no medical set-up it is concerning. I would ask him how they expect to keep the patients ... He talks about a different set-up, but right now Mount Alvernia has that care, has that ERS set-up. We are talking about the same people, who are going to be transferred and lose that level of care, so how can the Minister be comfortable that these vulnerable and elderly patients are going to have the same level of care when it has clearly been stipulated that that will be changed and reduced?

**Hon. Sir J J Bossano:** I do not know whether the hon. Member has a problem hearing or understanding. Nobody is going to be moved. The first thing I have told her is that the people who are in Mount Alvernia are not going to be moved anywhere, unless they wish to move. When the home is ready and finished, they will see what there is, and if they are as sceptical about it as she is they will say they will stay where they are.

2735 When she asks what is going to happen with the people who are moved, they are not going to be moved. They will know what the services are and they will decide if they do not want to move to the new one, and then they will stay in Mount Alvernia; and if they want to move, then they will move. We are giving them the choice of another place which we think is an improvement to the facilities that are there in terms of the location and in terms of the way the facilities are being put together – people having individual rooms, having shelves in their rooms and having a much bigger, better and properly designed thing.

2740 It is not an addition to the GHA, it is not a mini-hospital, and we are not going to have people being provided with hospital services, which they are provided with in the ERS because the ERS is part of the GHA. If she looks in the Budget Book she will see that the GHA has a page that says 'GHA ERS' and therefore the people who are getting treatment in Mount Alvernia are getting treatment from the GHA. In a privately operated and privately owned home, there will be people who are there because they want to be there and the Government will pay the same support that they pay in Mount Alvernia, and there will be people who are paying for it themselves, who will not get the support from the Government. If those people are entitled to Health Service cover – the ones who are paying for themselves – they will be able to access it, and if they are not, they will have to have medical insurance to do it. This is how it happens in the United Kingdom and has been happening for many years, and nobody has thought there was anything wrong with it.

2755 **Hon. Ms M D Hassan Nahon:** Mr Speaker, how does the Minister propose to present this choice to people who are old and frail and might not know exactly what is best for them, what route to take, whether the resident route or the medical route? Who is going to be assisting in ensuring that an objective decision is made by a resident who will most likely need to be helped to decide where they are? The Minister is telling us that it will be their choice. I would like to know, because I find that a little bit concerning, to be honest.

2760 **Hon. Sir J J Bossano:** I will tell her when the time comes to make the choice, Mr Speaker.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I will wait with bated breath for that strategy. Given that the Minister did bring up the Jewish Home and he did say a couple of months ago that it was public, how is it he is now telling me that the new facility will be much like the new Jewish Home, which is private, as I had told him and he had told me not?

2770 **Hon. Sir J J Bossano:** I do not know what the hon. Member understands by public or private. The Jewish Home building, which is owned by the trust of John Mackintosh, has never been owned by the Government. It is sub-let and it will be sub-let to the new operator, who will pay for the ... We have somebody who is interested in investing in the building and that investment will be what will yield a return to pay for the money that has been invested in creating it.

2775 When the building was nearing completion, the Jewish community asked for quotes to operate it. They had three different companies coming forward with quotes and they selected one of the three. Certainly people are very happy in the Jewish Home. There is now the possibility of expanding it because there are indications that there are people who are willing to go into it privately, who would not be funded by the Government. Of course, if we get people who come in privately it is a good thing because the cost to the Government may be able to be reduced. That is because it is proved to be a successful transformation which has met with the approval of everyone in the community. Of course, the reality is that we expect and hope that the Rooke Home will be as successful as the Jewish Home has turned out to be.

2785 I am sure that if one wants to take a negative view of life, then one can speculate on all the things that could go wrong instead of speculating on all the things that could go right. I dare say that if she were on this side, she would be speculating that it is all going to go right. Now that she is there, and likely to stay there, she is speculating that it is all going to go wrong. Well, the answer is she should wait and see.



At the end of the day, we are being accused of going to be moving people down there. Nobody is going to move anybody. If the people there are old and frail and they cannot make a decision, the answer is they will not move because they cannot say, 'I want to move.' Or, if they do not have any family members ... I think we need to get the home finished and then we need to see just how good a job has been done and how attractive it is, and how good it is for the people who are there, who are the people who are going to be the beneficiaries, and how much better it is than the facilities there are now. If they are not better, then the people will say, 'No, I do not want to go.' The people may say, 'I do not want to go because I am used to being here, even if the other one is better.' Even if they are old and frail and they have family or relatives who will do it, and if they do not have family they will have to ask somebody, but nobody is going to be told they have to go out of Mount Alvernia because we are closing Mount Alvernia, which was one of the stories going round a few weeks ago. That is not going to happen.

I think when the time comes we will see what happens, and then, if there are opportunities for her to criticise what has happened she, no doubt, will do the criticising then, but she should wait.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I am sorry the Minister does not appreciate that our role as Opposition is to express any items of concern. It is not about negative or positive, but there is nothing more important than the most vulnerable in our community and we are duty bound to ask for clarifications. I would expect the Minister, instead of dipping into his usual jibes, to respect the Opposition's role and answer questions.

Can I just ask, in terms of the Mount Alvernia building, if only a handful of residents decide to stay there, how will the Government manage running two sites when one is almost empty and the other one ...? Will it be cost effective, or will it then maybe embark on another option for the Mount Alvernia building?

**Hon. Sir J J Bossano:** I am sorry she thinks that I am doing something nasty to her and intruding into her right to ask questions. She is asking entirely speculative questions which I have no obligation to answer. What happens if only a few stay? If only a few stay, when only a few stay you ask me the question. What happens if the roof falls in? She postulates a potential situation in the future and then asks me to speculate on what I would do if what she thinks might happen does happen. That is not what parliamentary questions are about. Parliamentary questions are about getting information about things that are taking place, not something that might or might not take place, which I might or might not respond to. The answer is if there is that problem, my job is to find solutions to problems and I will find a way of solving it when the time comes.

**Mr Speaker:** Next question.

**Hon. K Azopardi:** Can I just ask on this, Mr Speaker? The hon. Member says people are going to have the choice to go from Mount Alvernia to the new home, which will be privately operated. Assuming people want to go there, how is the Government going to achieve that? Once people go there, is there some kind of control of the services provided, so that the terms and conditions do not change, so that having taken the decision to go to the new environment, the new operator does not change the aspects of the services that they were enjoying at Mount Alvernia in a new environment in a way that is undesirable – for example, by levying fees on certain services? Presumably, that would be part of the arrangement that the Government would have with the operator. Would that be a fair way of describing it?

**Hon. Sir J J Bossano:** I think I have covered that by saying the relationship in terms of the persons who are sponsored by the Government – that is to say the persons for whom the Government is responsible, because the facility can take private people who come in and are charged a rate, but the Government will have nothing to do with that ... In the case of the Government ones, there will be a fee per person that we negotiate and then each person would

make a different contribution to the fee, just like they do in Mount Alvernia. In Mount Alvernia, for example, it costs us £98,000 per person. Nobody pays £98,000, but there are people who will pay £1,000 and there are people who will pay more, depending on their pension and their income. That is the system that exists in Mount Alvernia and that is the system that exists in the new one, except that we hope and expect that because it is a bigger place and there are more facilities there, the actual cost per individual will be less.

From the Government's point of view, we have a facility that we think has a lot in favour of it and we will be able to take care of more people without a big increase in our budget. That is the advantage to the Government of the new facility. So nobody is going to be charged for anything if they are ours. We will pay whatever has to be paid, which we will have to negotiate with the person ... which will have to meet all the standards that are required, which will be subjected to regular inspections of quality, and then from the person's point of view they will pay no more than they would pay if they were still at Mount Alvernia.

**Mr Speaker:** Next question.

## JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

**Q348/2022**

**Development Plan –  
Expected date of publication**

**Clerk:** Question 348/2022. The Hon. D J Bossino.

**Hon. D J Bossino:** I understand it is the only question the Minister is fielding in this session, Mr Speaker.

Please state when the Government now expects to be in a position to publish the Development Plan.

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

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, the Government is currently considering options for the retendering of the preparation of a new Gibraltar Development Plan. Following the award of a tender, work will be able to commence on the Plan before the end of the current financial year.

**Hon. D J Bossino:** So, if I have understood her correctly, does she think the Plan will be completed before the end of the financial year? That is okay. So, the process started for the tender, the commissioning of the Plan? Okay.

The reason why I ask this is because if one looks at the recent history in relation to this, her predecessor Minister who held the job, Mr Isola, in answer to a question that I posed back in July 2021, said expressions of interest were invited for suitably qualified consultants to undertake the review and the preparation of the new Plan in August 2019, and then he said that the procurement board had now concluded its assessment and the Government is currently considering its recommendations. Then there was a bit of a jug of cold water poured on it because he talked about priorities given the COVID pandemic. I am glad to report that the current incumbent in that position, at last – I think it was in June, in the *Chronicle* – talked about prioritising this issue and, indeed, in fairness to her, she also said in her Budget address that the tender process ... If I can quote her, it is a really small piece:

I hope to make further announcements on this once the tender process has been completed.

2865 Just by way of further preamble, her colleague did say that it would take approximately 18 months to two years to complete the work. Does she expect that once the tender process has completed it is going to take that long? If that is the case, then we could potentially be looking at not having a Development Plan until 2024 or maybe even 2025.

2870 **Hon. Miss S J Sacramento:** Mr Speaker, I am grateful to the hon. Gentleman, who has pre-empted in his preliminary suggestions what I was going to say in answer to his supplementary. The situation we find ourselves in is that there has been an unfortunate delay arising out of COVID, as the hon. Gentleman is aware from the last answer. What happened is that because we have engaged in the tender process, the tender process has now, unfortunately, elapsed because of  
2875 the delay arising out of COVID and therefore we are advised by the Procurement Office that we need to restart. We are quite advanced on that, obviously, because the groundwork has been done. As I said in my answer, we would like to finalise that part of the process before the end of the financial year and then, of course, embark on the actual Plan.

I am aware of the statements made in the House by the previous Minister with this  
2880 responsibility, and that was the timeframe we were advised of the time it would take, but because I am mindful of the delay that has arisen out of this policy's progress as a result of COVID, I will see what parameters we have, because obviously we are now getting out of COVID and we want to make this very much a priority.

As the hon. Gentleman knows from my Budget speech, as he rightly pointed out, I am very  
2885 excited about this project because it is a very important strategic development for Gibraltar and I cannot wait to get started.

**Hon. D J Bossino:** Does she expect that this is likely to attract outside-of-Gibraltar interest in terms of the tender process, or will there be only local applicants? And if I may, has consideration  
2890 been given – I assume it has and it has been rejected – to doing the Plan in house, which I think is what we did, which resulted ... I see the Deputy Chief Minister shaking his head ... in 2009. That is information that I have; I was not in government. Those are the questions.

**Hon. Miss S J Sacramento:** Mr Speaker, because it is a tender process, anyone will be able to  
2895 apply, so we envisage that we will have both tenders locally and not locally. We will see what we receive and then it will be considered by the Tender Board as appropriate.

This is a project that is being outsourced, but it will be led internally. The team at the Town  
Planning and Building Control Department of the Government will be in the driving seat when it comes to giving the instructions on the Development Plan.  
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**Hon. D J Bossino:** Mr Speaker, is she able to give us some indication of what the likely costs are going to be?

**Hon. Miss S J Sacramento:** No, Mr Speaker, because it is a live tender process, so I need to let  
2905 that run.

**Mr Speaker:** Next question.

**DEPUTY CHIEF MINISTER**

**Q349/2022**

**Rooke site –**

**Update re preferred bidders**

2910 **Clerk:** Question 349/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

**Hon. K Azopardi:** Mr Speaker, can the Government provide an update in relation to the preferred bidders for the Rooke site?

2915 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, yes, the Government continues in negotiations with the preferred bidder and is currently awaiting revised concept designs from them.

2920 **Hon. K Azopardi:** Mr Speaker, can the Government confirm that it is having discussions with just the preferred bidders and not any other party that expressed interest at the time of the tender?

2925 **Hon. Deputy Chief Minister:** Mr Speaker, the Government, as the hon. Member knows, was talking to two preferred bidders. Those two preferred bidders have now, my understanding is, merged into one, which makes the discussions easier, and they will be producing a new concept design, which we will be looking at when it is submitted.

2930 **Hon. K Azopardi:** Given that scenario – that the two have merged into one to make some kind of collective bid, I guess – is it safe to assume that at the end of that process of discussions, inevitably this entity will be awarded the site, or is it that it is still up for grabs because it is dependent on the discussions that you are undertaking?

2935 **Hon. Deputy Chief Minister:** Mr Speaker, no, there is still an ongoing live negotiation, so it could be that, as part of that negotiation, nothing happens and the Government must turn to the next highest bidder.

2940 **Hon. K Azopardi:** Does the Hon. Minister have any visibility as to the kind of timescale we are envisaging, given that these discussions have been going on for some time now?

**Hon. Deputy Chief Minister:** Mr Speaker, the Government would like this to happen as soon as possible, but obviously it is a live negotiation and sometimes things take longer than you would like.

2945 **Hon. K Azopardi:** Is the scope of the menu of components – if I can put it that way – of the site also part of the discussions?

2950 **Hon. Deputy Chief Minister:** Mr Speaker, the Government would rather not get into the detail of the negotiation across the floor of the House, but the expression of interest provides for a negotiation to take place with the preferred bidder once the bids are in, and that is what is happening at the moment.

**Adjournment**

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn and continue with Questions tomorrow at 3 p.m.

2955

**Mr Speaker:** I now propose the question, which is that this House do now adjourn to Thursday, 20th October at 3 p.m.

I now put the question, which is that this House do now adjourn to Thursday, 20th October at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

2960

The House will now adjourn to Thursday, 20th October at 3 p.m.

*The House adjourned at 8.26 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.03 p.m. – 5.17 p.m.**

**Gibraltar, Thursday, 20th October 2022**

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# The Gibraltar Parliament

*The Parliament met at 3.03 p.m.*

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

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

## Questions for Oral Answer

**CHIEF MINISTER**

**Q387/2022**

**Principal Auditor's Reports –  
Expected date for tabling**

**Clerk:** Meeting of Parliament, Thursday, 20th October, 2022. We continue with Answers to Questions.

Question 387/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

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**Hon. K Azopardi:** Mr Speaker, can the Government advise if the Principal Auditor has indicated when he will be able to table his latest completed Reports in Parliament; and, if so, for which years?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Principal Auditor has advised that he is in the midst of finalising the audit of the 2016-17 and 2017-18 Public Accounts of Gibraltar. He is awaiting changes to be carried out to these two sets of financial statements by the Accountant General as a consequence of his audit. The Principal Auditor further advises that his report on the audit of these two sets of Public Accounts will be completed before the end of December 2022. I will then table them here.

20

**Hon. K Azopardi:** Mr Speaker, obviously those years are, in the case of 2017-18, still five financial years behind the current financial year. Has the Principal Auditor indicated where he is with subsequent financial years, and in the conversation with the Chief Minister has the Principal Auditor indicated to him what the issues are as to why these reports are taking so long?

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**Hon. Chief Minister:** Mr Speaker, I have had no conversations about this with the Principal Auditor and I therefore have none of the information the hon. Gentleman has requested.

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**Hon. K Azopardi:** Does the Chief Minister agree that it would be more helpful if the Principal Auditor's reports were laid in the House already and laid in the House on a more timely basis?

**Hon. Chief Minister:** Mr Speaker, I am not able to tell the House with sufficient certainty what the lag of presentation of the Principal Auditor's accounts for financial years is habitually, or



indeed what it would be, for example, in the United Kingdom or elsewhere, and therefore I do not know that it is possible to do these things within any other, shorter period. I think in some instances it has been in shorter periods, I think in some instances, in respect of the time that hon. Members were in office, the period was longer, so I do not want to venture an opinion in respect of an area which is not my area of particular professional understanding, when I might be saying something which might apparently be correct but might professionally not be correct.

**Hon. K Azopardi:** At the end of the day, Mr Speaker, the point of the Principal Auditor's Reports is to provide that independent audit, and recommendations in many cases, in respect of public finances. We were certainly under the impression, on this side of the House, that perhaps part of the delay is because some of the Supplementary Appropriation Bills that had to be taken in respect of some of those years had not been taken until recently, for example. If that is the case, clearly those aspects would be within the gift of the Government, but clearly there would need to be an engagement with the Principal Auditor to understand what exactly the issues are.

In any event, it seems to us, on this side of the House, that it would be helpful for the Principal Auditor's Reports to come earlier, because ultimately, if they are providing that independent audit and those independent recommendations, it is in the public interest that they should be known earlier.

**Hon. Chief Minister:** Mr Speaker, I did not discern a question in that position, but I assume the hon. Gentleman asked me whether or not I agree –

**Hon. K Azopardi:** Yes, the question was that.

**Hon. Chief Minister:** – and therefore I would, once again, say that it is not in my area of professional competence to say that it is possible to do these things in a shorter period of time and I do believe that there have been instances, when hon. Members were in office, where the Principal Auditor's Report was delayed for longer than it is delayed now. Two wrongs do not make a right. The fact that I am pointing to that does not suggest that there was anything wrong in the practice that might have occurred under hon. Members, because we are talking about audits, which are complicated.

The hon. Gentleman knows that we took the Supplementary Appropriation Bills that he is referring to and passed them, in this House, into Acts some time ago, so it was obviously not just the passing of those Bills that was expected, because if the Reports had been ready, simply awaiting the passage of those Bills, then the Reports could be with the House already; there was obviously still work to be done.

And so, Mr Speaker, I am, of course, as a layperson and at a political level, able to agree with the perfectly unobjectionable statement that the Hon. the Leader of the Opposition has made, but that does not mean that, professionally, it is possible for the people who are responsible for these audits to do them more quickly. I do not think anybody should consider that there is a criticism, at least from the point of view of the Government, that the Principal Auditor's Office is taking the time that they consider is necessary and appropriate to do the important work of auditing the accounts of the Government of Gibraltar.

**Mr Speaker:** Next question.

**Q388/2022**

**Income Tax Office counters –  
Reason for continued closure**

**Clerk:** Question 388/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

80 **Hon. K Azopardi:** Mr Speaker, can the Government advise why the counters of the Income Tax Office are still closed?

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

85 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I refer the hon. Gentlemen to Press Release 767/2022, which confirms that counters are now open.

The counters at the Income Tax Office have remained closed following the measures taken during the COVID-19 pandemic and given the Government's drive to digitise tax services. As a result, we have also introduced an online service for citizens to file their tax returns. This  
90 comprises both the income declaration and a claim for allowances. Other services are in the process of digitalisation and, as part of this transition, traffic is being redirected via email.

We nonetheless understand that there is now a higher demand and need for an alternative filing system to the online digital tax return. As a result, we have published the press release I have referred to, confirming that the public will now have an option to file their tax return by email  
95 using a specifically designed editable PDF that can be downloaded from our website. Instructions are also available to guide citizens as necessary.

Public counters at the Income Tax Office will also open. This, however, needs to be managed to meet the needs of service users. Therefore, as stated in the press release, the opening of public counters will initially focus exclusively on providing assistance to citizens for the completion of  
100 their tax returns. Other services should continue to be done either via e-Services or by email.

Once the 2022 reporting cycle is complete, I have instructed the Commissioner of Income Tax to fully open the counters for all matters. This will happen in January 2023. Once reopened, the counters will work on an appointment basis, whereby the public are able to check time slots and choose when they want to visit, based on availability. They will select from a menu of pre-defined  
105 services and be provided with guidance as to which documents are required ahead of their meeting. They will also be reminded of their meeting beforehand, allowing them to cancel should their personal circumstances change.

These improvements, together with additional resourcing, demonstrate this Government's commitment to providing a more streamlined and efficient service for the public.

110 **Hon. K Azopardi:** Mr Speaker, I read the question as it had been drafted. It had been filed prior to the issue of the press release that the Hon. Chief Minister talks about, so clearly he can refer me to the press release, but it is not as if it was available to us earlier.

It is certainly welcome news in respect of that, and looking at that press release – as we did, of course – that came later, it has struck us that in the press release itself, the reference to the  
115 counters being open was that that service was going to be extended for the purpose of submission of tax returns only, but now the Chief Minister has made clear that those counters are going to be open more widely within a few months. That is welcome news. When could that practice be spread out to other Departments?

120 **Hon. Chief Minister:** Mr Speaker, I know that there is a widespread view that counters are not open, but in fact, whenever I check with my colleagues and the Chief Secretary ... I believe that tax is probably one of the last ones that had not been opened and all the others are now open. If there are instances of counters which are not open – and the Hon. Mr Bossino is making the

125      gesticulation for ‘many’ across the floor of the House in his usual convivial way – I would be very happy to hear from hon. Members which are the ones that they understand are not operating in the usual way, so that we can see whether there is a reason for that.

130      **Hon. K Azopardi:** This is Mr Clinton’s question, but I think I asked a general question as to the state of the public counters some months ago. In the course of those exchanges, we pointed out some inconsistencies in the information provided and I said to the Hon. Chief Minister that perhaps some Departments had been left out. He undertook to check that with officials. I do not know if he has that up-to-date information, and if not to hand – because clearly he is answering a more specific question – perhaps he can write to me on those issues, so that we can do our own cross-check, because that information was pending and I would be happy to engage with him on the issue of public counters, which appears to be an issue of public concern to many people.

140      **Hon. Chief Minister:** Mr Speaker, I obviously do not have that to hand because this question deals only with the issue of taxation, but I am happy to write to him, if necessary, with the information – I think that we had the discussion in May, just before the Budget session – and to ask the Chief Secretary to give me an updated list of any counters he believes his people are still not operating.

**Mr Speaker:** Next question.

**Q389/2022**

**PAYE –**

**Additional revenue expected following increase**

145      **Clerk:** Question 389/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

150      **Hon. K Azopardi:** Mr Speaker, can the Government advise how much additional annual revenue it expects to receive from the 2% increase in PAYE announced at the 2022 Budget?

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

155      **Chief Minister (Hon. F R Picardo):** Mr Speaker, as a result of the revised Income Tax bandings announced in the 2022 Budget debate – including both the 2% uplift to all rates in the Allowance Based System and the Gross Income Based System, as well as the levelling of the applicable tax rate on higher levels of income in excess of £½ million under the Gross Income Based System, which goes up to 27% – the Government expects to receive in the region of an additional £17.2 million.

160      I should emphasise that that is, of course, an estimate and is usually based on averages of people in those bands in previous years, and it may be exceeded or the amount may be lower, depending on income in respect of people in those bands during the course of this financial year for which they make a declaration – but usually the Income Tax Office makes estimations which turn out to be quite accurate.

165      **Mr Speaker:** Next question.

**Q390/2022**

**Spanish tax have black list –  
Removal of Gibraltar from list**

**Clerk:** Question 390/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

**Hon. K Azopardi:** Mr Speaker, can the Government advise if Gibraltar has been removed from the Spanish tax haven black list; and, if not, when does it expect to be removed?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, Spain's blacklisting of Gibraltar was instigated on the basis of their misconception that Gibraltar is a tax haven. The agreed level of co-operation and transparency envisaged in the Tax Treaty is at complete odds with that. I am advised by the Commissioner of Income Tax that Gibraltar continues to comply with all scheduled exchanges of information and co-operation with the Spanish authorities as set out by the Tax Treaty.

Gibraltar's noted compliance with obligations under the Tax Treaty, as well as public comments made by members of the Spanish government at the time endorsing the positive steps in negotiating the Tax Treaty, will no doubt assist in this delisting process. Nevertheless, given that Gibraltar's unfair blacklisting was by parliamentary decree in Spain, there is an internal parliamentary process that needs to run its course there concurrently with the ongoing effectiveness of the Tax Treaty.

The Government, therefore, expects that the blacklisting of Gibraltar, which should be welcomed, no doubt, by all Members of the House and beyond it, should be finalised in the first half of next year.

**Hon. K Azopardi:** Is that expectation based on discussions with the Spanish government, or is it just a general expectation?

**Hon. Chief Minister:** It is an expectation based on discussions with the Spanish government.

**Hon. K Azopardi:** Mr Speaker, is the fact that we have been grey-listed by the FATF going to have any impact on that process?

**Hon. Chief Minister:** I do not believe it should, Mr Speaker.

**Q391-92/2022**

**Treasury office rent and service charges –  
Breakdown of costs for 2018-19 and of estimated costs for 2022-23**

**Clerk:** Question 391/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

**Hon. K Azopardi:** Mr Speaker, further to Question 268/2022, can the Government now provide a detailed breakdown of the office rent and service charge costs of £9,253,765 incurred in 2018-19 by the Treasury Department, as promised on 22nd June 2022?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 392.

210 **Clerk:** Question 392/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

**Hon. K Azopardi:** As promised at the Committee Stage of the 2022 Budget debate, can the Government provide a detailed breakdown of the office rent and service charge estimated costs of £10.7 million in the Treasury Department for the year 2022-23?  
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**Clerk:** Answer, the Hon. the Chief Minister.

**Hon. Chief Minister:** Mr Speaker, I now hand over a schedule with the information requested.

**Answer to Question 391/2022**

Address	Rent	Ground Rent	Service	Other	
323 Main Street	£ 102,800.00			-	
43/1 North Mole Road	3,370.00	-	-		
Blake House	£ 58,420.88	£ 432.26	£ 1,724.00	-	-
Leanse Place	£ 59,214.96	-	£ 219,880.00	£ 180.00	Registration at LPS
New Harbours Parking Bays	£ 1,680.00	-		-	
Unit 35 New Harbours	-		£ 2,638.22		
Unit 71 & 72 New Harbours			£ 6,494.95		
World Trade Centre	£ 146,595.00	£ 939.60	£ 20,759.60		
206-210 Main Street (Gibraltar Savings Bank)	£ 356,758.15	-	-	-	
14 & 12-16 Governor's Parade & Library Street (Ex Sgts Mess)	£ 352,973.80				
37 Town Range (Environmental Agency)	£ 111,918.52	-	-	-	-
331 Main Street (Income Tax)	£ 153,734.24	-	-	-	
Unit 35 Harbours Deck (Treasury)	£ 23,367.60		-	-	
Unit 61 Harbours Deck (Technical Services)	£ 12,298.72			-	-
Unit 69 Harbours Deck (Health Authority)	£ 15,988.36	-			
Unit 71 & 72 Harbours Walk (Treasury)	£ 41,815.72	-		-	
Unit 75 - 79 Harbours Walk (Employment)	152,504.36	-			
Unit 83 - 86 Harbours Walk (Human Resources)	105,769.16				-
Unit 87 & 90 Harbours Walk (Technical Services)	£ 48,580.00		-		
Unit 91 Harbours Walk (Environmental Agency)	£ 19,677.96	-	-		
Unit 93 Harbours Walk (Procurement)	£ 35,666.32			-	
Unit 99 Harbours Walk (Statistics)	£ 29,516.96		-		
32 John Mackintosh Square (City Hall)	£ 335,284.78	-	-		-
23 Queensway (Education)	£ 190,630.44	-	-		
16 Governors Parade (DSS)	£ 153,734.24	-			
31 Town Range (Employment)	£ 79,941.80	-	-		-
16 Europa Flats (Bleak House)	£ 202,929.20				
18 Waterport Wharf (Customs House)	£ 49,194.95	-	-		-
40 Town Range (Ex Department of Education).	£ 145,125.12		-		
1 Johnstones Passage (Care Agency)	£ 81,064.67	-	-	-	-
11 Cathedral Square (Duke of Kent House)	£ 115,927.41			-	-
19 Cemetery Road	£ 9,390.11	-		-	
6 Convent Place	£ 280,757.63	-	-	-	
10 Governor's Lane (Ombudsman)	£ 101,436.49		-		
104 Main Street (Post Office)	£ 200,554.44		-	-	-
4 North Mole Road (Port)	£ 87,275.93		-		-
31 & 32B Rosia Road (Police Headquarters)	£ 552,329.18	-		-	
2 Secretary's Lane (Joshua Hassans House)	£ 243,447.56	-			-
2 Winston Churchill Avenue (Customs)	£ 121,352.80	-			
21 Hospital Ramp (Ex-St Bernards Hospital)	£ 1,959,927.50	-			-
Winston Churchill Avenue (Old Airport Terminal)	£ 158,159.86				
32 - 36 Town Range (Law Courts)	£ 1,194,134.28		-		
18 Windmill Hill House (H.M. Prison)	£ 905,467.44			-	-

**Answer to Question 392/2022**

Address	Re	Ground Rent	Service Charges
323 Main Street	£ 109,584.80	-	-
Blake House	£ 67,424.12	F. 432.26	£ 1,896.40
Leanse Place	f 223,780.00	-	£ 59,214.96
Unit 35, 71 & 72 New Harbours	-	-	£ 11,683.44
World Trade Centre	£ 193,709.20	£ 939.60	£ 22,837.28
Suite 6, 57/63 Line Wall Road	£ 123,858.00	-	£ 19,004.00
Suite E, Regal House	£ 87,696.00	-	£ 7,018.00
Eurotowers, Europort Road	£ 28,647.36		£ 2,239.68
John Mackintosh Hall	£ 125,000.00	-	-
ICC Units 9.7, 9.8 & 9.3a	£ 79,798.52		£ 11,637.28
206-210 Main Street (Gibraltar Savings Bank)	£ 430,669.41	-	-
14 Governor's Parade & Library Street (DSS)	63,861.97	-	-
37 Town Range (Environmental Agency)	£ 125,965.29	-	-
331 Main Street (Income Tax)	£ 173,029.26	-	-
Unit 35 Harbours Deck (Treasury)	£ 26,300.45	-	-
Unit 61 Harbours Deck (Technical Services)	£ 13,842.32	-	
Unit 69 Harbours Deck (Health Authority)	£ 17,995.03	-	-
Unit 71 & 72 Harbours Walk (Treasury)	£ 47,063.97	-	-
Unit 75 - 79 Harbours Walk (Employment)	f 171,644.99	-	-
Unit 83 - 86 Harbours Walk (Human Resources)	£ 119,044.13	-	-
Unit 87 & 90 Harbours Walk (Technical Services)	£ 54,677.22	-	-
Unit 91 Harbours Walk (Department of Environment)	£ 16,610.52		-
Unit 93 Harbours Walk (Procurement)	£ 40,142.77	-	-
Unit 99 Harbours Walk (Car Parks)	£ 33,221.61	-	-
32 John Mackintosh Square (City Hall)	f 377,365.97	-	-
23 Queensway (Education)	£ 214,556.25	-	-
16 Governors Parade (Social Agency)	£ 173,029.26		-
31 Town Range (Buildings and Works Department)	£ 89,975.18	-	-
16 Europa Flats (Bleak House)	£ 228,398.61	-	-
12-14 Library Street (ITLD)	£ 141,827.21	-	-
40 Town Range (Ex Department of Education)	£ 163,339.61	-	-
1 Johnstones Passage (Care Agency)	£ 91,238.98	-	-
11 Cathedral Square (Duke of Kent House)	£ 129,527.23	-	-
19 Cemetery Road (Offices - Stores & Mess Room)	£ 10,491.71	-	-
6 Convent Place (Government Offices)	£ 313,694.26	-	-
10 Governor's Lane (Ombudsman)	£ 113,336.33	-	-
104 Main Street (Post Office)	£ 224,082.15	-	-
4 North Mole Road (Port)	£ 97,514.55	-	-
31 Rosia Road (Police Headquarters)	£ 563,536.75		
32B Rosia Road (Offices & Store - Nelsons Anchorage)	£ 53,588.00	-	-
2 Secretary's Lane (Joshua Hassans House)	£ 272,007.21	-	-
2 Winston Churchill Avenue (Customs Office)	£ 135,589.10		-
21 Hospital Ramp (Ex-St Bernards Hospital)	£ 2,249,176.59	-	-
Winston Churchill Avenue (Old Airport Terminal)	£ 176,714.15	-	-
32 - 36 Town Range (Law Courts)	f 1,344,008.67		
18 Windmill Hill House (H.M. Prison)	£ 1,019,111.60	-	-

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**Hon. K Azopardi:** Mr Speaker, while we digest the information – and there may be things that we need to digest more properly – as I understand it, this is a list of properties occupied, rented, by Government Departments. As I understand it, that is correct. Can I understand, in respect of

Question 391, why there is a cost of nearly £2 million – £1.959 million – in respect of the ex-St Bernard's Hospital, in terms of rent?

**Hon. Chief Minister:** Mr Speaker, I assume because that is where St Bernard's School is.

**Hon. K Azopardi:** I do not understand – unless the hon. Member can illuminate, because the question was a breakdown of office rent and service charge costs – what office rent we are paying in respect of St Bernard's Hospital to the tune of £1.9 million.

**Hon. Chief Minister:** Mr Speaker, the question was in respect of office rent and service charge costs in respect of an amount of money provided for in a particular year by the Treasury Department. The amount of money is not just in respect of office rent and service charge costs. It is in respect of the schedule that I have given him. That is how that amount is made up, not just offices; it is all of those Government buildings which make up that amount. The same is true in respect of Question 392, where the figure is £10,700,000. These are the lists that make up those figures which are provided for by the Treasury in respect of those amounts.

**Hon. K Azopardi:** Sorry, I do not understand. Perhaps we need to have the explanation again. I appreciate he is giving me a schedule and it has detail on it, but the question was quite specific about having a detailed breakdown of the rent and service charge cost of £9.2 million, for example, in relation to Question 391, which is the cost incurred in 2018-19. Just looking at that schedule, in the list under the column 'Rent', it says, when it gets to St Bernard's Hospital, £1.9 million, and when it comes to, for example, the Law Courts, it is £1.1 million. I do not understand why there is a rental cost in respect of buildings that are ostensibly public buildings, or in relation to the Prison, where it says £905,000. I would understand that there is a rental cost in respect of the World Trade Centre, which is higher up in the list, at £146,000 – that is clearly not a Government building – but in respect of buildings that seem, ostensibly, Government buildings, we do not understand why they are logged as rent.

**Hon. Chief Minister:** Mr Speaker, I am going to speak from memory right now, so if I am wrong I shall correct the record when the time comes, but I believe that at the time when hon. Members were in office they introduced the practice of putting some buildings in a company and paying rent for the use of those buildings by the Government, and therefore that practice means that we end up with this situation where there is, in some instances, a circulation of money from one pocket of the Government to another pocket of the Government, which leads to the figure that is set out in the accounts, which is the figure that you asked about. To give you the full breakdown to the figure that you asked about, these are the numbers that we are dealing with.

**Hon. K Azopardi:** To be clear, from the answer he has just given, he is speaking on a basis of speculation; he is not clear exactly how some of these buildings are being parked. Perhaps on that basis it would be better if we were to digest the information and ask more specific questions in respect of the history. Would that be helpful to get to the bottom of it, because I can see from his previous answer that perhaps is this not clear?

**Hon. Chief Minister:** Mr Speaker, what I am not clear about is the chronology, but I am clear about the practice. In other words, there are buildings which are Government buildings which are now in companies and the rent is paid for those buildings by the Government. I believe, and that is what I am saying from memory, that that was a practice that they began. That is the aspect that I am happy to clarify when the time comes, but what I am telling them is that the Government pays rent for the use of buildings which are in companies which are otherwise ostensibly Government buildings.

275 **Hon. K Azopardi:** We will look at this and then ask more specific questions, if need be.  
Can I ask, in the column of service charges in relation to Question 391, why there is a figure of £219,000 in respect of Leanse Place? It seems a very high figure, out of synch with the others.

280 **Hon. Chief Minister:** Mr Speaker, there is only one answer I can give him, which is that that is the rent. (**Hon. K Azopardi:** The service charge.) The service charge? I do not know, Mr Speaker. I would have to take specific advice on that.

**Mr Speaker:** Next question.

**Q393/2022**  
**Haven building –**  
**Sale price**

285 **Clerk:** Question 393/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

**Hon. K Azopardi:** Mr Speaker, can the Government advise how much the Haven building was sold for by Gibtelecom?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Haven building was sold for £6 million.

**Mr Speaker:** Next question.

**Q394 and Q404/2022**  
**Eastside project –**  
**Receipt of £90 million premium; whether contractual arrangements with developers finalised**

295 **Clerk:** Question 394/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

300 **Hon. K Azopardi:** Mr Speaker, can the Government advise if it has yet received the £90 million premium in relation to the Eastside Project?

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

305 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 404.

**Clerk:** Question 404/2022. The Hon. the Leader of the Opposition.

310 **Hon. K Azopardi:** Mr Speaker, can the Government update the House on whether the contractual arrangements with the developers of the Eastside have now been finalised?

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



**Hon. Chief Minister:** The premium has not yet been received, as the negotiations are still ongoing, albeit in their final stages.

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**Hon. K Azopardi:** Mr Speaker, it is almost a year – I think probably precisely a year – since the Government made an announcement in relation to the Eastside, and as part of that announcement there was a signing ceremony. I remember pictures emerging of the Government and the Chief Secretary, I think it was, and those representing the developers, signing documents. If the discussions are still ongoing, what were they signing?

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**Hon. Chief Minister:** Mr Speaker, I do not know what it is that the hon. Gentleman thinks he saw. I do not think pictures ‘emerged’. Pictures were published. There is a big difference. When you say that pictures emerged, it is as if one is talking about a picture, surreptitiously taken, that is leaked to the Leader of the Opposition and he sees that we are signing documents that we do not want to own up to. As he knows better than most, language matters.

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So no pictures emerged, pictures were published and the captions to those pictures – or, indeed, the press release that accompanied those pictures which were published – said that we were signing heads of terms. I am surprised he feels he needs to ask me what it was that we were signing when the pictures that we published with a press release specifically said that what we were signing were heads of terms.

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**Hon. K Azopardi:** ‘Emerged’ has many meanings and it emerged through the Government Press Office, but we are not going to get stuck on that definition. Those photos were there.

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It also became clear – it emerged through the Government press release – that they were going to pay a premium of a particular sum. What is it that is holding up the payment of the premium and the conclusion of the contractual agreements?

**Hon. Chief Minister:** Mr Speaker, when something emerges it moves out of the way of something in order to become visible. There is no question of this going on. This was the publication, very proudly by the Government, of arrangements that had been entered into by way of heads of terms.

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The heads of terms, as the hon. Gentleman knows, set out the heads of the agreement that have been done by parties. In this context, I think the heads of terms were a couple of pages in respect of the largest piece of land in Gibraltar. Now we need to finalise a commercial agreement, which will be many tens of pages, if not hundreds, with a building lease or building licences, which, as the hon. Gentleman knows, is very detailed, in particular in relation to land which is reclaimed and in respect of which there will be environmental issues etc.

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It appears a little disingenuous that the hon. Gentleman might ask me what it is I think is going to be negotiated from a few pages and heads of terms to the many hundreds of pages that are going to finally be agreed. His legal training is sufficient for him to know that we are moving from a helicopter view of the transaction, agreed between the parties, to the agreement. He will know that one of the things that was set out in the heads of terms was that outline planning had to be provided in order to be able to move to the stage where the premium is payable and the agreement signed, so that is what is happening.

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You can understand that if you have been involved in transactions of this sort in the past, as I know that he will have been – he has experience both as a legal professional and as a Government Minister – or you can pretend not to understand it if you somehow want to cast a shadow of aspersion over the ongoing transaction.

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I am sure he will agree with me that we should soon be very happy to receive a premium in respect of this transaction and that we should soon all want to see this plot under development. Already, Hassan Centenary Terraces Phase 1 is almost complete, we are going to see the second phase start – in fact, the works on the second phase have already begun – and we, I am sure, all

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believe that it would be a good thing for Gibraltar to see this plot in development. I look forward to his next question, which I am sure he will preface by agreement in that respect.

**Hon. K Azopardi:** Mr Speaker –

**Mr Speaker:** This is the final question.

**Hon. K Azopardi:** I am not casting any aspersions. If there is any criticism to be done, it will be direct; it will not be aspersions.

Indeed, my legal training is sufficient – to use his word, as language matters – to understand the mechanics, but what we were trying to seek was information, through the question, to see what stage they were at, given that with some fanfare it had been said that there would be a premium, a significant one, and indeed that the Government had put it in their Budget.

The Chief Minister describes them as being close. Does he have a sense of how close, in terms of timescale, he is? And what is his expectation in terms of the finalisation of the contractual agreement?

**Hon. Chief Minister:** Mr Speaker, I said ‘sufficient’ because the hon. Gentleman has sufficient and he does not need more than sufficient in order to be able to understand – *(Interjection)* Sufficient training, absolutely. I am sure that he has sufficient training for that purpose, so I think my words were carefully and well chosen, but I do not believe that the hon. Gentleman would be a good negotiator for Gibraltar in any instance, because every time he asks me about a negotiation he urges me to resolve it quickly. In doing so, he immediately puts Gibraltar at the disadvantage of having to resolve the negotiation quickly in order to satisfy the voracious Opposition that we have opposite. My view is that it is important to do the right deal for Gibraltar, however much Mr Phillips might shake his head. I believe it is for Gibraltar and its Government to do the best deal for Gibraltar and for the taxpayer, however long it may take – not to accelerate a negotiation simply to bring in a result quickly, whether that is in respect of a treaty or whether it is in respect of a commercial arrangement.

I can tell the hon. Gentleman that we might have had the £90 million quicker if we had simply done the deal that was first put to us, and then we might have trumpeted the £90 million and not had such good commercial terms. We believe we should have the £90 million for the land with the best commercial terms. Just as in relation to the treaty, we believe it is important to get the right deal so that it passes the test of safety and security of those sitting on this side of the House, and not a quick deal. *(Interjection)* The relevance is this: that the hon. Gentleman, in respect of every negotiation – *(Interjection)*

**Mr Speaker:** No, because that would be deviation and we are not going to permit deviation. The Chief Minister is making an example. *(Interjection)* In his explanation, he is giving an example.

**Hon. Chief Minister:** Mr Speaker, the hon. Member does not need to get nervous. He has other questions on the Order Paper in respect of the treaty, so he can ask questions about the treaty without having to rely on pretending to link matters by supplementary. What I am linking, Mr Speaker, *(Interjection)* is the hon. Gentleman’s approach to negotiation. He needs to learn that in life, timing is everything, and pushing too hard, too quickly, to try to get a result quickly is a beginner’s mistake. It is a beginner’s mistake. He is wrong to push us to finish this negotiation quickly simply because we must do it quickly, and he is wrong to push us, in respect of every negotiation, to finish things quickly.

So, Mr Speaker, I am not going to give an indication of how close I might think I am to concluding this agreement. If I did, I would be negotiating against myself in respect of trying to achieve it, because immediately the party opposite would then know that I had made a political point about when I was going to finish the negotiation of whatever it is I am negotiating, whether

415 it is a treaty or a commercial agreement, and they would immediately have that against the Government of Gibraltar. For us, on this side of the House, the interest of Gibraltar and its people is more important than our own personal political interest.

**Mr Speaker:** Next question.

**Q395/2022**  
**Sovereign guarantee –**  
**Terms of rollover**

420 **Clerk:** Question 395/2022. The Hon. the Leader of the Opposition on behalf of the Hon. R M Clinton.

**Hon. K Azopardi:** Can the Government provide details as to the terms of the proposed 25-26-year rollover of the £500 million sovereign guarantee facility, to the extent utilised, upon  
425 maturity on 3rd December 2023 as announced in the 2022 Budget?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the discussions with HM Treasury are currently  
430 ongoing. A full announcement will be made when negotiations are concluded.

**Mr Speaker:** Next question.

**Q396-400/2022**  
**Foreign-registered vehicles –**  
**Parking and speeding offences**

**Clerk:** Question 396/2022. The Hon. D A Feetham.

435 **Hon. D A Feetham:** Mr Speaker, what is the total annual value of parking tickets which have been issued to the owners or drivers of foreign-registered vehicles in each of the last five years?

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

440 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Questions 397-400.

**Clerk:** Question 397/2022. The Hon. D A Feetham.

445 **Hon. D A Feetham:** Mr Speaker, what is the total annual value of money recovered from parking tickets which have been issued to the owners or drivers of foreign-registered vehicles in each of the last five years?

**Clerk:** Question 398/2022. The Hon. D A Feetham.

450 **Hon. D A Feetham:** Mr Speaker, how many speeding tickets have been issued to the owners or drivers of foreign-registered vehicles in each of the last five years?

**Clerk:** Question 399/2022. The Hon. D A Feetham.

455 **Hon. D A Feetham:** What is the total annual value of speeding tickets which have been issued to the owners or drivers of foreign-registered vehicles in each of the last five years?

**Clerk:** Question 400/2022. The Hon. D A Feetham.

460 **Hon. D A Feetham:** What is the total annual value of money recovered from speeding tickets which have been issued to the owners or drivers of foreign-registered vehicles in each of the last five years?

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

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**Hon. Chief Minister:** Mr Speaker, no parking or speeding tickets are issued to owners or drivers of vehicles. Foreign-registered vehicles that are illegally parked are clamped to avoid such vehicles leaving the jurisdiction without paying the penalty for illegal parking. If a foreign vehicle is in Gibraltar and caught speeding by a speed camera, after leaving the EU we are unable to obtain the information of ownership of the vehicle in order to enforce any penalty outside Gibraltar. The same is true of Gibraltar-registered vehicles outside Gibraltar. If an individual driving a foreign-registered vehicle is stopped for speeding by a police officer, their details are taken on the spot and the relevant penalties can therefore be enforced.

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475 **Hon. D A Feetham:** Mr Speaker, I have another couple of questions on the Order Paper in relation to assistance requests made by foreign jurisdictions in relation to Gibraltar cars that have been caught speeding in foreign jurisdictions, but I am going to ask a supplementary. I know it is going to impact on that, but the supplementary is this. I know that there are jurisdictions that will ask for the assistance of the Gibraltar authorities in terms of asking for the names and addresses of anybody who has been caught speeding in that jurisdiction. In fact, I have had constituents who have come to me and said, 'I have received this from Spain,' and, I think, Switzerland as well. I could be wrong on Switzerland, but certainly Spain. So it comes as a bit of a surprise that our authorities appear to have been assisting foreign authorities, but the Chief Minister, in his answer, appeared to indicate that we cannot obtain assistance from those authorities in relation to a foreign vehicle that may be speeding in Gibraltar. Is he certain that that is the position? It comes as a surprise, bearing in mind that I know there are requests for assistance from the Gibraltar authorities.

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**Hon. Chief Minister:** Mr Speaker, my understanding is that actually that gateway for information opened for a very short period during our membership of the EU – in fact, after the referendum but whilst we still had obligations under the EU treaties – and then closed when we left, so I think for a period of about five months we were able to seek and receive information and people were able to seek and receive information from us, but after our leaving the European Union that gateway is no longer available to other countries and neither is it available to us at this stage.

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#### Q402/2022

#### Bob Peliza Mews and Chatham Views – Progress re construction; financial position

**Clerk:** Question 402/2022. The Hon. D J Bossino.

**Mr Speaker:** Unfortunately we do not have ... certainly here I do not have Question 401.

500 **Chief Minister (Hon. F R Picardo):** Well, Mr Speaker, the only thing I am going to say in relation to Question 401 is that I am going to answer it with Question 402, so if the hon. Gentleman reads it ...

**Mr Speaker:** Please go ahead. If you have Question 401, read it out. The Chief Minister will  
505 respond and it will be answered together with Question 402. Then you can read Question 402.

**Hon. D J Bossino:** Yes, Mr Speaker, it is certainly on our Order Paper. Question 401 reads: Further to the answers provided to Q46/2022, please provide an update as to the progress of construction in respect of the Bob Peliza Mews and Chatham Views developments.  
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**Clerk:** Answer, the Hon. the Chief Minister.

**Hon. Chief Minister:** I will answer with Question 402.

515 **Clerk:** Question 402/2022. The Hon. D J Bossino.

**Hon. D J Bossino:** Please confirm that the Government has the required financing in place to ensure that the Bob Peliza Mews and Chatham Counterguard developments can be completed.

520 **Clerk:** Answer the Hon. the Chief Minister.

**Hon. Chief Minister:** Mr Speaker, as explained in answer to Written Question 67/2021, the start of Bob Peliza Mews estate is dependent on the decommissioning and demolition of the ex-Waterport power station and the relocation and demolition of the AquaGib reverse osmosis plant  
525 and workshops. The contract for the first stage of the demolition of the ex-Waterport power station was awarded in September 2022. This first stage involves the decommissioning and removal of the mechanical and electrical equipment. This has already begun and is programmed for completion by the end of 2022. The second stage of the demolition works, involving structural demolitions for which tenders will be issued this month, is programmed to proceed as soon as the  
530 first stage has been completed. In parallel with this, and following the completion of a series of ground investigations and soil tests, the assessment and definition of any ground remediation measures that might be necessary is currently being finalised. It is expected that the clearance of the area required to commence the first phase of the estate will be completed towards the end of the first quarter of 2023, after which construction can begin. The clearance of the area required  
535 for the second phase of the estate is dependent on AquaGib's relocation. They are in the process of designing the new facility, for which a planning application will be submitted. The whole estate is programmed to take 35 months to construct.

In respect of Chatham Views, the clearance of the site began in September 2022 following the award of the contract for the demolition of the ex-Westside School buildings. The demolition  
540 works are currently under way and are programmed for completion in January 2023, after which time the site will be fully cleared. There will then be a need to undertake some infrastructure diversion works ahead of the start of the main project to build the estate, the construction of which is programmed to take 27 months to complete.

No delays are expected to arise as a result of financing.  
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**Hon. D J Bossino:** Mr Speaker, if I deal with the answer to the first question first, in terms of the timelines he has given, they are completely aligned with the previous answers we have had, so in relation to Chatham it is 27 months and in relation to Bob Peliza it is 35 months. I think the Chief Minister has confirmed that that remains the position. But is it fair to say – and the answers

550 he has given I think require further analysis – there has been probably very little movement since I last asked this question, back in ... well, May was not that long ago, but secondly that not one brick has yet been laid; in other words that the construction element, the laying of bricks element, has not yet started? In other words, the 35-month period and the 27-month period ... the clocks in relation to those periods have not started ticking? Can he confirm that that is the case?

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**Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago, which sets out the position so clearly that I am surprised that that is the question he is asking.

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**Hon. D J Bossino:** Mr Speaker, I am asking for his assistance by way of confirmation. Can he confirm that bricks have not yet started to be laid and therefore these timelines – the 27-month period and the 35-month period – have not yet started to tick?

Really what I am driving at is that we are looking at quite a lot of delay in terms of getting these projects completed.

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**Hon. Chief Minister:** Mr Speaker, what the hon. Gentleman is trying to do is get me to do his soundbites for him, and I am not going to do that. What I am going to tell him is that we are on target to achieve the timelines that we set out before and which we believe we will be able to complete.

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When I met the purchasers groups in respect of both of these estates, I told them that the demolitions will be dealt with in keeping with the information I have given this House, and we are keeping to those timelines. We therefore expect to be able to complete the estates in keeping with the timelines I set out to the purchasers when I met them.

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**Hon. D J Bossino:** Maybe times when he met them. Does he not accept that his original timelines are way off the wall, that he has not been able to keep to them and that there is immense delay? Can he not acknowledge – and, dare I say, have the humility of acknowledging – that there is immense delay as far as these two projects are concerned?

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**Hon. Chief Minister:** Mr Speaker, of course I have the humility to acknowledge – as I have said before in this House when I last answered the questions and made a statement about this during the course of the Budget – that these projects will not be completed when we wanted them to be completed.

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There are Gibraltarian families who need these properties and we have not been able to complete them because, as the hon. Gentleman says – with a smile on his face, thinking that he has caught the fish – there has been a small thing called a pandemic that has stopped us from being able to sign contracts in respect of these works. If we had signed contracts, it would have been bad for the taxpayer. It would not have advanced the possibility of completions sooner. The people I met in respect of these matters fully understood what was happening.

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Does the hon. Gentleman think it is in the interests of the taxpayer or the Government to delay these things? Does the hon. Gentleman think that the Government would, for one moment, have wanted to delay the construction of affordable homes for Gibraltarians? Does the hon. Gentleman think that if he had been in my chair, despite his legendary indecisiveness he might have been able to do things more quickly? Of course he would not have been able to. This is not a question of who is in government. This is a question of being able to deliver as quickly as possible for the Gibraltarian families who need these homes. Of course we wish we had been able to complete them sooner, but it has just not been possible, and if it had been possible, we would not have failed to act sooner to deliver these homes.

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The people I met had the assurance that I told them I was giving them a timeline that we would keep to, and keeping to it we are.

**Mr Speaker:** Next question. No, next question.

**Hon. K Azopardi:** Mr Speaker –

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**Mr Speaker:** No, hold on. The Leader of the Opposition. (*Interjection*) What we cannot do is go round in circles. The answer has been given. Let's allow the Leader of the Opposition to –

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**Hon. D J Bossino:** But hang on, Mr Speaker ... There has been, as usual, a hitting below the belt by the hon. Member, getting personal and casting aspersions as to my character, or whatever. As far as he is concerned, honestly I tell him: water off a duck's back, for various reasons – honestly.

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Does he not agree with us that the pandemic cannot be prayed in aid, cannot be used as an excuse, because bricks and construction work could have started and in the timelines they said when they first announced these projects these developments were going to start to be built before the pandemic hit? Does he not accept that?

**Mr Speaker:** This is the final question from the Hon. Damon Bossino, and then we will allow the Leader of the Opposition to ask a question.

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**Hon. Chief Minister:** Mr Speaker, I have cast no aspersions on the hon. Gentleman's character. To say that he is indecisive is merely descriptive. It is not in any way designed to be an aspersion. I think in his more convivial moments he would tend to agree with me; so would his best friends.

625

What I want to be clear about is that the pandemic is not something that is being prayed in aid. It ill behoves a politician in a mature democracy like Gibraltar to pretend that the pandemic did not happen and had no consequence. It may be very easy to say that in the context of politics today and to pretend that this was not something that affected construction, or, indeed, every other aspect of life in Gibraltar. It is their position that Gibraltar's public finances are in a state which is not optimal because of extravagant spending by the Government and ignoring everything that happened during the pandemic, because I should not be able to pray in aid the pandemic in respect of our public finances either.

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The pandemic was a reality. It was a reality that gave rise to all construction work being stopped. It was a reality that gave rise to construction contracts no longer being negotiated. The hon. Gentleman should know that in addition to the pandemic, the other thing that has been relevant has been Brexit, because Brexit has been making the pound-euro shift wildly. It has also made it very difficult at different times, because of Withdrawal Agreement cliff edge etc., to negotiate contracts, because as anybody who is involved in development will tell him, contractors were hedging against the possibility that the Frontier might be less free-flowing etc. I will tell him that the things which he calls an excuse – Brexit and the pandemic – are actually realities that anybody who is looking at this non-politically and not trying to score points, as he is obviously doing transparently, will realise actually has an effect on the ability to negotiate contracts responsibly. You can sign any contract you like ... If money is no object, you sign any contract, a pandemic can happen and you keep paying. The pound-euro rate goes crazy and you keep paying because you have not hedged against it. The Frontier becomes more or less fluid and you keep paying, even though they might have to bring it round in another way.

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Hon. Members know that they are taking a persona which is political for the purposes of scoring party political points because they believe that the people who are going to be purchasers of these homes will not see through them – I believe, actually, they are very intelligent people, in particular the very mature people who came to see me as a result of the concerns they have – and that people will not understand the reality of a pandemic not being prayed in aid and Brexit not being prayed in aid but properly relevant in the context of this negotiation.

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Do I wish we had delivered these homes already? Of course I do. Do I wish we were about to deliver these homes? Of course I do. Do I wish it politically? Of course I wish it politically, because he knows and I know what the value of delivering an affordable home to a member of the general

public and a voter in Gibraltar would be. Do I wish it in my heart, in particular because of the needs that I understand these Gibraltarian families have? Of course I do, and that is why I work every single day to ensure that we can sign these contracts, we can start laying these bricks and we can hand over these homes as soon as possible.

He can smirk and laugh all he likes. For me, this is about more than just politics, as it is for him.

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

**Hon. K Azopardi:** Mr Speaker, the problem with that analysis, of course, is that they issued a press release in 2017 which was entitled 'Hundreds of homes will be delivered by 2019'. They talked about these three projects – Hassan Centenary, Bob Peliza and Chatham Views. The clear indication they gave to the electorate and the people of Gibraltar in 2017 – and indeed in the run-up to the 2019 election, but in 2017 when they announced it, with great fanfare – was that, indeed, as the title of the press release says, hundreds of homes would be available by 2019 and well into 2020. It may be that COVID had an impact because there had already been delays, but the Chief Minister has to recognise that the delays came well before, because the original promise they had made had been breached. That is the political point, does he not accept?

**Hon. Chief Minister:** Mr Speaker, in October 2019, exactly three years ago, we went to the people of Gibraltar and explained at that time why those homes had not yet been delivered. By a margin of two to one, they chose us, not them.

**Mr Speaker:** Next question.

**Hon. D J Bossino:** And that is not political point-scoring, Mr Speaker? (*Interjection*) No, that is fine. When it emerges from his mouth, it is fine. (*Interjections*)

**Mr Speaker:** Next question.

**Clerk:** Question 403 –

**Hon. D J Bossino:** Mr Speaker, I have a supplementary on Question 402.

**Mr Speaker:** You may proceed to ask the supplementary, but just the one supplementary.

**Hon. D J Bossino:** I thought we had at least three strikes.

**Mr Speaker:** I think you should refrain from using unhelpful words. Let's keep on and let's be constructive about our performances and our work here.

**Hon. D J Bossino:** Mr Speaker, may I ask which particular word you took offence at?

**Mr Speaker:** I am not here to give any explanations. If I take a decision, you respect the decision. If you are unhappy with the decision, you later come to see me behind the Speaker's Chair or you would write to me and we will discuss it.

**Hon. D J Bossino:** Mr Speaker, I just wanted to elucidate from you which word you think I have used that is offensive in any way. That is all. Of course I respect the Chair, Mr Speaker.

**Mr Speaker:** We will discuss this later.



705 **Hon. D J Bossino:** Mr Speaker, I think the answer to Question 402, if I recall, was that there was not going to be any delay. The question is more focused and specific than certainly the answer that was provided by the Chief Minister. The question was very specific. It was whether the Government had the required financing in place. Does it have it, or not?

710 **Mr Speaker:** Mr Speaker, I would not have been able to use the language I used in the last sentence of the answer I gave the hon. Gentleman if we did not.

**Hon. D J Bossino:** Is that because the answer is yes? In other words, that one needs to assume that ... The projects would not be the subject of delay, I think he said, as a result of financing. Was that the answer? Implicit in that is that the financing is currently in place. Is that the case?

**Hon. Chief Minister:** Mr Speaker, the sentence that he has remembered is the sentence that I delivered, and his comprehension of it is correct, although I do not necessarily agree with the way he expresses himself. I have expressed myself as I thought was appropriate.

720 **Hon. D J Bossino:** With respect, the hon. Member is wrong. I need him to confirm. It is a very specific question that is being asked. Why can't he simply say yes, sir? Is the financing in place? Yes or no? Is it in place now? Yes or no?

725 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is here to ask the questions. I am here to provide the answers. I do not take advice from him on what answers I give.

**Mr Speaker:** Let's move on to the next question.

**Q403/2022**  
**Victoria Keys –**  
**Arrangements with developers**

**Clerk:** Question 403/2022. The Hon. the Leader of the Opposition.

730 **Hon. K Azopardi:** Mr Speaker, can the Government confirm whether the financial and/or contractual and/or commercial arrangements with the developers of the Victoria Keys site have now been entered into?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, no, this is still being negotiated.

740 **Hon. K Azopardi:** Mr Speaker, I will not ask him how long he needs to negotiate, because of his long answer before, but what I will say is the problem with the answer he gave earlier – and, indeed, the answer he has just given – is that he put this centre stage in his 2019 manifesto, with glorious pictures of the lovely project that they had negotiated with the Victoria Keys developers that was going to be provided for the people of Gibraltar. They said in their manifesto that they were going to publish the agreement whenever they reached it. It has been three years, longer  
745 since he announced the project.

The problem with the Government, does he not agree, is that they constantly announce projects and it then subsequently appears, despite all their nice glossy pictures, that they still need several years to negotiate the actual agreements that they have told people they had already got in the bag?

750 **Hon. Chief Minister:** Mr Speaker, I am not going to give him the answer about negotiation that I gave him earlier, because I hope that he would have understood that I am not going to set the clock against myself and the taxpayer in Gibraltar to do the negotiations. It appears he is starting to internalise that.

It is true that in 2019 we had an agreement in respect of Victoria Keys which I set out for the general public and the hon. Gentleman was very critical of, but the one that he now appears to want us to have done was the one he appeared to be very critical of at the time.

On reflection, we should have put, instead, in the 2019 manifesto, a photograph of the germ that causes COVID, a photograph of the Moderna and Pfizer vaccines that we were able to acquire, of Gibraltar's empty streets and maybe the Deputy Chief Minister, the Attorney General and myself involved in the negotiations of the new arrangements for a UK-EU treaty. That would have been more honest. Of course, we did not know about that, then.

It is also true that, given that he is going to say I am praying in aid the same things which are, in their view, obviously just excuses, when for everybody else in this community they are realities, they should be for him because I invited him to Convent Place and we were a moment away from a Government of national unity and worked very well together at the time because this was a reality, this was not a pretence.

The other agreement he was asking me about, the £90 million agreement, now means that what some people call the 'rubble mountain' on the Eastside ... It was always a rubble mountain when they were in opposition, then it became Sovereign Bay when they were in government, but when we were elected we found the same rubble mountain with no Sovereign Bay in it. That is now going to be part of the deal for the Eastside development, which means – and I have explained all this in the House, I think they forget – you no longer need to transport the rubble mountain to Coaling Island to create Victoria Keys. You can, therefore, create Victoria Keys in a different way. There is a different financing cost involved in the creation of Victoria Keys, which does not involve ... When we announced it, heaven forbid the movement of trucks we were going to have, which was going to be terrible for Gibraltar, environmentally – were we going to bring it by sea? Then, by sea it would be terrible also. We have found a different solution. There is no movement of all of that rubble mountain by trucks etc.

I think with this Opposition the problem is we are damned if we are damned and we are damned if we are damned, whether we do or we do not, they want to damn us for having done the Victoria Keys agreement. My goodness, we have had exchanges about how terrible the Victoria Keys agreement we had said we were going to do would be. Now they are going to damn us for not having done the agreement they damned. They are going to damn us for not having brought the rubble mountain over in the way that they said was damned. Guilty without a chance of proving ourselves innocent – that is the sort of charge the Opposition puts against us every single time. We are going to carry on negotiating the Victoria Keys agreement to ensure we get the best possible deal for the taxpayer now that the circumstances have changed, now that we do not need to move the rubble, now that there are different options for reclaiming in that area.

I think we will, once again, be able to do a very good deal for the people of Gibraltar, and when we have done it we will publish it. I think that is the right thing to do, to give transparency to the people.

795 **Hon. K Azopardi:** Mr Speaker, yes, he is guilty, actually. He is guilty of many things, but does he not see, in particular, the contradictions he is drowning in? He wants the kudos that he has done the Victoria Keys deal and he issues all the glossy pictures to that effect before the 2019 elections. He wants the kudos that he has done the Eastside deal and that he has bagged £90 million. It is the best deal possible since Bluewater, which failed. It was on his watch. But then he says he wants the space, that he has not actually done the deal, 'And don't press me, because I might do a bad deal.' Well, hang on, you have either done the deal or you have not done the deal, but just be clear to the people of Gibraltar.

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman and Mr Bossino have decided that the Rules of the House mean nothing to them. One of them gets up and makes comment, the other one gets up and does not even ask a supplementary.

805      Mr Speaker, let's be very clear about something. The hon. Gentleman is neither judge, jury nor executioner here.

**Hon. K Azopardi:** I have asked a question.

810      **Mr Speaker:** What was the hon. Member's question?

**Hon. K Azopardi:** The question is: does he not realise he is drowning in his own contradictions?

815      **Hon. Chief Minister:** Oh, Mr Speaker, I see, that is the question. A very simple answer: I am not drowning in contradictions, therefore there is nothing to realise.

         The hon. Gentleman says that I am guilty. Well, I have news for him: he is neither judge, jury, nor executioner. He is the Leader of the Opposition, who has come to this place to discharge the functions of that office, such as it may be, with the least popular support in the history of this Parliament. He has come fourth on the list of those who stood for office and were not elected to government. *(Interjection)*

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**Mr Speaker:** With respect to the Chief Minister, we are deviating.

825      **A Member:** Yes, we are.

**Hon. Chief Minister:** Thank you, Mr Speaker, you are right, I am deviating, but the reason I have deviated is this ... In fact, I think the ranking of the Opposition benches is almost set out before me, except those two need to change around. Why am I saying those things? For a simple reason: because the hon. Gentleman is talking about the election. The reason I mention the result of the election is because he is talking about the manifesto, the designs we put in the manifesto and how we performed against that.

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         The hon. Gentleman would be hauling me over his alleged coals if we had entered into heads of terms with developers in Gibraltar for something we thought might be called Victoria Keys and we had not announced it. If the Government does an arrangement with four developers in Gibraltar, we do not announce it because it is not finalised, it is just heads of terms, and we do not publish it, the hon. Gentleman will come here and say, 'You have done a secret deal with developers in Gibraltar which you not telling the people of Gibraltar about,' and he will try to take the kudos for it. If we do announce it but we do not yet have a final agreement, he says, 'You announce something and you do not have a final agreement.' I am sorry to say has he forgotten that between 2019 and 2022, those events that we were talking about happened and they deprived everyone in every economy of being able to progress matters?

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         Mr Speaker, I am sorry, you want to say something?

845      **Mr Speaker:** I think you have explained the position very clearly and we now need to move on. Do you have another ...? Let's move on to the next question.

**Q405/2022**  
**Red ID cards –**  
**Difficulties in renewing**

**Clerk:** Question 405/2022. The Hon. the Leader of the Opposition.

850 **Hon. K Azopardi:** Mr Speaker, is the Government aware of concerns about difficulties being encountered by registered Gibraltarians seeking to renew red ID cards?

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

855 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the process and criteria for identity card renewal has not changed and therefore we are unaware what difficulties are being encountered by applicants. As at 13th October 2022, a total of 5,372 red identity cards had been issued in 2022, and whilst processing times may differ, influenced by the number of applications in a given period, these, on average, take between 10 and 12 working days to process.

860 **Hon. K Azopardi:** Mr Speaker, I am reluctant to speak about individual cases across the floor of the House, but perhaps I can discuss issues with the Chief Minister if there are any particular cases.

865 **Hon. Chief Minister:** Mr Speaker, the hon. Gentleman knows that my door is always open, if he has a constituent who has a particular difficulty, to try to assist in any way we can.

I will say that in a number of instances when I have tried to get involved, there have been failures of submission of information etc. and we have been able to resolve it very quickly with the individuals. In fact, I should also say, in praise of this Department, that I do not just hear the bad, I also hear the good. I am told that in many instances the waiting period is much shorter than  
870 10 to 12 days.

**Mr Speaker:** Next question.

**Q406/2022**  
**Minors crossing the border –**  
**Reason for controls introduced by Spain**

**Clerk:** Question 406/2022. The Hon. the Leader of the Opposition.

875 **Hon. K Azopardi:** Mr Speaker, has the Government been made aware of why the Spanish authorities have introduced new controls at the border concerning minors wishing to cross the border?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I refer the hon. Gentleman to a recent technical notice issued by the Government, which can be found on the Government website. I am sure the hon. Gentleman has had regard to it.

885 **Hon. K Azopardi:** I have, but, unless I have missed something ... It explains the new arrangements in mechanical terms but I did not see that there was a clear explanation of why this had come about, and I was wondering if there had been an engagement with the Spanish

authorities as to why that was so. The technical notice starts with the words, 'The Spanish authorities have advised the Gibraltar authorities that as from [a particular date] ...' and the purpose of the question was to understand where this was coming from.

**Hon. Chief Minister:** I can tell him, Mr Speaker, that the contact between authorities was at the very local level, literally at the Frontier between those who discharge these obligations on our behalf and those who discharge obligations on behalf of the Spanish authorities, and that higher up there is no perception of any change in respect of the operation of the Frontier. But this is, in fact, the position for entry and exit from Spain.

I can tell him that there are a number of instances where we would also request this data or information. Our law already provides for that. The fact that our law provides for it does not mean we require it in every instance. Our law is designed to prevent abduction etc. and I believe that is the situation in Spain as well. It is more an issue that would be driven by suspicion of an officer, who would be able to ask for that sort of information in the event that he believed there was a crossing which was not a legitimate, normal crossing.

**Hon. K Azopardi:** I am grateful for that answer. As I have understood what he has just said, it is not responsive to any particular incident or because they have decided to implement international convention obligations in a particular way as a result of a definitive change of practice.

**Hon. Chief Minister:** That is how we understand it, Mr Speaker; that is correct.

**Mr Speaker:** Next question.

**Q407-08/2022**  
**UK-EU treaty –**  
**Referendum; parliamentary debate**

**Clerk:** Question 407/2022. The Hon. the Leader of the Opposition.

**Hon. D J Bossino:** Now you can ask about the treaty.

**Hon. K Azopardi:** Mr Speaker, does the Government expect to put any proposed EU-UK treaty on a future arrangement for Gibraltar with the European Union to a referendum; and, if so, at what point?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 408.

**Clerk:** Question 408/2022. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, will the Government put any proposed EU-UK treaty on a future arrangement for Gibraltar with the European Union to a parliamentary debate in Gibraltar before it is entered into?

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

**Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to my recent *Direct Democracy* on Radio Gibraltar, where I dealt in detail with the issue of a referendum on any UK-EU treaty over Gibraltar. During that programme I said this:

Well, I think I have answered this question on a number of occasions. I think there is a right moment and a wrong moment for a referendum. People elected a Parliament for the purposes of the parliamentarians giving effect to their manifestos and to make the decisions that we are empowered to make through our representation of the people of Gibraltar. It is also true that this treaty, if it emerges,

– ‘emerge’ is the right word to use in a context like that –

will change our relationship with the European Union very materially. And the fact that we are in the stage at which we are arises from a decision made in a referendum in 2016, so I do believe that there is a right moment to put the issues that the treaty will give rise to in a referendum. Nobody is going to find me standing in the way of the people of Gibraltar expressing their views, especially on the work product that I have led in the context of a referendum. I am not going to shy away from submitting that work product to a plebiscite, a referendum of the people, but I think it has to be done at the right time, in the right way and in a way that is designed to empower Gibraltar and the Gibraltarians in the best possible way, in the best possible moment, because as you know, and as has been indicated on a number of occasions, this treaty will have a number of phases and Gibraltar needs to be strong and empowered throughout the period of the negotiation.

935 Finally, I do expect to put the future arrangements to a parliamentary debate before it is ratified.

**Hon. K Azopardi:** Mr Speaker, he will know that I follow his interventions in the media, so yes, I did hear his ... Well, I would not say assiduously. One has to do it compulsorily but not perhaps assiduously (*Interjection*) when they emerge. For those who are listening and viewing this debate, 940 he has helpfully repeated what he said, but he will understand when I say that he couched that in a manner where it was not obvious whether he was committing to a referendum or the timescale of that, so let me slice my questions up, if I may.

Is he saying to this House, by repeating what he said on *Direct Democracy*, that he has formed the view that there will be a referendum in Gibraltar on the issue of the EU treaty but the only 945 question is when?

**Hon. Chief Minister:** Mr Speaker, I do not think I have couched my language in any particular way that is nuanced; I think I have been very clear.

I want to also ensure that people do not think the Government makes policy at Question Time. 950 Calling a referendum is a hugely serious matter. The United Kingdom has got us into the bind in which we find ourselves and in which the United Kingdom finds itself because of what I can best describe as the flippant use of referenda in order to achieve a party political purpose. I do not think, given the short sweep of history since 2016, that anybody would disagree with that.

So I think we all have to be careful in how we approach this issue. We have to ensure that none 955 of us uses the idea of a referendum in a way that is designed to advance our party political causes, and that is why I have been at pains to say that we must have Gibraltar’s best interests at heart in the context of the calling of a referendum in respect of this treaty and the timing of any potential referendum to be called in respect of the treaty.

It may be useful, party politically, for the hon. Gentleman to try to push me further, but keeping 960 the best interests of Gibraltar at heart first and foremost, I ask him to dissect very carefully what I am saying. He and I have spoken about these issues more privately. I am happy to have a more private discussion with him if he wishes.

**Hon. K Azopardi:** Mr Speaker, I can be accused of many things, but I hope he does not think 965 that when I raise these issues I do so from any other standpoint than believing firmly, always, that we have the public interests of Gibraltar at heart – both of us, by the way. Nor was I suggesting that I am asking him to make party policy or Government policy at Question Time. Indeed, he has not suggested that that is the case. He has put forward what he said on the *Direct Democracy* programme as a statement of the Government’s position. I am just trying to understand it by 970 seeking information.

What I asked him is am I understanding the position properly, that the Government has taken a policy decision that there will be a referendum and the question is timing, or is it the position that the Government has not taken a position yet that there will be a referendum, and so it is not necessarily about timing? That is all I was asking, so I am not sure if I understood the question. If the answer is they are not yet in a position to decide either way whether there will be a referendum, well, that is the answer; but if the answer is they have decided there will be a referendum but the question is when that will happen, that is also the answer.

**Hon. D J Bossino:** I think it is the former.

**Hon. Chief Minister:** Mr Speaker, my answer is that I believe I have already given the answer, in particular given that I have repeated the answer that I gave on *Direct Democracy*, which I think is very clear.

**Hon. K Azopardi:** Mr Speaker, I do not find it clear and I wonder whether other people in Gibraltar might be in the same position as me. I would ask the hon. Member to reflect further on the clarity of it.

Can I ask him, in respect of the other question, which is whether he will put the treaty to a parliamentary debate ...? He said I have asked before it was entered into. He has answered before it is ratified. They are different things, so, again, can I ask ...? My understanding of his answer is that he is saying it will not be put to the House before it is entered into.

**Hon. Chief Minister:** Mr Speaker treaties are entered into when they are ratified in international law. Before then, they may have been agreed, but if they are not ratified they are not really formally entered into and they do not come into effect. So what matters is that the House, in my view, should have the right to consider whether the treaty should be ratified, which is what would bring it into effect, and that is the Government's commitment.

If what the hon. Gentleman is asking me is whether I will bring here a draft, for him to mark my homework and send me back to the negotiating table, the answer is that will not happen. The Government will come with the treaty that we propose should be ratified, because if we do not believe that what emerges from the discussion should be ratified we will not bring it here. We will simply not agree it. If the Gibraltar Cabinet does not agree the terms, then it will not come to this Parliament because the Government will not agree it, and then we will not be proposing that it should be ratified; but if the Gibraltar Cabinet is prepared to agree the terms, we will bring it here so that the Parliament sends it for ratification.

**Hon. K Azopardi:** Mr Speaker, as I understand what he is saying, the debate would happen after it is entered into but not ratified. By 'entered into' what I mean is signed by the parties but not ratified. That is as I have understood his answer. Am I understanding his answer correctly?

**Hon. Chief Minister:** Mr Speaker, the agreement treaty, or whatever it is, will not be signed unless it is agreed to by the Gibraltar Cabinet – that is to say the Gibraltar Government – and it will not be ratified unless it is agreed by the Gibraltar Parliament. That is usual in every democracy. Governments agree the terms of treaties, parliaments ratify them. That is what is going to happen here. We are going to, as a Government, agree the terms, if we can agree them. We will continue to brief hon. Members, as we have been doing, and then, once the Government has decided that it can agree something, it will come here. Obviously, if the Government does not agree that it can accept the terms, then there will not be an agreement to bring here, or anywhere else.

**Mr Speaker:** One final question.

**Hon. K Azopardi:** Yes, Mr Speaker, and it is this, really: does the hon. Member not agree that the position, therefore, has changed? In January 2021 we had this exchange. I asked him in January 2021 is the Gibraltar Parliament going to debate the treaty before it is signed; are we going to have an opportunity to do so? He replied:

Will there be a parliamentary debate in Gibraltar before the treaty is signed? That is certainly the intention of the Government of Gibraltar ...

That is not what he is saying today. The position has changed, hasn't it?

**Hon. Chief Minister:** Absolutely not, Mr Speaker. The signature is the ratification. The only thing that the parties do before ratification is indicate that that is what they are taking back to their governments, and it could not be any other way.

Is the Hon. the Leader of the Opposition suggesting that he is in a different position to leaders of the opposition everywhere else in the world, where Governments bring agreements that they have done for ratification by parliament, and that is the moment when it is signed, in the context of the United Kingdom and Gibraltar by the Sovereign or on behalf of the Sovereign, only after ratification? That is the way it is going to work in this context. The ratification is what is going to matter here, because any signature that happens before is subject to ratification. It does not have any effect until there is ratification.

**Mr Speaker:** Is the Hon. the Leader of the Opposition content with the answer?

## **BUSINESS, TOURISM AND THE PORT**

**Q317-18/2022**

**OS35/LNG vessel collision –**

**Equipment and resources; lessons learnt and improvements for the future**

**Clerk:** Question 317/2022. The Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state what equipment and resources were found wanting in reacting to the collision of the bulk carrier OS35 with the LNG vessel over the summer?

**Clerk:** Answer, the Hon. 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 318.

**Clerk:** Question 318/2022. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state what lessons have been learnt from the collision, so far, and where we can improve our preparedness and response in relation to a reoccurrence of incidents of this nature?

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

**Hon. V Daryanani:** Mr Speaker, no resources and equipment were found wanting in respect of the collision of the bulk carrier OS35 and the LNG vessel.



1060 The Marine Accident Investigation Compliance Officer is currently conducting an investigation. The findings of this investigation may contain recommendations, but these are expected to be more in terms of how we can avoid or lessen the likelihood of reoccurrence, rather than measures on how we improve our preparedness or response.

1065 Additionally, I must reiterate that the Gibraltar Port Authority and its VTS team acted in a proactive and professional manner, which mitigated against a more serious incident occurring.

1070 **Hon. E J Phillips:** Mr Speaker, I do not think anyone in this House would criticise those hardworking individuals who had to deal with this situation, but of course situations arise in emergency situations. Sorry, I did not hear some comment on the other side by one of the Ministers. Obviously, emergency situations occur and we can all learn from these types of incidents.

1075 The reason why I asked the question in relation to equipment and resources was in relation to the speed at which that was delivered. I know some time was taken to respond and I wondered whether any lessons had been learnt as to what we could do to increase the number of resources to cater for this type of incident in the future. The Minister has said that we have enough equipment and enough resources and there is nothing to learn from that, but I would be grateful for a bit more of an answer in relation to that.

1080 **Hon. V Daryanani:** I think, Mr Speaker, it is still early days because, as I have said, the Marine Accident Investigation Compliance Officer is currently conducting an investigation. We are looking at things insofar as what we can learn, but we are always learning. This is a situation that we found ourselves in and we have handled it in a very proactive manner. The marine industry worldwide has come out and said that Gibraltar handled this situation, in the circumstances, as well as possible. We will have to wait for the next few months while we carry out the recovery of the vessel and we will see what can be looked at after that.

1085 **Hon. E J Phillips:** Just insofar as the extent of the investigation that the Minister has referred to, does that extend beyond the causes of the incident?

1090 **Hon. V Daryanani:** Your next question on the Order Paper will ...

**Q319/2022**  
**OS35/LNG vessel collision –**  
**Publication of independent investigation report**

**Clerk:** Question 319/2022. The Hon. E J Phillips.

1095 **Hon. E J Phillips:** Mr Speaker, can the Government state that it will publish a full, detailed report of the independent investigation into the causes of the incident and our response to the OS35/LNG vessel collision?

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

1100 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, under the Gibraltar Merchant Shipping (Accident Reporting and Investigation) Regulations 2012, the Marine Accident Investigation Compliance Officer is required to make available any safety investigation to the public, and especially to the maritime sector, within 12 months of the date of the casualty. If it is not possible to produce the final report within that time, an interim report shall be published within 12 months of that date.

1105 **Hon. E J Phillips:** Mr Speaker, we are grateful for the confirmation that that process has now been engaged under the particular regulations that the Minister has referred to.

Does the Minister have any information whatsoever to provide any update to this House on how it is going and when it is likely to meet that particular target, and any initial conclusions that can be drawn from those interim reports, or, indeed, the report that will be forthcoming?

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**Hon. V Daryanani:** Mr Speaker, at this moment we are not prepared to make any comment because the investigation is ongoing.

1115 **Hon. K Azopardi:** Can I just ask who is conducting the report? Is it an independent body? Is it someone who is ...?

**Hon. V Daryanani:** We have appointed an independent expert in this field.

1120 **Hon. K Azopardi:** Can we know who that is? Is he drawn from a particular entity?

**Hon. V Daryanani:** Yes.

1125 **Chief Minister (Hon. F R Picardo):** Mr Speaker, we took careful advice in respect of this. Because the investigation is ongoing, the identity of the individual should not be disclosed, so that he should not be subject to any attempts to intimidate or otherwise coerce.

1130 The person is drawn from a list of individuals who have experience and who are recommended by the United Kingdom Department of Transport, who have responsibility for the Red Ensign. Usually, the investigating state should be the state of the flag state of the vessel, which is Tuvalu. Tuvalu asked that the Gibraltar Maritime Authority accident investigation should run with the investigation. We agreed to do that, or rather the accident investigation in Gibraltar agreed to do that and to appoint somebody from outside Gibraltar to carry out the investigation from the United Kingdom.

**Mr Speaker:** Next question.

**Q320/2022**  
**Refurbishment of entry points –**  
**Expected timeline**

1135 **Clerk:** Question 320/2022. The Hon. D J Bossino.

**Hon. D J Bossino:** Further to the answer given to Question 254/2022, please state when Gibraltar's entry points, particularly by sea and land, will be refurbished from their current deplorable state.

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

1145 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the Government will make an announcement on this when we are ready to do so. Work to add electronic digital systems etc. is being finalised and we expect to do one refurbishment exercise.

**Hon. D J Bossino:** Mr Speaker, I have received representations in relation to this. I have received photographic images of the cruise liner terminal, and the external walls really are in a bad way. I have also seen, myself, and I have also received representations to the effect, by way

1150 of photographic evidence, of the pedestrian access on the Gibraltar side of the Frontier. I normally cross over by car, and even the vehicle access is not that brilliant, but I must say the pedestrian access fares worse. I have also received, very recently, complaints about Gibraltar Airport not being in a particularly good state. The toilets there, I am told, are in a really bad way.

1155 A lot of these things, I think, are capable of quick resolution. He says that an announcement will be made. I am assuming that the announcement is a precursor of something a bit more substantive and part of a project to refurbish all these things. Maybe the Minister can ... I invite him to elucidate upon that, but does he not agree with me that at least a quick patch-up job, a quick paint job, would do wonders and at least make Gibraltar's entry points more respectable than they currently look?

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have been very clear with all Ministers that I think we have a responsibility to be very careful with taxpayers' money at this moment. I can already read the question that hon. Members would put to us if we spent a penny painting a wall which we demolished four weeks later. The hon. Gentleman needs to understand that if we are 1165 looking to add electronic entry systems to Gibraltar under one set of circumstances, which should be clear in a few weeks, or not, if we are looking to change flows of people in the Airport if we do a particular deal or not, he would be the anvil with which we would be hit if we had spent money painting that wall four weeks earlier. We do not want to incur a cost to the taxpayer that would be undone a few weeks later.

1170 The hon. Gentleman has talked about the problem with the toilets, which I think neither I nor the Minister were aware of, which does not fall into that category, but all the other instances that he is talking about which we are aware of we are holding back on because we expect clarity, which will enable us to make announcements of projects in one direction or another, depending what result we emerge with from the negotiations in respect of the UK-EU treaty. That is why nothing 1175 has been done now.

We are as concerned that we should look as good as we can, but we are also concerned not to spend money unnecessarily. Those are two conflicting situations and I am sure, given that they constantly tell us that we must not be overspent in any head in the Budget Book, they would not want us to paint the same wall twice, which is exactly what I am saying would happen if we were 1180 to move now.

**Hon. D J Bossino:** I am not sure that reply addresses some of the entry points. If I am kind to the hon. Gentleman, I think that, actually, it is a very weak response. Certainly the cruise liner terminal ... I am not sure that is going to be in any way impacted by the negotiations in relation to 1185 the EU treaty.

Can I just assuage the concerns the Government may have in relation to this? I can undertake that I will make absolutely no criticism should they spend at least a bit of money for a coat of paint to improve those entry points; I think it would be a reasonable initiative on the part of the Government.

1190 In terms of a specific question, Mr Speaker, can I ask the Minister ...? I think he said he would be making announcements soon, or words to that effect, but did he also say there were certain refurbishment works that were going to be a bit more imminent than others? He is shaking his head. Can he elucidate in relation to that? I did ask, during the course of my preamble to my earlier question, whether he could elucidate as to what type of works he is going to be carrying out in 1195 relation to the entry points. I think he has only mentioned some of them.

**Hon. Chief Minister:** Mr Speaker, what we said and I reiterated is that there would be different types of works done, depending on the outcome of the UK-EU negotiations, and that in some instances we will be adding electronic systems which will do one thing or another, depending on 1200 the outcome of the negotiations.

We have had a number of debates in this House in relation to spending. The hon. Gentleman is saying to us, 'Spend a bit of money on paint,' as if that were, in the context of what he is saying, very little money. The hon. Gentleman obviously does not have experience of government, but it is not very little money to paint an area, in particular an area that you think you may be setting to refurbish in a different way, depending on the outcome of a negotiation that is potentially going to be concluded in a matter of weeks or months.

They tell us it is terrible that we are overspent in respect of the Gibraltar Electricity Authority, even where the overspending deals with the cost of fuel so that we can have the lights on – and that is not a choice; if you want to keep the lights on, you have to pay for the fuel – yet now he is asking us to make the choice to spend on something which we will potentially undo in a few weeks. I ask him to understand that we are not trying to avoid having our entry points as spick and span as we would like them to be. We want them to be totally spick and span, but we think it is worth waiting a little while and having one job done, rather than having to undo a job that might be done.

**Mr Speaker:** Next question.

**Q321/2022**  
**Gibraltar Airport arrivals –**  
**Human resources issues**

**Clerk:** Question 321/2022. The Hon. D J Bossino.

**Hon. D J Bossino:** Please provide an update as to the human resources issues impacting on flight arrivals at the Gibraltar Airport.

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

**Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, this is a National Air Traffic Services (NATS) problem, who are on contract to the Ministry of Defence. The Airport Terminal Director is only informed of NATS human resources issues when there is an operational impact on civilian flights, so that he can manage these, but he has no information on any HR matters, including their manning and sickness levels, or the contractual obligations between them, as there has never been a direct link to HM Government here.

The Government has insisted to the MoD that it must ensure it complies with its obligation to keep the runway open and operating as per the agreement with us.

**Hon. D J Bossino:** Mr Speaker, I am sure he, they, the Government, and certainly we in Opposition, are equally frustrated on this one, and we do appreciate on this side of the House that the legal factual realities are such that the Government, in a direct way, has, in some respects, very little that it can do to resolve this. This is certainly not the Government's fault, but clearly we all agree across the floor of this House, judging by the press statements we have both made as a result of this issue, that the closure so often in recent history is having an impact on flight arrivals. That is an obvious point. The danger then becomes that it could have a more medium-to-long-term effect in terms of our reputation and impact on the efforts the Government may be making to attract more airlines and more air passengers to Gibraltar.

Can I ask him whether he has any further information and any further updates as to a proper resolution to what appear to be human resources issues impacting particularly in relation to sick leave? I imagine there is sick leave and therefore there are not enough people to cover those

1245     unfortunate absences. It is something that, as far as I am concerned, from my own memory, never used to happen before, and if it did, I do not recall the Gibraltar Airport having been closed as a result. Can I ask him for that information?

1250     **Chief Minister (Hon. F R Picardo):** Mr Speaker, I had a meeting this morning – because it is my responsibility to meet with the Commander of the British Forces (CBF) once a month – where this issue was broached. I made the position extraordinarily clear on behalf of the Government and people of Gibraltar, as he would expect, and of course the Commander of the British Forces was equally trenchant in his view that the position of NATS has been entirely unacceptable in the failure of their obligations to the Ministry of Defence. There is a chain of agreements here. The  
1255     Government has an arrangement with the Ministry of Defence and the Ministry of Defence have an arrangement with NATS, which is the UK air traffic control company.

1260     Hon. Members will remember that in all of the difficult exchanges I had with Trevor Hammond, when he was in this House, I always used to say he was an excellent professional in his field, which was air traffic control etc. Mr Feetham will remember that I often berated him for not being an expert on gas, but I said he was an excellent professional when it came to the safe management of our aircraft. It never used to happen when Trevor Hammond was in charge at NATS, and I make that point repeatedly to CBF and to others. I am very concerned that the absence of an understanding of Gibraltar Airport at the management level at NATS may have been lost, and that is one of the concerns that I believe CBF also understands and is communicating to NATS.

1265     I do fear that we are not out of the woods yet and that we are still going to have a number of instances where we are going to see Gibraltar airfield not being able to operate in the hours when it should be operating whilst they train up new people who have been recruited. It is not possible to bring people from the United Kingdom to simply do their job here, because they need to have airfield-specific qualifications or knowledge, which takes time to acquire. So you cannot simply fly  
1270     people out to fill the gap that you have; you have to recruit people and train them, and that is going to take a number of months.

1275     The position of the Government of Gibraltar and the people of Gibraltar has been made extraordinarily clear to the Ministry of Defence and from the Ministry of Defence also to NATS, and the Government has reduced the amount that we pay under the Customs and User Agreement as a result of the hours of operation of the airfield being reduced. That may not seem like much of a sledgehammer in the negotiations, but if the hon. Gentleman thinks that we have a weapon that we are not using, perhaps instead of asking us to use it he might point us to where it is.

1280     **Hon. DJ Bossino:** Can I ask him a very specific question? I share the views that he has in relation to Trevor Hammond, quite apart from the fact that he is my first cousin. The specific question is: is the resolution of the problem – and I will go on to the problem now – increasing the complement, if I have understood him correctly from his meeting with the CBF this morning, and is the problem sick leave? Can he confirm that that is what is impacting the Gibraltar Airfield and  
1285     its operation?

1290     **Hon. Chief Minister:** Mr Speaker, the solution to the problem is recruitment. One of the aspects which requires recruitment, and probably the principal aspect, is sick leave, but not just sick leave on its own. Remember we do have something that they say I pray in aid but which has physical realities that manifest themselves, namely COVID, which has affected every aspect of how we and others run organisations and which continues to affect us because we ask people not to come to work in certain circumstances in order not to infect others. COVID is still there. It is not a killer anymore, in the way that it was. It still, unfortunately, claims the lives of some. With a vaccine we are able to live with it, but it does not mean we want people who have it to come to  
1295     work, because there could be issues with infecting others.

All of that is happening in the background. Those are the things that I have been told and which I am happy to share with him, and to continue the references of praise in respect of his cousin.

**Mr Speaker:** Next question.

**Q322/2022**  
**Tourism development –**  
**Measures to encourage private sector investment**

1300 **Clerk:** Question 322/2022. The Hon. D J Bossino.

**Hon. D J Bossino:** Please state specifically how the Government expects the private sector to invest in developing tourism in Gibraltar; and what policy measures, if any, will it introduce to encourage that investment to take effect?

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

**Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the Member opposite is asking me the same question that GBC recently asked me in an interview. There are certain ways in which we can see private sector investment taking place: improving their offerings, joint marketing, and new businesses related to tourism. These are a few examples of private sector investment or involvement.

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Mr Bossino should know that we are working with the new CEO, Mr Bossino, to establish how best to progress this way of working. I am happy to brief Mr Bossino on the advice we receive from Mr Bossino in this respect.

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**Hon. D J Bossino:** I was waiting for that, Mr Speaker, and it has arrived. So be it. I am sure Mr Bossino, the CEO of the GTB, will do a very good job; I am absolutely certain of that. (*Banging on desk*)

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In fact, the question does not arise from his interview with GBC – although I know he made those comments in that interview, I did not watch the interview myself – but it actually arises from comments he made to the *Gibraltar Business Magazine* in its last edition. If I may quote just a few of the things he said – this is not him saying it; it is the report of the journalist saying ... I do not know whether he wishes to resile from what he said. I am sure it is in consonance with what he told the public via GBC. He said:

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The Minister believes the private sector needs to invest more in tourism,

– which is, I think, in essence, what he had told GBC. And then he said, and I think this is a direct quote:

maybe by looking into some sort of partnership with Government. I am happy to discuss ideas with them.

The reason why I ask this question ... and he has given an answer in this House, but I am afraid to say that whilst there may be some more particulars in what he has said now, it is not particularly particular. He talks about improving the offering and marketing and things like that. I asked specifically whether there was a policy and policy measures in relation to this, so is there anything other than a general comment about how he wishes the private sector and his encouragement of the private sector to invest in the tourism product? Is there anything more specific that the Government is doing by way of, let's say ... I do not know ... financial assistance? For example, the

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1335 Hon. the Father of the House, yesterday, in reply to questions posed by my learned friend and colleague the Leader of the Opposition, did not provide the specific criteria which would influence him as to whether he would accept new investment or participate in that investment, but he at least gave a bit more information as to what the general guidelines were. I do not see that from the hon. Member.

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**Hon. V Daryanani:** Mr Speaker, there is a lot of work that goes on behind the scenes, and when I talk about the private sector ... I am always talking to members of the private sector businesses related to tourism because they are key to the whole tourism business going forward.

1345 We need to understand that the Government has invested a lot of funds over the last 10 years in our tourism product, in beautifying the Nature Reserve, the suspension bridge, investment in St Michael's Cave, the Sky Walk ... All these things have been achieved over the last five years, so we have invested a lot of funds in this.

1350 When I use the word 'partnership'... Partnership can be looked at in [inaudible] partnership. One of the examples I will give you is joint marketing. The Government has certain funds that we can invest in marketing. We need to be careful, the times that we are in at the moment, but if we had a partnership on marketing with the private sector ... I will give you an example. I was at a trade fair recently where Gibraltar had what I would describe as a modest stand, and then we had a jurisdiction next to us, which will remain nameless at this moment, and they had a massive stand with about 20 people on the stand. I thought this was quite impressive. I spoke to some of them  
1355 and it showed they had a partnership with the private sector. They had hotels, they had people who had businesses related to tourism, the Government – everybody was together. I think that is what I mean when I say 'partnership' and what I mean by 'involvement'. It is important to have some form of involvement from the private sector, because they benefit too.

1360 **Hon. D J Bossino:** Mr Speaker, I accept that and I am grateful for the reply. Some form of involvement is right, and there has always been private sector investment in tourism, building hotels and things like that, but he seems to be calling for something different because the words he uses are 'investing *more* in tourism' and he wants that private sector involvement. His response has been focused specifically on the issue of marketing, which is fine, but in his introduction to  
1365 the reply he was talking more about bricks-and-mortar type investments when he talked about the expenditure which I think has come from the Government finances in relation to the Sky Walk and things like that. Is he looking at something like that, as well, whereby the private sector would, perhaps in partnership with the Government, put some money in, in return, presumably, for some profit-making activity which would be of benefit to them? Obviously it has to be of benefit to the  
1370 private sector as well. Is that something he is looking at, in terms of bricks and mortar projects he has in mind?

**Hon. V Daryanani:** Mr Speaker, as I said, there is a lot of work that is going on behind the scenes. I can tell you there are certain projects I have. I feel reluctant to announce them, because  
1375 we do not know where we are going. The Chief Minister said we need to see what happens with a treaty over the coming months, so we need to wait a little bit and be a bit more patient, but I can tell him to rest assured that we will be making some announcements because I have some good projects online.

1380 **Hon. D J Bossino:** One final question, and I am grateful to the Speaker for his leave. Is he telling the House that the announcement, as things stand in relation to the further particularity that I am seeking, is being held back as a result of the conclusion of the EU treaty negotiations? Is my understanding correct?

1385 **Chief Minister (Hon. F R Picardo):** Of course it is, Mr Speaker. How could it not? The whole issue of entry into Gibraltar and whether people coming from Schengen areas will pass a passport

control and those coming from outside will pass a different passport control goes to the root of how tourists will access Gibraltar, and that is one of the things he knows and the whole of Gibraltar knows is being negotiated in the context of the treaty. So, of course this is going to be an issue that needs to be determined before people make decisions about which investments to make in Gibraltar. It is not that there is not going to be investment if you do one or the other; it is that there may be different investment geared to different options.

**Mr Speaker:** Next question.

**Q323/2022**  
**Gibraltar Maritime Day –**  
**Details of events**

1395 **Clerk:** Question 323/2022. The Hon. D J Bossino.

**Hon. D J Bossino:** Please provide the following details relating to the Minister for Tourism's recently launched Gibraltar Maritime Day: (i) how many events have been held to date; (ii) who comprised the Government's delegation at each event; (iii) the total cost of each trip, broken down into air travel costs, lodgings and entertainment; (iv) who the Minister met at each event; (v) what new business has been secured as a result of each trip; and (vi) the duration of each trip.

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

1405 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, no events have been held to date.

**Hon. D J Bossino:** Mr Speaker, I refer the Hon. Minister to a press release he issued on 18th August. I am sure he is aware of it, and I am sure he has it there, as part of his supplementary preparations. It is Press Release 576/2022. In that press release, which is where he announced his project in relation to Gibraltar Maritime Day, which is described as a new project that will help showcase the Gibraltar maritime product abroad and which talks about bespoke events, there is a specific reference to the first event being held in London on 20th September. Did that event not take place?

1415 **Hon. V Daryanani:** Mr Speaker, the event did not take place. The first reason was that we were dealing with OS35. The Captain of the Port was busy, of course. This was going to be a project that was led by the Port Authority and the Maritime Administration; both were engaged with the OS35 incident. We were considering going ahead with it, but then obviously there was also the sad passing of Her Majesty and we decided to postpone the event.

1425 **Hon. D J Bossino:** What would the event have looked like? He talks about this particular project, which he has described as Gibraltar Maritime Day, which I imagine is activities like those which his Ministry, during this Government's time – and, indeed, the predecessor Government used to do ... It is not something new. I just want to explore a bit further how he thinks this project is going to be different than what was done before. I know in the press release it talks about bespoke events, but nothing much more than that. Perhaps he can expand on that, particularly in terms of what he was planning to do for that event on 20th September.

1430 **Hon. V Daryanani:** The hon. Member will know that the Port Authority has always been ... We have started this new event in Gibraltar, which is Gibraltar Maritime Week, and in discussions with



the Captain we thought it would be a good idea to go abroad with, as I called it, a bespoke event, where we wanted to showcase the Port, the Maritime Administration – obviously, under that we are talking about ship registration, yacht registration, the bunker facilities, something related to the Port and the specific position of our Port, and to look for more business abroad.

**Hon. D J Bossino:** Mr Speaker, if I can drill down a bit further, how is that different to what has been done before? If he is talking about bespoke, is it just going to be focused on Gibraltar selling its wares, so to speak, in terms of its Port activity – and its cruise activity in particular, I imagine? How is that different than what has been happening before, such that he describes this as a new project? It is literally in those terms, a new project called Gibraltar Maritime Day.

**Hon. V Daryanani:** First of all, Mr Speaker, it has nothing to do with cruising. It was a very important part of this project that we did it in discussions with the private sector, with the Port operators, with the bunker companies, who are all prepared to support this Government-led project. I think that was important. I think that was different. I have been Minister for the Port for just over two years, so for me it was something new. As I said, in discussions with the Captain we both thought this was something good to do for Gibraltar, especially when the Port of Gibraltar has done an excellent job over the last two years, especially during COVID, when other ports were closed and we were open for business, bunker volumes were up, crew changes were up, and revenue was up even when other businesses were not doing well.

**Mr Speaker:** Next question.

#### Q324-25/2022

##### Hotels –

##### Hotel Indigo expected date of reopening; update re new hotel

**Clerk:** Question 324/2022. The Hon. D J Bossino.

**Hon. D J Bossino:** Is the Government in a position to state when the Hotel Indigo is expected to open?

**Clerk:** Answer, the Hon. 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 325.

**Clerk:** Question 325/2022. The Hon. D J Bossino.

**Hon. D J Bossino:** Is the Government in a position to provide an update as to the opening of a further hotel by the end of this year?

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

**Hon. V Daryanani:** Mr Speaker, the answer to both these questions is no.

**Hon. D J Bossino:** That is a very unhelpful answer on this occasion. I normally like to try to improve relations with the hon. Member, but it seems that, despite my offerings, it is falling on deaf ears. I suppose that is a matter for him. He was certainly more explicit in the interview he offered to the *Gibraltar Business Magazine*, which again I quote because he says two or three

more hotels would help us further. He has identified that because it is well known that, actually, our occupancy levels are quite high, although I have an issue as to statistically why that is not shown in terms of higher averages, as he knows. Not going there, but that is the precursor of what he stated, which was this:

The Hotel Indigo is set to make its debut soon.

If I have the hotel correct, is this the one that used to be the old RBS Eurolife building by the entrance to Laguna estate? It does not look as if it is going to be opening soon, I must say, and that is why I wanted to investigate it further – unless he has a *really* stretchy definition of what ‘soon’ means.

Then, apart from that hotel, he talks about the announcement of one more hotel, potentially, he says, by the end of the year. That has obviously piqued my curiosity and I wanted to know which hotel it is. He was certainly more forthcoming in his interview, and I wonder if he would reconsider and be equally, or perhaps even more forthcoming in his answer to this House.

**Hon. V Daryanani:** Mr Speaker, I cannot say more.

**Hon. D J Bossino:** Mr Speaker, he said more in the *Gibraltar Business Magazine*. He talked about, specifically, an announcement of one more hotel by the end of the year. Why can’t he at least confirm that? He may not be able to say which hotel it is, for example, but he said that the announcement of one hotel would potentially be made by the end of the year, and he talks particularly about the Hotel Indigo being open soon. I have put to him that that cannot be right in relation to the Hotel Indigo because of the state, by just looking at it, that the construction is currently in, and there does not seem to be any movement whatsoever in terms of construction in relation to that hotel.

I must tell him, with the greatest of respect to him, that he is being totally and utterly unhelpful and I would ask him to please reconsider and provide more details, or allow the Chief Minister to answer for him, which is what I expect is going to happen in the next couple of nanoseconds.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I think the hon. Gentleman is being remarkably unfair, and, indeed, in doing so, it is he who is being unhelpful.

The Hon. Minister has been asked whether he can say more than he has said in the *Gibraltar Business Magazine*. He cannot say more than he said in the *Gibraltar Business Magazine*. We are not yet at the end of the year, the time has not yet come to make that announcement and the information that the hon. Member has from those who are developing the hotel is that there are works ongoing, so it is the hon. Gentleman – who, based just on his observations as he might have driven or walked past the area of the Indigo Hotel – is reaching those conclusions and making those assumptions, and, in doing so, is, I put it to him, being both unfair and unhelpful. For that reason, I get up to set out the position of the Government, which is to stand squarely behind the things the Hon. the Minister for Tourism said in that magazine and which have a life until the end of the year, when we expect to be able to say a little more.

**Mr Speaker:** Next question.

**Q326/2022**  
**Airbnb –**  
**Progress re regulation**

**Clerk:** Question 326/2022. The Hon. D J Bossino.

1520 **Hon. D J Bossino:** Please state whether any progress has been made to regulate Airbnbs in Gibraltar.

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

1525 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the Government is currently looking at regulating Airbnbs. With the recent success in increase in overnight tourism in Gibraltar, the time has come to be able to regulate the industry and be aware of the detail.

In a recent meeting with the Hotel Association, we decided we would start work on this and agreed that they would come back to the Government with recommendations. I look forward to receiving these soon.

1530 **Hon. D J Bossino:** Mr Speaker, I am not sure whether it is a recent success and whether by saying that he is wanting to ... I know he is just as sensitive as the Hon. the Leader of the House is, as well as wishing to political point score and attribute that supposedly recent success to his own activity as leader of that particular Department, but can I ask him again for a bit more information?  
1535 He says he has gone out to consultation, and presumably he is waiting for the result of that to take its course, but can I ask him what his thinking is? In other words, what does he think the regulation is going to be achieving and addressing?

Again, I do listen and read what he says, and I quote again the interview he gave the particular magazine I referred to earlier. He talks about nothing more than saying it is something he is looking  
1540 into and that he thinks, as far as Airbnbs are concerned, it requires some form of regulation. I would ask him to expand on that.

**Hon. V Daryanani:** I think it is important to know what exactly is going on in the Airbnb sector. From that point of view, I think it is important to regulate, especially ... I have to be careful with  
1545 my words here. When we are trying to sell Gibraltar as a potential investment spot for hotels, people ask us for figures and what is the situation of Airbnb. We are not aware of all that and I think we have seen, as I said, over last year's success in overnight tourism in Gibraltar, that there were a lot of Airbnbs, there were a lot of apartments being rented out, and therefore it is important that we know that. The hotel industry wants, I think, to be aware of what is going on,  
1550 so that is why I have asked them to come back with recommendations. I was at a meeting today with the Federation of Small Businesses and they brought up the subject of Airbnb. I told them to come back with what ideas they had and how they thought we should do it. This is a new thing, so I think it is important that we get as much consultation done as possible before embarking on legislation.

1555 **Hon. D J Bossino:** Can I explore that a bit further? Is the rationale behind the seeking of further regulation simply – and it may be both things that I am going to suggest – to have more control as to how many there are, so that, presumably, that will help statistically, if people are wishing to invest in Gibraltar and opening a new hotel, to know what the current snapshot bed offering is in  
1560 Gibraltar? Is that the rationale? But is it the sole rationale?

I do not pretend that I have spoken to the hotel industry in relation to this, but I can imagine that one concern would be a level playing field and the fact that the hotel industry needs to comply with certain things whilst these individuals are ... almost basically a free-for-all, because there is absolutely no regulation.

1565 **Hon. V Daryanani:** I think, Mr Speaker, for statistics purposes it is important to do that. We are not here to control anything; it is more knowledge than anything else. I think it is important to distinguish that a hotel is a hotel and an apartment is an apartment, so if you have people who are going to come to Gibraltar and stay for one night in an apartment, the hotels could consider  
1570 that as some form of unfair competition.

I do not know, but having looked at some of the legislation that exists in different jurisdictions, there are certain rules, and one of them that struck me was that you need to stay for certain nights. So if you are staying for four nights, you cannot stay for one night in an Airbnb. If you are staying for three nights, then you can. If not, you should stay in a hotel. That is just one example. As I said, it is still very early days to go into that detail.

I want to carry on consulting with the Hotel Association. At the end of the day, they are the experts in this field, and our new CEO, Mr Bossino, who is also an expert in the hotel industry, will be advising me on this matter.

**Hon. D J Bossino:** The new CEO has the hotel industry running through in his blood. Can I congratulate the hon. Member for what I think was a very full response and in the spirit in which I expect him to be answering the questions, hopefully, from now on? It really was an interesting response and really helpful. Can I ask him when he expects to be in a position to roll out the regulations?

**Hon. V Daryanani:** Mr Speaker, as I said, I am waiting for a response from the Hotel Association. As soon as we have that ... and consult with whomever I think we need to consult with. I hope to do this as soon as possible because I think that is what the industry wants.

**Hon. E J Phillips:** One simple question: is the Government considering short-term holiday letting legislation around this area? That might be one way to afford protections to those who rent accommodation in this way.

**Hon. V Daryanani:** Mr Speaker, it is not something that has been brought to my attention, so if you have any further information on that, I am happy to look into it.

**Mr Speaker:** Next question.

**Q327/2022**  
**LNG vessels –**  
**Exclusion zones**

**Clerk:** Question 327/2022. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Good news.  
Mr Speaker, does the Port Authority operate exclusion zones around LNG vessels?

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

**Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, there are no specific or extraordinary exclusion zones established around LNG vessels specifically at anchor, particularly when they are not conducting cargo operations.

**Hon. K Azopardi:** The Minister will, I assume, want to wait for the report on the OS35 and *Adam* collision, but I would ask him to reflect ... Would he agree with me that, given what has been already put in the public domain, not least by the Chief Minister, as to that information that was available at the time as to the collision, it might be something to consider for the Government in future to reflect on legislation to have exclusion zones around LNG vessels that are anchored within our waters?

**Hon. V Daryanani:** Mr Speaker, first of all, I am not an expert in LNG, but having said that, LNG is extremely safe. We will wait for the outcome of the investigation. What I can tell him is that we apply all industry guidelines to LNG operations.

### Adjournment

1620 **Chief Minister (Hon. F R Picardo):** Mr Speaker, given the time and given that hon. Members have another commitment that we want to support them being able to attend, and to express our own renewed condolences to the family of Terry Cartwright, I would propose that the House should now adjourn until tomorrow at 4.30 in the afternoon.

1625 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Friday, 21st October at 4.30 p.m.

I now put the question, which is that this House do now adjourn to Friday, 21st October at 4.30 p.m. Those in favour? (**Members:** Aye.) Those against? Carried.

This House now adjourn to Friday, 21st October at 4.30 p.m.

*The House adjourned at 5.17 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 4.34 p.m. – 7.04 p.m.**

**Gibraltar, Friday, 21st October 2022**

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# The Gibraltar Parliament

*The Parliament met at 4.30 p.m.*

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

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

## Questions for Oral Answer

### HOUSING, EMPLOYMENT, YOUTH AND SPORT

**Q332-334/2022**

**Chilton Court –**

**Parking spaces; refurbishment**

**Clerk:** Meeting of Parliament, Friday, 21st October 2022. We continue with Answers to Questions.

5 **Question 332/2022.** The Hon. D J Bossino.

**Hon. D J Bossino:** Please state when the construction of the car park at the Chilton Court estate is expected to commence and complete.

10 **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, I will answer this question together with Questions 333 and 334.

**Clerk:** Question 333/2022. The Hon. D J Bossino.

15 **Hon. D J Bossino:** Please state to whom the parking spaces at Chilton Court will be made available.

**Clerk:** Question 334/2022. The Hon. D J Bossino.

20 **Hon. D J Bossino:** Please state whether the Government has any immediate plans to attend to the general refurbishment and upkeep of the communal areas, including the external façade of the blocks and external areas at the Chilton Court estate.

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

25 **Hon. S E Linares:** Mr Speaker, there are currently two sponsored projects, under the National Economic Plan, at Chilton Court. There will be approximately 50 extra parking spaces, of which 80% will be made available to Chilton Court residents for rent and the rest will be for the use of clubs and associations.



30 The project currently has outline planning approval and has now been submitted for full planning application to be tabled at the DPC. As soon as the designs are approved I will be in a better position to inform on the dates.

We intend to do a general refurbishment of all housing estates which have not yet been done. Chilton Court will also have the benefit of having the estate embellished due to the car parks, playing areas, clubs and premises building projects currently under the planning stage.

35 **Hon. D J Bossino:** Thank for that reply, to the hon. Member. In terms of the numbers, I have here that 50 are being made available to the residents. Out of how many parking spaces?

**Hon. S E Linares:** Mr Speaker, the answer says 50 *extra* car parking spaces.

40 **Hon. D J Bossino:** And those 50 are being made available to residents – is that understanding correct?

**Hon. S E Linares:** Eighty per cent of them.

45 **Hon. D J Bossino:** So it is 80% of the 50 extra that are going to be made available to the residents. Does he have a total number of parking spaces? (**Hon. S E Linares:** One hundred and eighty) Is that the totality of it?

50 And when he talks about two sponsored projects – I think he said – by the National Economic Plan, is he choosing between the two or it encompasses all of it? There were two projects he was talking about, if I can put it in these terms. Can he provide more detail in relation to those two particular projects?

55 **Hon. S E Linares:** Mr Speaker, the first project is going to be the project in which the current space in Chilton Court, which is the middle of Chilton Court, where the playground and the football and basketball area are, will be lifted. Car parking spaces and stores will be underneath and the replacement of the total of what is underneath will go on top. That is one project.

The second project is the one with clubs and associations, and also for the tenants to have their own club. So it is just in the Chilton Court area and that is the second project.

60 **Hon. D J Bossino:** In relation to the balance of those parking spaces, presumably they are being made available to the general market out there – or is there another residential area that is going to benefit from them?

65 **Hon. S E Linares:** No, Mr Speaker, those parking areas are for where the premises are going to be, so people who are using the premises will have certain parking spaces to put their cars in. So the project in which there are the premises, there are stores, there are the premises for the tenants' association and commercially it is for them. That means that they can have their own recreational area and they can do their own children's parties. It is for them. Obviously, if there are going to be premises there, there are certain parking spaces available for people who attend the premises.

**Hon. D J Bossino:** I think I know what he means, but in terms of the premises, he is thinking about clubs and sporting activity types of thing? Okay. I think he has made that clear.

75 In relation to the refurbishment, I have seen correspondence that has been sent to him as recently as this summer – 10th July – and in fact, although there is a brief reference to the projects which I think he has now described as sponsored projects, 80% to 90% of the letter is a list of items that I will not necessarily need to go into now for the purposes of this session, where the residents are complaining about a lack of attendance in terms of refurbishment works that need to be done.

80 Can he give us more details as to what he proposes to do in relation that? I think the overall

complaint is that there has been absolutely nothing done over the last 11 years. That may be an exaggeration, but certainly very little has been done in relation to refurbishment and upkeep of the area.

85       **Hon. S E Linares:** It is an exaggeration. We do, on a constant, day-by-day basis, maintenance of the whole estate. I am in constant contact with the tenants' association of the Chilton Court area and we discuss all these things. As and when they bring me things that need to be done, they are usually done. That we have not done the big refurbishment that has been done in other estates is true – yes, we have not done it – but, as I have said in my answer to the question, we are looking  
90       at doing the whole refurbishment of Chilton Court as well as all the other estates.

**Hon. D J Bossino:** In relation to doing the whole refurbishment, which presumably is going to be a bigger project than simply touching up areas here and there, does he have a timeline as to when he expects that is likely to commence?

95       **Hon. S E Linares:** No, sir, not at this precise moment. I can tell the hon. Member that already within the projects we are doing we are looking at improving certain things around the estates that will help, but I cannot commit myself to a timeline now.

100       **Hon. D J Bossino:** By 'improving certain things' is he talking about in advance of the major projects? Is that what he is talking about? No?

**Hon. S E Linares:** In relation the projects we are doing.

105       **Mr Speaker:** Next question.

#### **Q335-37/2022**

##### **Government rental dwellings –**

##### **Numbers available for allocation, undergoing refurbishment, and beyond repair**

**Clerk:** Question 335/2022. The Hon. D J Bossino.

**Hon. D J Bossino:** Please state how many units are available from the housing rental stock for allocation, categorising the units into size by the number of rooms.

110       **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, I will answer this question together with Questions 336 and 337.

115       **Clerk:** Question 336/2022. The Hon. D J Bossino.

**Hon. D J Bossino:** Please state how many units from the Government housing rental stock have been earmarked for allocation but cannot be allocated as they are currently being refurbished for  
120       that purpose, categorising the units into size by the number of rooms.

**Clerk:** Question 337/2022. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Can Government inform the House how many empty government  
125       dwellings are being refurbished for allocation and beyond repair?

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

**Hon. S E Linares:** Mr Speaker, as at 13th October 2022 there are 11 government rental properties available for allocation, all of which are currently under offer. These are one 1RKB, one 2RKB, four 3RKB, three 4RKB, one 5RKB and one 6RKB.

There are 28 properties which have already been earmarked to applicants on the waiting list and are in the process of being refurbished. These are three 1RKB, five 2RKB, 11 3RKB and nine 4RKB.

There are a total of 40 properties categorised beyond repair within the housing stock which will be put out to tender, and a further 92 properties which form part of the urban renewal project.

**Hon. D J Bossino:** We will take a look at the answer just given, Mr Speaker, with a bit more care – how many units are available.

In terms of the 28 properties, which he has then broken down, which are currently basically under refurb – they have been identified for allocation but they cannot be allocated until they are refurbished – can he give an indication as to more or less ...? I know it is difficult, because obviously each flat will have its own particular intricacies which will need to be dealt with, but a broad indication as to when these are likely to be made available?

**Hon. S E Linares:** Mr Speaker, as the hon. Member rightly said, it is very difficult to ascertain exactly, of the 28, how much time each one of them will take. I can tell the hon. Member that it is in Housing's interest to have it done as quickly as possible, but obviously, sometimes doing things quickly might not be of the standard that people expect, so it is a question of trying to balance whether we take a little bit more time in refurbishing a flat, for example, and also it depends on the condition we get the flat back in. It is very important, because we are now taking steps in trying to see that people at least return the flat somewhere near how they got it. It is incredible how, sometimes, we get flats back.

**Hon. D J Bossino:** It does strike me, in terms of his reply to Question 335, that the number is pretty low. Does he have a comment to make by way of expansion of his reply to the answer he has given? As I understand it, if my note-taking is accurate, there are 11 units available for allocation, and then he kindly categorises – the question was posed on that basis. Eleven does not seem like a lot if one considers the high number of individuals who are waiting for flats to be allocated, and certainly I think on this side of the House – and I suppose I speak on behalf of both parties on this side of the House – a lot of the constituency work we get is to do with housing and people waiting, in some cases, many years in very dire circumstances to be housed. I make just that comment.

**Hon. S E Linares:** Mr Speaker, I gave you a date, as of 13th October, because this is a moving number. For example, from the 28 properties I said are being refurbished, we might, next week, get eight or 10, or as many numbers as are ready. It is a moving number all the time. That is why I emphasised, when I answered the question ... to put a date, because that means on that date there were 11, but we do allocation every other week. Every other week, we have allocation meetings where we allocate houses to people. Sometimes we get 20, sometimes we get 10. It depends on how they are returned and how soon they are returned. It is not a fixed science where you can say every week I am going to get 11, it is moving all the time and that is why I specifically gave a date.

**Hon. D J Bossino:** So basically is the Hon. Member telling me – and perhaps the question needs to be phrased in a different way – that if one takes a snapshot as at 13th October, on that particular date there were 11 flats available for allocation? Is he able to tell me that he has information – or simply from experience, given he has done that job for some time – whether that

is an acceptable number for that particular date? How does it change? Does it tend to go up, or is it more or less ...? Is this analysed on a weekly basis? I appreciate I am asking the question perhaps without sufficient knowledge of how the system works, but if he could give some helpful comment in relation to that ...

**Hon. S E Linares:** Again, Mr Speaker, it fluctuates. Sometimes I am very disappointed when I go to the Allocation Committee and I only have 10 houses to give, and then in two weeks' time we have another 20 to give. So it fluctuates. I cannot give a figure. What would I like? I would like to have 40-50 every week, but I have not got them. What I am saying is that it depends on how quickly they are refurbished and turned around.

Some people want movement from a 3RKB to another 3RKB and that is the allocation we do, because it is not only allocating people new houses, it is also changing people in new houses. As I have explained in the House before, we tend to do chains, where family A wants to move somewhere in estate B and then we wait for that family, and at the end we get one house back. So there is a lot of movement all the time. These are probably people who might be in the private sector or living with parents ... that we allocate a specific house to a new person, but it is, all the time, moving. One week, we might get one number and ...

Like I said, all I am trying to do is to have the turnover of houses quicker and better. That is the only way we can work, so that we can then make inroads into the lists.

**Mr Speaker:** Does the Hon. Marlene Hassan wish to ask a question?

**Hon. Ms M D Hassan Nahon:** Mr Speaker, this is a bit of a vague question but over the years I have been going around estates, especially during election time and such, and there have been many flats – way more than the numbers I am hearing here – that have been empty, closed off, needing a revamp, and to me 28 seems very little. It is a strange question, I know, but considering how many properties there are, how can there just be 28 that are being refurbished for allocation?

**Hon. S E Linares:** There are two reasons why. The 28 are the 28 that we are refurbishing as from 13th October. That is the first thing, and the second thing is there are a number of flats that are empty and we cannot do anything about it, because they were sold by the GSD to the tenants, who subsequently have passed away and the families are keeping the house, and we cannot do anything at all. That has been, for us, a big mistake, in that the GSD sold houses on estates and these houses are kept empty, so it is a house that we cannot do. Not only that, it is costing the Government a lot of money because we have to create a management company and we have to create the whole of the rigmarole, the whole lot of legality because people own houses on big estates.

**Hon. Ms M D Hassan Nahon:** Thank you to the Minister for answering that. Can I just ask him is the GSLP Liberal Government selling houses, or not?

**Hon. S E Linares:** As soon as we came into government we stopped the sale of those houses. We are talking about – (**Hon. Chief Minister:** Post-war.) Yes, we are talking about post-war on the big estates. Of course we sell houses that are in the Town area, where we do the urban renewal, which the hon. Lady asked ... We sell those houses when they are empty, they are beyond economical repair and we put them out to tender, or we sell them to, say, a block of flats that has three or four people living in it, of which two are being sold and the other two are not. We will offer them the sale so that we can get rid of the whole of the stock. But we have stopped, definitely, the sale of flats on big estates because it does not make sense.

**Hon. Ms M D Hassan Nahon:** I thank the Minister again, but can I just ask what exactly does not make sense, or what is costly or not costly, because the GSD administration may have sold

230 flats on estates, but in the same way as you see other estates, whether private or public, and some are rented and some are sold. What is the detriment of selling apartments on estates as opposed to not?

235 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this is something that I have dealt with on a number of occasions and I think it should be clear already. I have said in this House in detail what the issue is, so I am surprised I have to repeat it, but I am happy to.

When we sold, as a Government – and not the GSLP Liberal administration but the GSD administration – a post-war flat in the Government estate, we were selling it, I think, at a rate of £1,000 or £2,000 per square metre, or a lot less than that, even, and when we build, the cost of building is three, four or five times that. So the Government was alienating an asset that had a value four or five times in its hand to be able to rent to tenants, even though the rent we got was nowhere near the cost of development, and was being deprived of having that asset to rent out. The hon. Members' position from opposite was that we should continue to do that and at the same time we should continue to build for rental. So, in other words, you sell for whatever it was – I think it, literally, in some instances, might have been £500 per square metre – and then you go off and build at £6,000 to £10,000 per square metre, depending on what the cost of building might be, to rent out at the same rate as you were renting out the other property. That is economically and financially nonsensical. It is the worst possible use of taxpayers' money and the worst possible use of the assets of the Government – assets, in particular, that we held to house those who needed Government housing. This is not affordable housing; this is government housing.

245 The hon. Lady asks what is the difference with affordable housing. With affordable housing, the Government contributes the land. We then build and we sell 50% at cost and retain 50%, unless somebody wants to buy 100%. The loss is the value of the land alone, but the growth of the value of the asset and the ability of the family to have the asset available to them, first of all creates economic activity, and second has the very important function of enabling a Gibraltarian family to grow and develop within that property. It is a completely different proposition. There is not the loss that you occasion with the sale of these post-war government flats.

I have explained it a number of times. I hope that is helpful.

260 **Mr Speaker:** Next question.

#### Q338/2022

#### Constituent surgeries –

#### Whether conducted face to face by Housing Minister

**Clerk:** Question 338/2022. The Hon. Ms M D Hassan Nahon.

265 **Hon. Ms M D Hassan Nahon:** Does the Housing Minister conduct face-to-face surgeries with constituents?

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

270 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, this question comes as a surprise to me. I am very proud of not only meeting with constituents in my monthly clinics but I also visit regularly the housing estates and engage constantly with the tenants' associations. I see this as part of my work as a Government Minister and will continue to do so. So the short answer is yes, very often and very many.

275 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker. I was just driving at trying to understand if the Minister could answer the process to obtaining appointments, the typical waiting times and how often they are seen, simply because I have been approached by constituents who want to see the Minister, and I wanted to ascertain this.

280 **Hon. S E Linares:** Whichever constituents go to the hon. Lady and want to see me, I can guarantee that I will see them. At the maximum it will take a month, but I usually see them within a week, so for anybody who wants to come to see me my address is GE Suite, Regal House in Queensway. They can go there and make an appointment, and I usually do see them at the monthly clinics. If the person has an urgent matter, I usually see them before.

285 **Mr Speaker:** Next question.

## TRANSPORT

### Q339/2022

#### Bus app – Expected wait for reactivation

**Clerk:** Question 339/2022. The Hon. E J Phillips.

290 **Hon. E J Phillips:** Mr Speaker, can the Government state why the bus app is undergoing maintenance and how long the public will need to wait until it is reactivated?

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

295 **Minister for Transport (Hon. P J Balban):** Mr Speaker, the bus tracker web app is now fully operational. As the hon. Member may appreciate, the tracking service may, from time to time, falter, as it relies on GPS technology and also telecommunications technology.

Separately, the Gibraltar Bus Company website has been under maintenance. I am pleased to advise the hon. Member that my ministerial office has been working closely with the Gibraltar Bus Company and the website is now up with the general content under review. I am hoping that, once again, all relevant important information and route timetables will be available shortly.

300 **Hon. E J Phillips:** Can the Minister confirm how long the site was down for – the app?

305 **Hon. P J Balban:** Mr Speaker, I believe I was told it was a matter of days. I would not be able to put an exact figure on that. I am not sure, perhaps a week, but if that information is important, I can definitely seek it.

### Q340/2022

#### Park and ride – Government position re implementation

**Clerk:** Question 340/2022. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state its position on the implementation of a park and ride scheme?

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

**Minister for Transport (Hon. P J Balban):** Mr Speaker, the position of the Government remains that it intends to develop a park and ride scheme at Devil's Tower Road car park after the tunnel under the runway has become operational. Furthermore, the Government is considering the  
315 implementation of park and ride at other locations, such as the old air terminal site. These will be announced in the future.

**Q341-43/2022**

**Registered vehicles by fuel type –  
Numbers and percentages re diesel, unleaded, hybrid and electric**

**Clerk:** Question 341/2022. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state of all registered motorcycles in  
320 Gibraltar, how many are diesel, unleaded, hybrid or electric, broken down into percentages?

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

**Minister for Transport (Hon. P J Balban):** Mr Speaker, I will answer this question together with  
325 Questions 342 and 343.

**Clerk:** Question 342/2022. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state of all registered cars in Gibraltar, how  
330 many are diesel, unleaded, hybrid or electric broken down into percentages?

**Clerk:** Question 343/2022. The Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state of all registered commercial vehicles in Gibraltar,  
335 how many are diesel, unleaded, hybrid or electric, broken down by percentage?

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

**Hon. P J Balban:** Mr Speaker, details are as follows. As regards registered motorcycles, there  
340 are zero diesel motorcycles, 15,334 petrol motorcycles, zero hybrid motorcycles and 100 electric motorcycles. The percentages are diesel 0%, petrol 99.31% – obviously, because they are petrol, 0% are hybrid and 0.65% are electric. That relates to Question 341.

The following details are for registered cars: diesel, 6,098, which makes up 24.39%; petrol,  
17,289, which is 69.14%; hybrid, 1,482, making up 5.93%; and electric, 115, comprising 0.46%.

345 Finally, when it comes to registered commercial vehicles, there are 1,891 diesel, which make up 66.37%; there are 905 petrol, making up 31.77%; five hybrid, making up 0.18%; and electric, four, comprising 1.58%.

**Hon. E J Phillips:** Mr Speaker, I am grateful to the Hon. Minister for setting out those numbers.  
350 We asked this Question because obviously we are attempting to test not only our community's appetite for electric and hybrid vehicles but also the success of the Government's policy of moving people towards acquiring hybrid or electric vehicles.

I know the Minister will recall a public statement made by a distributor in Gibraltar. We will not name them here, but they suggested that acquisitions of hybrid and electric vehicles were at

355 around 65% insofar as new vehicles. Would the Minister agree with me that there is a very long way to go for our community to transition to electric and hybrid vehicles? And what is the Government doing further to persuade members of our community to do that, given the significant levels of air pollution in our community?

360 **Hon. P J Balban:** Mr Speaker, this very much depends on what the suppliers bring to Gibraltar. By default, most petrol vehicles that are arriving in Gibraltar now are hybrid by nature, so I expect these figures to increase pretty quickly.

When it comes to electric vehicles, I think there are a lot of things people think about when they are going to buy an electric vehicle. It is not as simple as swapping one sort of vehicle, an  
365 I.C.E driven vehicle to an electric vehicle, because you need to take into consideration things like range and size. People may want to use their cars to go away on long distances, so it means you have to factor in the next place where you could actually charge your car and, when you go on holiday, whether you choose a hotel that has electric charging points. You need to research that. When it comes to local use, I think it has a lot more potential because you can get, probably,  
370 around 400-500 km per electric charge and it makes things a lot easier locally, but the moment we move out ... I think most Gibraltarians will use their cars in Spain whenever they have a chance to.

So there are factors that deter people from buying electric and I think these things need to be taken into account before we start saying there has been low take-up. There are incentives, as the  
375 hon. Gentleman knows. People out there cash back, attractive cashback schemes. We have recently reduced the amount of cashback on hybrids and pushed it towards electric. There are also incentives for people to set up their own electric charging points at home. They get a deduction for that. So there are incentives in that respect.

380 **Hon. E J Phillips:** Mr Speaker, in my view, those statistics are fairly shocking insofar as the number in terms ... If you look at the commercial vehicles for one, we have debated in this House before the number of commercial vehicles that are pumping out, to use the Chief Minister's phrase, dirty, grimy diesel – in another context; let's not go beyond that. We have 1,891 commercial vehicles that are pumping out fumes onto our streets – that is 66%, and 31% are  
385 unleaded, so 95% of commercial vehicles in Gibraltar are polluting our environment.

What is the Minister doing to persuade businesses in our community to transit their working fleets from dirty, grimy vehicles, as the Chief Minister has characterised them in the past, to more efficient, more green aspects? Clearly this Government is founded on a child-friendly and green policy. Isn't it right, therefore ...? I would ask him this question: hasn't their policy, insofar as green  
390 Gibraltar in respect of vehicles is concerned, completely failed?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have never used the phrase that the hon. Gentleman has attributed to me. The phrase I have used is 'grimy, smelly diesel', the abbreviation for which is GSD. I am surprised he does not remember. The reason why I refer them to that is  
395 because they were going to establish not any aspect that might relate to vehicles, they were going to establish a power station that was going to be exclusively a diesel power station. They were going to establish it in the Nature Reserve and it was going to be spouting grimy, smelly diesel into the Nature Reserve at the area of Jews Gate, where people would be looking over one of the attractive views of the Straits of Gibraltar. Instead of seeing the view now – of the Lathbury sports facility, which is open and operating, the fantastic green area there and the Straits – they would  
400 be seeing the six funnels spewing out grimy, smelly diesel.

Indeed, Mr Speaker – just before I allow the Hon. Minister to deal with other points he might raise – we introduced, in a number of Budgets, different measures to stimulate people buying vehicles which were not diesel vehicles, to stimulate people buying hybrid vehicles and to  
405 stimulate people buying electric vehicles. Those measures have been improved since they were first introduced and have attracted a considerable number of people, although not the sort of



percentage that would have been attracted if we had provided even more incentives. But hon. Members constantly tell us that we spend too much money, so I am surprised that they are encouraging us to enhance those incentives because those are fiscal incentives – that is to say incentives based on money foregone by the Government; that is money not raised by the Government. The Hon. the Minister for Transport will be able to say more.

Now, just looking at whether a vehicle is diesel or petrol is not enough. You have to look at the characteristics of the vehicle – whether it is diesel and a hybrid, whether it is a Euro 6 engine or whether it is an even more sophisticated engine – and look at the emissions. The Hon. the Minister for the Environment was reminding me the other day, in a meeting we were both attending, that actually the air quality in Gibraltar has never been better since we started to measure it. That is not to say that we do not want it to be even better and that we do not want the traffic to not create problems of air pollution. However much less air pollution there is now, any air pollution is air pollution that we need to be fighting against.

So, Mr Speaker, with that, I just hope that the hon. Gentleman will use today's exchanges to have, now, firmly in his mind that the references to grimy, smelly diesel and the initials GSD remind me always of that.

**Hon. P J Balban:** Mr Speaker, should I elaborate further? *(Interjection by Hon. K Azopardi)* Yes, just to add a few things I have written.

**Mr Speaker:** The Hon. Minister is going to be replying to the Hon. ... and then we will allow you to ask the question, Leader of the Opposition.

**Hon. P J Balban:** Mr Speaker, what we also have to remember is that these vehicles attract 0% Import Duty.

The question the hon. Member has asked is based on the total number of vehicles registered in Gibraltar. You have to understand that in Gibraltar there are vehicles which are 10, 20, 30, 50 years old, which means we are comparing something which is a pretty new technology as it slowly diffuses into the population of registered vehicles in Gibraltar. We have only had these incentives for a number of years and there are vehicles out there that are 30, 40 or 50 years old. Obviously, we cannot expect, just because we implement certain incentives, to have, all of a sudden, 50% of our registered vehicles ... It would be different if you had asked the question 'Of the vehicles bought in the past year, how many are diesel, how many are electric and how many are hybrid?' The figures may be more towards what you expected, which was more positive. Remember, we are diluting this figure on a massive scale, so I think it is a bit unfair to say this is not acceptable. I think the question that needs to be looked at is the short term.

Also, as my colleague the Chief Minister was saying, diesel has come a long way. We have Euro 3 diesels. When you are physically behind them – I know when I am cycling behind them – you can feel the heat of the engine and you can smell what is coming out. They all go for MoT, they are all tested for emissions and they have to conform with the emissions that they release as per the date of manufacture, but in those days the requirements were less stringent. Nowadays, we have Euro 6-plus. When we talk about Euro 6 engines, the emissions are extremely low – not that I am saying it is perfect, it is zero, but they are extremely good.

You also need to look at how you generate your source of electricity. We have our LNG, so it is a much greener form of producing electricity, but in other cities, in other countries, you have diesel power stations providing 'fuel' – electrical fuel – to vehicles. They need to see whether, in fact, it is better to have diesel or to have ...

I hope that helps a little bit more with the reply to the question.

**Hon. Prof. J E Cortes:** Mr Speaker, may I –? *(Interjections)*

**Hon. Chief Minister:** *[Mr Speaker]* ... answering one question – *(Interjections)*

**Hon. P J Balban:** Yes, it has been helpful. We have been – (*Interjections*)

**Hon. Prof. J E Cortes:** Mr Speaker, I have more answers for Mr Phillips.

**Mr Speaker:** [*Inaudible*] The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, I am grateful for the Chief Minister clarifying what, in his view, grimy, smelly diesel was. The Hon. Minister gave us the statistics of the registered cars in Gibraltar, of which there were 24% diesel vehicles and 69.1% petrol vehicles. In the circumstances, does he not agree that it is more likely that there is grimy, smelly, leaded petrol – or GSLP, in fact – in Gibraltar?

**Hon. Chief Minister:** Well, Mr Speaker, given that one of the things we did immediately we were elected was take the GSD's Jaguar that cost, at the time, £85 to fill with petrol, and instead brought an electric vehicle – (*Interjection*) I am sorry, Mr Speaker, I am afraid that the hon. Member, from a sedentary position, is obviously getting so nervous, having realised that we were the ones who took action to lead by example, and having forgotten that, he wants to try to throw figures which are irrelevant. It cost £80 to fill the Jaguar with petrol at the time, and the cost is in the region of 80p to power the Tesla's battery for a full charge of 400 km. The GSLP Liberals led in demonstrating that electric vehicles worked and that electric vehicles could work in the Gibraltar environment in particular. We made the official vehicle of the Chief Minister an electric vehicle, instead of the vehicle that consumed the most petrol per kilometre of any class at the time.

So, Mr Speaker, no, I do not think we will go down in history in that way. I think they will be the ones who will always now have the difficulty of trying to establish themselves as having any environmental credentials, given what their plans were and given how they were going to finance those plans. That is why, as far as I am concerned, grimy, smelly diesel is the way they will be remembered, and that will be their legacy in terms of what they told us they were going to do for our children and their ability to generate electricity. (*Interjection*)

**Mr Speaker:** Hold on a second. This is getting out of hand, yet again. (*Interjection*) No. The first person – (*Interjection*) Excuse me. The first person who used unhelpful language, which has generated this exchange, is not the Chief Minister or the Leader of the Opposition. I leave it like that.

I said before that I would allow the Minister for the Environment to contribute, and then we will ask Mr Bossino, and then that will be the end of this question.

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

I rise in order to add to what my hon. Friend the Minister for Transport has stated, because the Department of the Environment works together with the Ministry for Transport in the transition of forms of transport.

I think relying on the Government to do anything is only of limited consequence, because the industry is moving in such a way that it will, within the next decade, be very difficult to get anything other than an electric vehicle, so people will have to respond and change.

In any case, the Government, apart from the things my hon. Friend has said, is taking a number of steps. It is encouraging businesses to engage with providers of electric vehicles and a number of meetings and workshops have been held with the private sector introducing some of these vehicles. We are also studying the possibility of the use of hydrogen as a fuel, which seems to be the future of heavy-goods vehicles, where electric batteries may be too heavy to be efficient, so that is another aspect. And finally, if the hon. Members have been keeping aware of the media, the net zero delivery body – which is chaired by my friend and colleague the Deputy Chief Minister, and the Minister for Transport is also a member – one of its sub-committees, which has broad

representation within the public service and elsewhere, is actually looking very carefully at the transition of transport in Gibraltar. So any suggestion that we are not doing anything purely shows that the Members opposite are not keeping up with what is actually happening in Gibraltar.

515 **Mr Speaker:** The Hon. Damon Bossino.

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

In relation to the answer he gave in connection with the hybrid cars, I think the hon. Member said that of the general car population 5.9% are hybrid. He may not have this information available to him, but is he able to further particularise that, as to how many of those are plug-in or otherwise? I think they are called mild hybrids. Does he have that information?

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**Hon. P J Balban:** Mr Speaker, we are talking about private vehicles and the figure encompasses, globally, all the types of hybrid. That could be petrol-electric, diesel-electric, plug-in and those which are not, so I do not have that figure. If it had been asked for, it would have been provided.

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**Mr Speaker:** Next question.

**Q344/2022**  
**Regulation of electric scooters –**  
**Current position**

**Clerk:** Question 344/2022. The Hon. E J Phillips.

530 **Hon. E J Phillips:** Mr Speaker, can the Government state where it is currently in relation to the regulation of electric scooters?

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

535 **Minister for Transport (Hon. P J Balban):** Mr Speaker, we have recently completed our discussions with the Motor Insurance Bureau (MIB) in respect of a number of matters that touch on personal light electric transporters (PLET) and other areas. We agreed with the MIB that we would conclude our discussions with them before moving forward, and we are now able to proceed in this respect.

540 The PLETs Command Paper published in May 2020 included a number of safety requirements that e-scooter riders would need to comply with, such as the wearing of helmets and having both a bell, or horn, and lights on an e-scooter. The Command Paper did not include a requirement for mandatory insurance and all the indications are that the United Kingdom will not introduce mandatory insurance for e-scooters. However, since the Command Paper was published we have been considering making third party liability insurance mandatory for e-scooters, as is already the case in a number of European countries. We have interest from one particular Gibraltar insurer to provide such third party liability cover, but the insurer is seeking comfort that there is to be strong adherence of all aspects of the Command Paper and vigorous implementation of the proposed penalties for the misuse of e-scooters. We need to determine if third party liability insurance will be generally available in Gibraltar, as to include such a requirement without a committed insurer would be pointless.

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**Hon. E J Phillips:** I am grateful for the answer to that question, which is a much fuller response than the last time I asked this question, over six months ago.

555 Just one question relating to this subject matter. My understanding is that the Government has received legal advice in respect of the particular use of e-scooters, because there was an exchange in this House as to the current legality of e-scooters on our streets. I think the last time I asked this question the former Transport Minister was unsure whether it was legal or illegal. I think that was ventilated and we did not really get to the bottom of it. Has the Minister now got  
560 to the bottom of the current legal position as to the use of e-scooters in Gibraltar?

**Hon. P J Balban:** Mr Speaker, when e-scooters arrived on our shores – in fact, the shores of every modern city in the world – I think no one was prepared for them. Nobody was ready for them, so there was, I think, what you would call – I am not sure if the word I am going to use is  
565 actually correct – a lacuna in the law. Is that what you say? Yes, okay, which means whether they were to be classified as a vehicle because they have an engine, a motor, albeit electric, or whether they would be carved out of that particular legislation and would become equivalent to electric bicycles or a bicycles. With the introduction of this Bill, which we will bring to Parliament, we will see the definition of what we call a PLET become what it is.

570 Like it or not, these things have taken us by storm. They are an alternative to modern transport, to mobility. They are greener in certain respects and I think we need to be ... I was extremely sceptical about these devices. I think they are becoming a mainstay in many cities, but many cities are struggling with the sorts of details you are asking me about, and if the big cities are still struggling we may find ourselves chasing. We will be looking carefully at what other cities have  
575 been doing and whether they decide to include insurance. I took some details down. For example, in Germany, France, the Netherlands and Belgium they have introduced mandatory insurance for e-scooters. In Spain, for example, the general orders say that there is no need for it, but having said that, the local regulations in a number of cities – Barcelona, Valencia, Castellon and Mahon, for example – have chosen to include insurance.

580 We need to sit down as a Cabinet, as a collective. As I said, we are ready to go, in terms of the concerns that the MIB brought us. In fact, it was the Hon. Daniel Feetham who approached us saying we need to look at this in further detail because he was representing the MIB at the time. We agreed and we worked together in that respect and thought it was something where we should really pause and ascertain where we should go. In that respect, we have satisfied the MIB  
585 and now we have to decide if there is a product that could give us the assurance – which I think would make it even better, although, remember, most cities do not have them – or it is something that we need to consider, regulate, give it some form. Already you cannot use any scooter on the pavement. Many people on social media say they are running wild. We legislate, we have said is prohibited, but if you see a policeman, you are not going to be on the pavement. So it is a difficult cat to skin. But that would give it form and there would be a lot more protection for the use of  
590 e-scooters in the future.

**Hon. E J Phillips:** If I may, there are two questions but I will try to combine them into one, for ease.

595 I am grateful again for the enhanced explanation to my supplementary question. One thing I would say, though, is as part of the consultation process with members of the public as to the use of these vehicles and the question mark over regulation and moving forward insofar as third party insurance, is the Government also considering the level of infrastructure required to handle the volume? As you say, it is becoming a very popular mode of transportation and a cleaner one, to  
600 be fair; I accept that and I agree with him. What level of infrastructure will need to be put in place? I know he is a keen cyclist. We all know that in this House – everyone in Gibraltar, I think, knows it because they see him, often, cycling around our streets. What infrastructure does the Government have to put in place to provide for that? We have limited geography and we have to accept that, but there are things that we need to do, to make sure this is a safe activity on our  
605 streets.

The second question relates to the duration. How long does he expect this process to continue before a Bill is brought to this House?

I am grateful.

610 **Hon. P J Balban:** Mr Speaker, if I can answer the latter question first, as I think it is a quicker one to answer – as I said earlier, we will be sitting collectively to discuss where we go with insurance. We just need to prod those who have shown an interest in providing this third party insurance, and if it goes ahead I think we will be ready to go in that respect. If we find that there is no appetite to cover these vehicles, then we will take the decision on how to proceed, but I do  
615 not see that taking a long time. Again, it very much depends on the reply we get from the insurance company.

When it comes to infrastructure, one e-scooter occupies very little space, so if we set off from the premise that 10 more or less take the space of one car, the more e-scooters we have on the road, in theory, should mean there are fewer cars on the road if you take into consideration that  
620 it could well be that one e-scooter could equate to one car. It is not the way it goes, because obviously sometimes these e-scooters rob pavements from pedestrians and they rob the buses from bus users. It is not just a straight equation. We are committed to providing infrastructure, which will be extremely helpful, whereby e-scooters will be able to share bicycle lanes in the future. We are developing our lanes in terms of a planification. We are extremely advanced now  
625 in that respect, and we hope to be able to announce our vision and our plans shortly, so that at least people see where we are going. Again, this is not a plan for a year, this is a plan which will take many years because we cannot just ... There is one thing when it comes to development ... When you are developing a plot of land to build a building, you are just talking about a footprint. Cycling is taking up the whole of Gibraltar, so we are looking at the whole footprint of Gibraltar,  
630 every single construction that is going on, starting or planned. It is very difficult to be able to work together to find where the disruption is going to be, or whether it is worth breaking ground – then somebody has to break ground after you.

So it needs a lot of planning; it is not as easy as I was hoping it would be. Having said that, once that infrastructure, over the years, is ready, I am very confident that we will have options to be  
635 able to use roads, shared spaces, segregated bicycle lanes or just cycle lanes which are not segregated but part of the highway.

**Mr Speaker:** Next question.

#### Q345/2022

#### Road traffic offences in other jurisdictions – Requests for assistance from foreign authorities

**Clerk:** Question 345/2022. The Hon. D A Feetham.

640 **Hon. D A Feetham:** Mr Speaker, on how many occasions in the last five years have foreign authorities asked for the assistance of the Gibraltar authorities in the identification of the owners or drivers of cars who are alleged to have committed a road traffic offence in their jurisdiction in each of the last five years, detailing the jurisdictions in question?

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

**Minister for Transport (Hon. P J Balban):** Mr Speaker, these requests were received and processed through the EUCARIS platform. However, the requests would ordinarily be made via

650 the UK with no associating information as to the origin of the foreign authority in respect of the requesting member state of the EU.

More specifically, the Driver Vehicle Licensing Department, as the competent licensing authority for Gibraltar, has, in the last five years, received 416 requests for vehicle/owner information via the EUCARIS system. The EUCARIS platform went live in August 2020. However, 655 as a result of Brexit, access to this platform is no longer available as of January 2021.

**Hon. D A Feetham:** So essentially, the position is – and we spoke about it in an earlier set of questions – that as from January 2021, effectively there is no assistance to foreign authorities asking for the identity of Gibraltar owners or drivers of Gibraltar vehicles that are, for 660 example, caught speeding in Spain, France, Switzerland or anywhere else in Europe?

**Hon. P J Balban:** Mr Speaker, I think it was only yesterday the Chief Minister rose to reply to these questions, and I think he was very clear that what we had before is no longer available, since 665 January 2021.

**Hon. D A Feetham:** Does he have a breakdown of the 416 in the last five years? He has given me the total – does he have a breakdown?

**Hon. P J Balban:** Mr Speaker, no, I do not.

#### Q346/2022

#### Road traffic offences in Gibraltar by non-residents – Requests made to foreign authorities for assistance

670 **Clerk:** Question 346/2022. The Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, on how many occasions in the last five years have Gibraltar authorities asked for the assistance of foreign authorities in the identification of the owners or drivers of cars who are alleged to have committed a road traffic offence in this jurisdiction in each 675 of the last five years, detailing the jurisdictions to which the request were made?

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

**Minister for Transport (Hon. P J Balban):** Mr Speaker, as explained in my previous answer, 680 upon checking with the Driver Vehicle Licensing Department, as the Gibraltar licensing authority, I am advised that, at present, we do not share vehicle identification or owner details directly with any foreign jurisdiction. The Gibraltar Licensing Authority shares vehicle registration information with the UK, who may, in turn, facilitate this to other jurisdictions.

As the hon. Member is already aware, the Gibraltar Driver Vehicle Licensing Authority shared 685 information up until 31st December 2020 with the UK via the EUCARIS platform. Access to this platform is no longer available.

**Hon. D A Feetham:** Mr Speaker, with respect, I do not think he has quite answered the question; maybe he has misunderstood it. The previous question was about foreign authorities asking for assistance of the Gibraltar authorities. This is about the Gibraltar authorities asking for 690 assistance of foreign authorities. Whether it goes through London or otherwise is immaterial.

I am asking how many times in the last five years have the Gibraltar authorities sought assistance from a foreign jurisdiction in relation to a road traffic offence committed in this jurisdiction. I have asked the question before and I think the answer was that there had not been

695 any requests. I asked this question a number of years ago, and I just wanted to see what the position is now.

**Hon. P J Balban:** Mr Speaker, unfortunately, as I have mentioned, we lost use of this platform a number of years ago, so in that respect there would have been no change.

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**Hon. D A Feetham:** No, with respect, you are still not answering the question. My question is about the last five years, Mr Speaker, and I am asking in the last five years.

We exited the system in January 2021 – that is a year and nine months – so there is still a period of time before that when you did have available access to this system. I am asking, in that period –  
705 I know that after January 2021 it could not happen, but prior to January 2021, for that balance of those five years – how many times have the Gibraltar authorities asked for the assistance of a foreign jurisdiction.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, and what the hon. Gentleman is saying is that  
710 there has been no change in respect of the answer he was given. He said he asked a couple of years ago – I think he might have asked it about then.

**Hon. D A Feetham:** I said two years ago.

715 **Hon. Chief Minister:** You said some years ago, a couple of years ago. I think it might have been about then, and the answer is there is no change. The independent prosecuting authorities, who would be the ones who would have requested this information, do not appear to have requested this information.

720 **Hon. D A Feetham:** Mr Speaker, does the Minister not think it is odd that prior to January 2021 there had been 416 requests by foreign jurisdictions of the Gibraltar authorities via the UK? Most of those, I know, are Spanish. Doesn't he think it is odd that we have not asked for assistance of a foreign jurisdiction in order to obtain the identities of people in those foreign jurisdictions who have committed road traffic offences in Gibraltar? The answer he has given me is zero. That is  
725 what you are saying. So, from foreign jurisdictions to Gibraltar it is 416; from Gibraltar to a foreign jurisdiction it is zero. Don't you think it is odd?

**Hon. Chief Minister:** Well, Mr Speaker, frankly, yes, I do. I think it is odd because if the independent prosecuting authorities have a channel through which they can obtain the  
730 information about people who have committed offences in Gibraltar, frankly, I think they should. But there are aspects of the mechanisms in play which might make it less odd. For example, in Gibraltar we have a system, as there is in other places, where people are found to be speeding by police officers who use speed guns. Police officers who use speed guns do not need to rely on EUCARIS or any other platform to determine the identity of the person doing the speeding  
735 because they stop the vehicle, the person's details are taken and they are fined on the spot, so there is no need to make a request for the information. The same would happen in Spain. If you are caught by a speed gun, a police officer would stop you, you would give your details and there would not be a request for your details through EUCARIS. But of course, through the geography of Spain, there are many more speed cameras than there are in Gibraltar. It is the speed camera  
740 that identifies only the registration mark of the vehicle, which then leads to a requirement to obtain the details of the ownership of the vehicle behind the registration mark. Here, we have had many fewer speed cameras for a shorter period, and that might be why the pertinent independent authorities have not had to seek the information and have not sought to seek the information.

745 **Mr Speaker:** Next question.

**Q347/2022**

**Bus service –**

**Intention to keep free of charge to Gibraltarians**

**Clerk:** Question 347/2022. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Will Government guarantee in this House that the bus service will continue to be free of charge for the Gibraltarian user?

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

**Minister for Transport (Hon. P J Balban):** Mr Speaker, it is the Government's intention to keep the bus service free in the future, in line with its green policies.

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This Government made bus transportation zero-fare for the local population on 1st May 2012 by removing the club card system. In doing so, Gibraltar became the first city in the world to offer an entirely free bus service to its residents upon showing their ID cards – before Tallinn, Estonia, in 2013. Many cities are now moving in this direction, with Malta having just done so at the beginning of this month.

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Zero-fare bus transportation ticks all the right environmental boxes, putting a free, sustainable alternative mode of transport right into the hands of all residents. Any excuse may now be given for not choosing to use the free bus service, but fare will not be one of those excuses.

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**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Minister for his answer. Can I just ascertain that this policy is a general party policy going into the future, or is it something just as long as this legislature remains?

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, we can only answer as a Government. We are not here to be asked questions as a party.

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**Hon. K Azopardi:** Mr Speaker, can I just ask the Minister ...? That was a welcome change, it was a real step in the right direction, and on this side of the House I say that ... but the Hon. Minister will see, as I do, that probably we need to encourage people more. What can we do? What does he think we can do? What has he got planned to do to persuade people? Having had a free bus service for 10 years, people are still very eager not to use it. Some people are, but it does not appear to be as widely used as you would think, given that it is free.

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**Hon. P J Balban:** Mr Speaker, absolutely right. I would love to see a massive take-up of the bus service. What more can one do? You have a free bus service –

**Hon. Chief Minister:** Pay them to use the bus.

**Hon. P J Balban:** That is very good!

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**Hon. Chief Minister:** A pound every time they go on a bus.

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**Hon. P J Balban:** The bus routes follow very similar bus routes that we inherited. The routes have not changed that much; maybe some buses have changed. What more can one do? I think this is a question of slowly, over time, trying to encourage people by providing ... not so much the bus, because the bus is very well used by the elderly community. It is also very well used by children going to school, and that is a welcome change, because before, children were driven to school and on many occasions you would see mum or dad with one child in the car, whereas nowadays it is becoming something social. My daughter, for example, wanted to get the bus



because her friends all go on the bus together and it was how they got to school. So that is something.

When it comes to other forms of encouragement, we need to develop our pavements and make things greener, encourage people to walk more. Most of our trips in Gibraltar could easily be done on foot. We have considered all the talk about why can't we have a bus after nine o'clock at night – well, the truth of the matter is there is very little take-up at night. In fact, our night buses during the weekends are much better than they were. I was surprised recently – our statistics are incredible. Some nights in the past there would be zero take-up at night, and now there is never a night where there is no take-up, as far as I have seen in the statistics. But what can we do?

There are things that can be done that other cities do, but I think they are economically unviable. Instead of every 20 minutes, we could have a bus every 10 minutes or every five minutes. That would make the service more efficient. You would not have to wait for the bus, but the bus tracker solved those things as well. In the previous question of the hon. Member it was clear that people enjoy using the bus tracker. It is a very useful tool. It has been down for a while, people have complained and I think that is very positive. Now you no longer have to wait for the bus, you can stay that bit longer in the park or stay that bit longer in the restaurant and just meet the bus when it comes.

I think it is a good offering. I think it is a question of changing mindset. How we do it is a question up in the air, really.

#### ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

##### Q373/2022

##### Littering offences –

##### Number of people reported, warned, prosecuted or convicted

**Clerk:** Question 373/2022. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state how many people have been reported, warned, prosecuted or convicted of littering offences?

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

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, 46 fixed penalty notices have been issued in 2022, so far. Two are pending payment, 22 have been paid, 12 have been passed for prosecution and 10 have been cancelled. Furthermore, approximately 450 people have been warned.

**Hon. E J Phillips:** I am grateful for the answer the Minister has provided. It equates to roughly 10% of the total number warned being eventually dealt with in a more serious way than just a slap on the wrist, Mr Speaker.

I just wanted to refer the hon. Gentleman to littering offences more generally and ask a question about the issue we have been discussing for a number of years before COVID, and that is, of course, the depositing of cigarette butts at Harbour Views Road. I know the hon. Gentleman – as a result of our exchanges in this House, I am sure, but complaints by members of the public in relation to legislating in that area – put forward ... and we warmly welcomed the regulations that were put forward. We are certainly getting representations again about the significant volume of cigarette butts in this particular area, and the Minister is fully aware of how they get deposited into the sea and the dangerous effects of that. What more can the Government do about that? We are talking about thousands upon thousands of cigarette butts being

extinguished on the gravel area between the Hospital and Morrisons car park. Clearly the warnings, if they have been happening, are not having an effect, so what can the Government do about that, insofar as pushing the enforcement process a bit further?

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**Hon. Prof. J E Cortes:** Mr Speaker, it is difficult because people will insist and persist. We know the problem with littering is not the fact that we do not clear up; it is the fact that it has been deposited in the first place.

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Obviously, enforcement in that particular area is a challenge. It may be possible that the employer of the vast majority of people who do it may be able to encourage their staff not to do so. I think we will start having to issue fixed penalty notices to more people, now that the warning in some cases works and in some cases it does not. We are in the process of upping the ante, as they say, to try to resolve that particular issue.

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**Mr Speaker:** Next question.

**Q374-75/2022**

**Dog fouling offences –**

**Number of people reported, warned, prosecuted or convicted;**

**Trees –**

**Number destroyed in last 24 months**

**Clerk:** Question 374/2022. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state how many people have been reported, warned, prosecuted, or convicted of dog fouling offences?

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

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 375.

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**Clerk:** Question 375/2022. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state how many trees have been destroyed in the last 24 months?

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

**Hon. Prof. J E Cortes:** Mr Speaker, in 2022, 45 patrols have been conducted by the Environmental Agency for dog fouling; 145 samples have been collected; 12 fines have been placed, five paid and seven passed for prosecution; 15 fixed penalty notices have been issued for no licence and registration – three of these were passed for prosecution of non-payment of fines. Furthermore, the Environmental Protection and Research Unit carries out patrols on all beaches two or three times daily, depending on the availability of officers, as they are also engaged in other duties on land and at sea. Eighty people have been warned for not having dog registrations in place.

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In relation to the trees, 121 have been felled in the past 24 months. Trees may have been felled because they had perished, they posed a health and safety risk, or otherwise following DPC approval. In the case of the latter, trees removed are normally replaced at a ratio of two for one.

880 **Hon. E J Phillips:** Mr Speaker, in relation to the patrols that are conducted in relation to dog fouling more generally, does the Minister agree that we need to improve that particular statistic? We live in a small community and every part of Gibraltar is the shop window to every single tourist. To have what I can see is a very low statistic in relation to fines – five have been paid, and there have been 12 fines in relation to dog fouling and still the problem persists ... Does the Hon.  
885 Minister agree with me that we need to improve and increase the number of patrols, so that we can continue to prevent this disgusting activity of people leaving their dog mess on our streets?

**Hon. Prof. J E Cortes:** Mr Speaker, I always answer yes when I am asked whether things should be improved, so that is a standard; in fact, I have referred to that later, on another question.

890 I think the critical figure here is not the 12 fines, it is the 145 samples collected, which is a lot of samples. Sadly, the collection of samples does not always lead to a DNA identification, and that is perhaps where more samples might improve that.

Clearly, we will try to do as much as possible. The Environmental Agency obviously has a lot of responsibilities, but they now dedicate time regularly to this. I do not want to prosecute more  
895 people, I do not want to fine more people; I want people to stop doing this thing, this disgusting habit that people have of leaving dog faeces around.

#### Q376/2022

##### Trees –

##### Number destroyed in last 24 months

**Clerk:** Question 376/2022. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state how many new trees have been  
900 planted in the last 24 months?

**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, 207 trees have been planted in the past 24 months.  
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**Hon. E J Phillips:** Mr Speaker, I know that this is an area that really fascinates the hon. Gentleman. I was wondering whether he would have a detailed breakdown of locations and if he might be able to be more helpful for that particular answer. I would be grateful.  
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**Hon. Prof. J E Cortes:** Mr Speaker, I have a detailed breakdown of the trees that have perished and been otherwise removed and of the trees that have been planted. I would be happy to send those to him after the meeting.

#### Q377/2022

##### Refuse collection points –

##### Collection times

**Clerk:** Question 377/2022. The Hon. D J Bossino.  
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**Hon. D J Bossino:** Is this the one where he thinks there could be room for improvement?  
(Interjection by Hon. Prof. J E Cortes)

Please provide details of the refuse collection times in respect of each collection point.

920 **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 just ask the Hon. Mr Phillips if he would remind me, by email or message, to send him the list. I do not want not to see my note and then he does not get it. Thank you, 925 Mr Speaker.

The evening shift starts at approximately 9 p.m. and arrival at each point depends on the route in question and the amount of time the refuse collectors need to empty the trucks. The three large and three small refuse collection vehicles service the following districts. The first, large, truck covers Main Street and surroundings. The second, large, truck covers Queensway and 930 surroundings. The third, large, truck covers South District to North District. The fourth truck, which is a small one – that is what I mean by that – covers the south end of Main Street and south part of Upper Town. The fifth, small, truck covers Europa Point and surroundings. The sixth, small, truck covers Main Street and surroundings for cardboard only.

The morning shift starts at 5 a.m. It consists of three large and two small refuse collection 935 vehicles which service the following districts. The first, large, truck covers the airfield and surroundings. The second, large, truck covers Laguna, Glacis and surroundings. The third, large, truck covers Varyl Begg and surroundings. The fourth, small, truck covers the Upper Town and surroundings. The fifth, small, truck covers Europa and surroundings. The length of time spent at each collection point will vary every day depending on the traffic, the amount of rubbish at that 940 point and other factors such as cars being double parked and obstructing the ability of refuse collectors to remove the rubbish.

**Hon. D J Bossino:** Mr Speaker, I am grateful for the full response given by the hon. Member.

There are occasions when it becomes rather unsightly and I understand that it is because the 945 collection point's time has not yet arrived. I suppose it can be dealt with in two ways, and perhaps both could be deployed by Government. I would be grateful for the Minister's view in relation to what I am about to say. One is to increase the number of occasions the refuse is collected, and the other one would be to regulate when individuals can deposit rubbish.

I know that in other cities – indeed, I think even as close by as La Linea – you cannot deposit 950 rubbish as and when you please. I have seen, on more than one occasion, individuals deposit rubbish, let's say on a Saturday morning, and the rubbish is then not collected until Monday morning. I know he is going to be consulting with the Chief Minister, so ... The final point I made, which he may not have heard me say, is that you do see people depositing their household rubbish on a Saturday morning, knowing full well that it will not be collected until the early hours of 955 Monday morning on most occasions, which is a practice that may be controlled if there was some sort of enforcement in terms of when you can deposit the rubbish and therefore avoid the unsightly mess that can stay there for too long.

**Hon. Prof. J E Cortes:** Mr Speaker, there are already limitations in the law – I believe is the 960 Litter Act; I may be wrong, so I would need to reference that – as to the depositing of rubbish on Saturdays and at certain hours. I think perhaps people have taken it for granted that they can deposit rubbish at any time. In fact, in relation to Main Street, we are in active discussion with the Chamber of Commerce and the Federation as to how they can assist in getting business owners, in particular – who, in Main Street, are the ones who mainly put out the rubbish – to stick to the 965 appropriate hours and co-ordinate better with the refuse collectors. We are looking at various options there.

In relation to doing the trips more frequently, this is not easy. The reason why we have to have an evening and a morning shift is because we do not have enough vehicles to do all the districts

in one go. These vehicles are extremely expensive and I think we would hesitate, particularly at this point in time, to purchase more vehicles.

As I said, in relation to the putting out of rubbish, we are in discussion with business in order to try to improve that.

**Hon. D J Bossino:** Mr Speaker, like me, he is not aware of what the Litter Act provides, and whether it controls this is something that maybe we can check. I wonder whether – given that two Members of the House are not aware and given that people, if those rules and regulations are there, are flouting them – it requires the Government to commence some sort of awareness campaign to try to curb the practice in line with the law, should that be the case.

**Hon. Prof. J E Cortes:** Mr Speaker, what I was not certain of was whether it was the Litter Act or another Act, but there are times set out as to the putting out of rubbish.

**Chief Minister (Hon. F R Picardo):** For some time since the change was introduced, which I think was either in their time or in the time of the first GSLP administration, it has been illegal to put your rubbish out on a Saturday evening. I am very surprised he does not know it. We are not allowed because there is no collection on a Saturday night, and for that reason it is an offence to put out your rubbish on a Saturday. You are not allowed to put your rubbish out until Sunday evening.

**Hon. D J Bossino:** It is not a major issue, honestly. I certainly was not aware. I do not do it myself, but it is not a major issue. I will be checking the point, but the specific question that I asked, which I do not think has been answered, is whether there ought to be a greater awareness campaign.

**Hon. Prof. J E Cortes:** Awareness, as I am going to say later, in another question, is a continuum. More awareness is always good, but the law is the law.

**Hon. D J Bossino:** I believe these collection times – just to confirm – do not apply on Sundays; there is no collection on Sundays. (**Hon. Prof. J E Cortes:** No.) (*Interjections*) Oh, I see. (*Interjections*)

**Hon. Prof. J E Cortes:** There is no collection on Saturday evenings.

**Mr Speaker:** Let's move on to our next question.

**Q378/2022**  
**Service provision to beaches –**  
**Details of providers**

**Clerk:** Question 378/2022. The Hon. D J Bossino.

**Hon. D J Bossino:** Please provide details of the private entity or individuals which, or who, provide services to the beaches, to include equipment for the disabled, lifeguards and beach attendants, to include their names, financial arrangements and duration of their contracts.

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

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, there are two companies that provide services to the beaches in this regard.

1015 The beach lifeguard service is provided by ALS Telematics Ltd. ALS Telematics Ltd has a contract for the beach lifeguard, pool lifeguard and beach attendant services provided by the Department of the Environment, providing beach management and safety standards policies, with the aim of achieving a safe environment and the enjoyable use of public beaches all year round. The current contractual fee stands at £60,000 per annum and is valid until December 2025. All required  
1020 equipment related to the lifeguard service is procured by the Department of the Environment directly.

The beach-accessible equipment is provided by the Mobility Care Centre. The Mobility Care Centre carries out assessments, required repairs, calibration and certification of all our departmental beach-accessible equipment prior to the start of the official bathing season. The  
1025 company also provides a repairs and maintenance programme covering on-site attendance and service, where required, throughout the duration of the official bathing season. This year has been the first year the Department has purchased new accessible, amphibious chairs, as the ones inherited from the Gibraltar Tourist Board were showing signs of wear and tear and were in need of replacement. These were purchased by the Department of the Environment through the  
1030 Mobility Care Centre as the only provider of these locally.

This year's service agreement was broken down as follows: pre-inspection checks of all beach equipment, £600.00; repair and maintenance cover, including call-outs, for all equipment up to the end of September 2022, £1,800; labour costs for making ready all equipment requiring certification, £600; labour costs for certification of patient-handling equipment, including the  
1035 provision of the certificates of compliance, £1,300. Upon enquiry, and to the best of our knowledge, this is the only entity that is capable of providing the required overall service to the Department.

**Hon. D J Bossino:** Mr Speaker, in relation to the entity he referred to, ALS Telematics Ltd, he  
1040 gave us the duration of the contract – it ends in December 2025 – and, as far as the Government is concerned, that arrangement incurs on the public purse a payment of £60,000 per annum. Can he say when that contract started?

**Hon. Prof. J E Cortes:** Mr Speaker, there was an expression of interest in 2019. Three  
1045 companies applied and the Department chose this one as the one they felt could best and most economically provide the service. This would have been either 2019 or 2020 – I am not absolutely sure as to whether the actual contract started in 2019 or 2020 – so it looks like a five-year contract.

**Hon. D J Bossino:** Would he have with him details of the board of directors and shareholders  
1050 of that company?

**Hon. Prof. J E Cortes:** No, Mr Speaker, but I am sure that that information is publicly available.

**Hon. D J Bossino:** Is it his view that that commercial arrangement is working well – I appreciate  
1055 2025 is still some way away – such that he would consider continuing with that type of arrangement? I do not know what the arrangement was before there was a private entity, whether that was the arrangement which his Government and previous Governments entered into, and it is the first time they have engaged a private entity to carry out these this work. I have asked there for two points.

1060 **Hon. Prof. J E Cortes:** Formerly the lifeguards were employed directly by the Department and we were not satisfied with that arrangement. There was not the proper supervision that we could afford and so on. This contract means that the Department can now count on, as a result of training provided through them, two in-house Royal Life Saving Society qualified trainer assessors,

1065 which allows us to keep a much closer eye on the quality and the standards. There are now new beach risk assessment protocols and procedures which are carried out all year round, and we are much more satisfied that the service has improved.

1070 I can give some statistics in that, for example, the number of preventive actions the lifeguards have had to be involved in has decreased since 2019. The need for them to assist has also decreased. It seems that they are much more on top of it, now that they have this structure, than was the case in the past.

1075 **Hon. D J Bossino:** Do I take it, from that, that it is an arrangement that he would like to see continuing into the future? As he knows, I have accepted that in 2025 things may change, but he seems to be satisfied that the arrangements are working well.

1080 **Hon. Prof. J E Cortes:** Mr Speaker, yes, fortunately, we have not had any tragic episodes on our beaches for a long time. It could always happen, so I do not want to tempt fate. I think the lifeguard service is much improved on what it used to be. We are of the view that we are happy for the arrangement to continue until 2025, but I am not going to express a view as to what might happen after that. Hopefully, it will still be Government.

**Mr Speaker:** Next question.

**Q379/2022**  
**Charles V wall –**  
**Details of works**

1085 **Clerk:** Question 379/2022. The Hon. D J Bossino.

**Hon. D J Bossino:** Please state when the scaffolding structure by Charles V wall was set up, how long it is expected to remain there, the nature of the works which are being carried out, which entity is carrying out those works and what the cost is.

1090 **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 thank Mr Bossino for the opportunity to talk about heritage.

1095 The scaffolding was placed in December 2020 in order to protect the public from falling masonry. Preliminary works have commenced this week with a view to restoration works commencing the week of 24th October – next week; this was obviously drafted previously. The envisaged works should last between four and six months.

1100 The estimated cost is around £50,000 but could be less. It is very difficult to estimate the restoration of heritage assets, as you do not know the extent of the damage until you start the works themselves.

The restoration works will be undertaken by the Ministry for Heritage and Gibraltar National Museum with the support of Electricon, a private contractor.

1105 A Victorian-era pillar was detached from the medieval wall due to the growth of two olive trees. They were exerting pressure on the superimposed construction and are now displacing it towards the outside, with serious risk of detachment of the constituent material. I have to point out that it has got worse since 2020, which is why we have to act now and cannot delay it any further.

Ornamental shields and reliefs have also been damaged. They are made with mortar from a mould. This explains the type of breaks that the lower left shield has, due to its fragility, since it

1110 probably does not have an internal reinforcement frame. Thus, being embedded in the wall, the horizontal crack in the wall has spread over the shield. The shield has several cracks and fissures and some very fragile elements, so it must be removed from the wall for restoration and later be returned to its original location. It is therefore necessary to remove the roots and remains of vegetation that are causing localised damage in the cracks in the wall and especially, given their  
1115 severity, between the wall and the pillar.

The works will focus primarily on the pillar and the wall area, including the entire area of the walkway, where the vegetation is causing damage to the structure. The pillar and the surrounding areas of the wall will have to be dismantled in a controlled manner in order to be able to access the tree roots and eliminate them. Once the roots have been removed, the dismantled area will  
1120 be rebuilt.

The choice of material for the reconstruction will be conditioned by the material that appears during the dismantling – that is, if any ashlar of adequate size are present, these will be reused. If, on the other hand, only small masonry and bricks in poor condition are present, these will be discarded and modern construction material will need to be used. In any case, lime and sand-based mortars will be used.  
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In order to standardise the surface, a mortar based on sand and lime will be applied, and an incised drawing of the ashlar masonry will be reproduced. In order to achieve homogeneity in the surface and eliminate the signs of different repairs carried out on the wall with different materials and techniques, it will also be necessary to eliminate the surface layer of grey cement that covers  
1130 the wall and the pillars.

**Hon. D J Bossino:** Thank you. I think he enjoyed giving that reply, didn't he? It was very interesting to listen to the Minister giving that mini-lecture. I am sure he misses his former role.

May ask why there was what appears to be an initial delay? He gave us the date of December  
1135 2020 when there was this urgent need to set up the scaffolding because of the falling masonry, as he was discussing – presumably because of all the things he has just mentioned. (*Interjection by Hon. Prof. J E Cortes*) It was not, okay, it was separate to the vegetation and the things growing there. So it was basically delayed from December 2020 to 24th October this year – if he can explain why there was a delay.

**Hon. Prof. J E Cortes:** Mr Speaker, there were various reasons. One of them was the fact that the base of ... The scaffolding and the hoarding were placed as a precaution. It did not look as bad as it looks now, so it was not that urgent, but you always err on the side of caution. Clearly now it has become more urgent because of the passage of time.  
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We had to determine whether, with the limited budget we know we have available at the moment, it was an emergency, or not, and had to be dealt with. But there is a second reason which is also relevant and actually probably led to as big a delay as anything else, and that is the need to have experts working on it. We needed to identify the experts and work with the Museum to see whether their expert was available, and that has taken quite a number of months because  
1145 this is not a job that anybody can do; it has to be done very carefully under careful supervision. Also, there was a period of time in which the whole arch and the crests and so on had to be assessed and the details that I have read out here prepared.

So it is a combination of all these things, but I am happy to say that the work will start now, and within four to six months we should see it repaired and the scaffolding removed.  
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**Hon. D J Bossino:** He has assuaged the concern I had and anticipated the question I was going to ask about the expertise surrounding the work, so I am very happy to hear what he has just said in terms of the expert involvement in all of this, because we are dealing with a very important historical heritage asset.

From what he tells me, these works seem to have been very specific in the sense that it was in response to an issue. Presumably they are taking advantage of the fact that they are there and  
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might as well carry out more wider works. Could this be a precursor to refurbishment – and I appreciate that there is a budgetary constraint – of other historical walls?

1165 **Hon. Prof. J E Cortes:** Yes, this was a response. I would love to have millions and millions to spend on restoring our walls. Let's make no secret of that. We have carried out some work in the past few years – the *[inaudible]*, for example. We are about to start work, within the next week or two, on the Tower of Homage, also to remove vegetation. I cannot think of any others we have on the list at the moment, but certainly we will react to any urgent damage or any place which we identify threatens the existence of walls.

1170 In the case of the Moorish Castle, the Tower of Homage has been there for over 1,300 years. We would not like it to start falling to bits on our watch, so clearly, these things are given priority.

**Mr Speaker:** Next question.

**Q380/2022**  
**Upper Town –**  
**Update re redevelopment**

1175 **Clerk:** Question 380/2022. The Hon. D J Bossino.

**Hon. D J Bossino:** Please provide an update with regard to the redevelopment of the Upper Town, and Road to the Lines more specifically.

1180 **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, ideally – I say again – I would like to have a budget of millions to completely upgrade and restore the Upper Town and, indeed, other urban areas, such as parts of the Lower South District, through which the hon. Member walks on a regular basis, but we do not, and therefore our strategy is to encourage positive developments and invest strategically in order to do so.

1185 Examples of areas that have been totally restored over the past decade include the old Police Barracks, which were derelict and now are a beautifully restored complex. That was a private development. Nearby, we have the old St Bernard's Hospital, which now houses two primary schools and a music academy. The proactive planning process has ensured that these areas are developed in consonance with the character of the Old Town.

1190 As another example, this time in the South District, we are currently in the process of allocating the area of the former GBC building to a preferred bidder, which will improve the area and should stimulate further urban renewal.

1195 Another example is the creation of Theatre Royal Park and the refurbishment of Governor's Parade, which has revitalised the area and once again encouraged private landlords to up the ante and improve their adjacent properties. This kind of initiative, which is targeted and at relatively little cost to the public purse, will continue.

1200 Meanwhile, the Urban Renewal Committee has resumed its activity and is tackling such issues as concealing of cables and pipes, and facade restoration. The Urban Renewal Officer continues to work on improving the state of many buildings and has successfully engaged in ensuring removal of cables, junction boxes and other accretions from buildings in the Town. Further to that, in the past few years he has issued 48 notices under section 61 – formerly section 37 – of the Town Planning Act, most of which have resulted in remedial action.

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In respect of Road to the Lines specifically, this House was briefed on the proposed redevelopment during the Budget session in June. The Government continues in negotiations with a preferred bidder for the area.

1210 **Hon. D J Bossino:** In relation to his last points, which really inspired this question on the back of a complaint that was raised by Action for Housing ... The Government responded by way of a press release saying that in fact that area is now going to be the subject of redevelopment, and it was indeed the subject of the Hon. the Deputy Chief Minister's Budget address. It was really that I had a particular interest in exploring further, if I may, Mr Speaker.

1215 I think he said they are still in negotiation in relation to that. The Hon. the Deputy Chief Minister, on 20th June, said that the Government was on the verge of concluding an agreement, which he explained would completely reform and refurbish the Upper Town and also the access areas to Road to the Lines and all the rest of it. Is he able to give us a bit more detail as to when he expects that to conclude, and then for the much needed works to commence?

1220 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, yes, there was actually a meeting this week and we are close, but we are not quite there yet.

**Hon. D J Bossino:** Would he have sufficient courage to say when he expects to be in a position to announce that an agreement has been reached and works will commence?

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**Hon. Deputy Chief Minister:** Part of the answer to that question is part of the negotiations, so the timescales and all that are also what would be included in an MoU, hopefully, if an MoU is signed. Certainly, the Government is interested in getting this done as quickly as possible, and we are nearly there.

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**Hon. D J Bossino:** Presumably he is not in a position to give any insight as to what the – I think he described it as significant – cash premium for the land is likely to be, or is.

1235 **Hon. Deputy Chief Minister:** Mr Speaker, not at this stage. It is still a live negotiation.

**Hon. D J Bossino:** These are still relevant questions, Mr Speaker.

**Mr Speaker:** Final question.

1240 **Hon. D J Bossino:** *[Inaudible]*

**Hon. Deputy Chief Minister:** I think it depends on when the agreement is finalised. That would allow concept designs to be produced and then those could be presented to the DPC for the start of the formal consultation process with all the entities represented. So I cannot give him an exact timing until the negotiations have concluded.

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**Mr Speaker:** Next question.

**Q381/2022**  
**Schedule of listed buildings –**  
**Whether private properties to be added**

**Clerk:** Question 381/2022. The Hon. D J Bossino.

1250 **Hon. D J Bossino:** Please state whether the Government has considered listing privately owned buildings such as Fortress House under the Heritage and Antiquities Act; and if the conclusion was that they should not be listed, 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):** Mr Speaker, the Heritage and Antiquities Advisory Council has discussed the listing of private properties on several occasions. Indeed, the Heritage and Antiquities Act 2018 expressly envisages the scheduling – that is the listing in Schedule 2 of privately owned buildings under sections 15(4)(e) and 17(3). We are currently in discussion with a number of landlords whose properties we are considering adding to the Schedule.

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**Hon. D J Bossino:** Specifically in relation to Fortress House, I appreciate that it has been a subject of liquidation and it has already been sold. Do the negotiations include Fortress House?

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**Hon. Prof. J E Cortes:** Mr Speaker, the discussions, so far, have not included Fortress House. There have been discussions with the proposed developers of Fortress House in relation to their forthcoming planning application and there is another meeting, which we are setting up within the next couple of weeks, at which we will touch a number of issues, which would include this.

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**Hon. D J Bossino:** Is he able to state how many properties he has received advice on in relation to this? And, if I am slightly cheeky, which properties is he looking at?

**Hon. Prof. J E Cortes:** Mr Speaker, I do not think it would be fair with to the landlord, although the Act gives me the power to include in the schedule without necessarily having the consent of the landlord. I think it is good form to engage with the landlord and try to get agreement, even though agreement is not necessary. This happened when we were setting up the Act and we discussed the places of worship with the relevant denominations and got their acceptance, even though it was not necessary.

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**Hon. Prof. J E Cortes:** I do not think it is fair to give the names. I think we are talking, from memory, about maybe half a dozen, six or seven, as the initial tranche of listed private properties, but we are in discussion with landlords, as I say.

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**Hon. D J Bossino:** Mr Speaker, to get a sense of what the Minister's thinking is in relation to this, of the half a dozen he is considering, is it possible that he may consider proceeding to enforce even without the landlord's consent?

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**Hon. Prof. J E Cortes:** Mr Speaker, there are a range of views. Some landlords, because this is very new in Gibraltar, tend to feel that, even though they have no intention of damaging their property from a heritage perspective, it would perhaps provide some constraints as to what they can do, and they are worried about the value of the property. However, research in the UK has shown that listed buildings in fact increase in value and do not decrease. That is the kind of conversation we are having. As I said, it varies from those who are keen to those who are less keen.

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If there were private properties or artefacts like fireplaces within private properties that I felt, and on advice from the Heritage and Antiquities Council, were under threat, I think my duty to the heritage of Gibraltar would be such that I might be obliged to consider listing them with or without the landlord's consent. I do not think it would come to that because that is not the nature of the conversations we are having.

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1300 **Hon. K Azopardi:** Just on this issue, is there a common theme to this bag of six or seven properties? Is it, for example, that they are all in a particular zone of heritage importance, or are they classified because of their age, even though they are in diverse parts of Gibraltar, or is it because there has been a singular assessment of their own integral value – in a heritage sense; I do not mean value in a financial sense.

1305 **Hon. Prof. J E Cortes:** I have to be careful because I do not want to say anything that might identify the landlords in question.

They are significant properties in the old parts of Gibraltar where, in some cases, there have already been recent restorations which have been very sympathetic to heritage and where I sense that the landlord is particularly sympathetic to heritage and therefore the conversation will be an easy conversation to have.

1310 I think it is important that we should list or schedule the first group and then use that to encourage others to come along and put theirs forward.

1315 **Hon. D J Bossino:** I was going to ask that question, in terms of his thought process in relation to this, whether this is the first batch of properties he is considering and not the only batch and he already has his eye ... and indeed the Council advising him to list another batch when this process is completed.

1320 **Hon. Prof. J E Cortes:** Yes, Mr Speaker. Coincidentally, my hon. Friend the Minister for Postal Services, Tourism and the Port and I were at the National Gallery launching the set of Gustavo Bacarisas stamps this morning and we were admiring the works of Rudesindo Mannia, who captured some of the old parts of town. That is the sort of thing that encourages us, and me with the particular responsibility, to try to ensure that we keep the look.

1325 From my point of view, we need to have a few listed buildings that will show landlords that they have everything to gain and nothing to lose, so that others will then come on board much more quickly and much more easily. I think it would be good for Gibraltar and for the future of Gibraltar's heritage.

1330 **Hon. D A Feetham:** Thank you, Mr Speaker, I really appreciate it.

Can I urge the Minister to actually be more ambitious in relation to this? (*Interjection*) Sorry, but yes, more ambitious in relation to this. At the end of the day, essentially listing by consent with the owners is a little bit of a cop-out if you really want to preserve the heritage of Gibraltar.

1335 If there is heritage that is worth preserving, then of course all of us who are in Government, or indeed we as a responsible Opposition, have to grasp the nettle and say we have just got to preserve these buildings and list them. It is actually not unusual in other parts, in Europe. In the UK it is obviously the system that applies there, the listing of properties from Grade 1 all the way to Grade 1\*, Grade 2 etc., so could I urge the Minister to be more ambitious about this?

1340 I live in a historic house myself. If I were asked – (*Interjection*) No, I have absolutely no problem at all in listing Ince's Farm. I think it is a wonderful way of preserving heritage in Gibraltar.

**Hon. Prof. J E Cortes:** Mr Speaker, my ambition, not for myself but for what I do, knows no bounds, but I will consider myself duly urged by the hon. Member.

1345 **Mr Speaker:** Next question.

**Q382/2022**

**Botanic Gardens –**

**Refurbishment of footpaths and area near main entrance**

**Clerk:** Question 382/2022. The Hon. D J Bossino.

**Hon. D J Bossino:** Please state whether the Government has any immediate plans to refurbish the footpath and surrounding area leading to the northern main entrance to the Botanic Gardens. I hope I have described this sufficiently well, so that the Minister has been able to identify where I mean.

**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, this area was earmarked for improvement as part of the Grand Parade Park and underground carpark project proposed in our manifesto. Sadly, and as this House is aware, this is one of the projects that has suffered a delay due to the economic strain of the pandemic.

Some repairs and maintenance works have been carried out in the area, and there is clearing of excess vegetation carried out as required. The area will be improved as soon as funds allow the project to resume.

**Hon. D J Bossino:** Given that we are in urging mode here on this side of the House, can I urge him not to wait for the wider project in relation to Grand Parade, which I imagine is going to incur quite a lot of expense, and simply fix that area I have just identified?

As he knows, I walk there on my morning walk to the office, and the Botanic Gardens are looking really good, but then, for some inexplicable reason, because it is not held by the Botanic Gardens but directly by the Government, as I understand it, the look of it is quite bad and quite deplorable. Of course, the tourists coming here will simply not be able to make that distinction as to why that is the case. It really is in a bad way and he appreciates – because he and I have discussed this, albeit by WhatsApp – that it is something that needs to be sorted out. Can I urge him to try to at least fix that area, the vegetation and all the rest of it?

**Hon. Prof. J E Cortes:** Mr Speaker, the Botanic Gardens as a whole are looking beautiful and much better than when I was in charge, I must say, which I am very happy to recognise.

The area is one that, when I was Director of the Gardens, always frustrated me. It is a difficult area to maintain because it is not fenced in, it is part of the ... There are many reasons, going back 30 years, why it is not – largely financial at the time.

We do carry out clearing of vegetation. A significant section of wall was repaired last year. It does need investment and, as and when we are able to provide the funds, clearly I am very keen to sort it out. I will not deny that.

**Mr Speaker:** Next question.

**Q383/2022**

**St Martin's School –**

**Review of capacity**

**Clerk:** Question 383/2022. The Hon. the Leader of the Opposition.

1385 **Hon. K Azopardi:** Mr Speaker, will Government be reviewing the capacity of St Martin's School in line with the evolving needs of students and a projection of children likely to be future students there?

**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, at the 2015 General Election, the parties that I proudly represent in this House, the GSLP and Liberals, committed to build a new St Martin's, and the GSD, as then constituted, said it was not a priority for them to build such a school, but they did commit, as a  
1395 priority, to build a new football stadium at Victoria Stadium. We, I believe, got our priorities right. The school we built and delivered was built for the number of pupils expected, according to the advice and projection of our professionals.

The number of pupils we are now advised can benefit from attendance at St Martin's has increased. As a result, the Government is considering several options for accommodating the recent and unpredictable increase in the number of pupils enrolled at St Martin's. These include  
1400 providing for Early Birds Nursery at a separate site.

I would add that the staff of St Martin's and Early Birds do an excellent job and that their new school is a brilliant addition to our educational infrastructure, delivered very proudly by us and marking the difference in our priorities as parties.

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**Hon. K Azopardi:** Mr Speaker, in 2017-18 the Government assessed that there were about 1,500 pupils in Gibraltar who were classified as special needs in different ways. The trends in Gibraltar – and, indeed, worldwide, but clearly in Gibraltar – have been that there have been pupils who require greater special needs and greater assistance and so on. When the project of  
1410 St Martin's was conceived, was no leeway built into the project so that they could deal with issues of capacity going forward? Was there no assessment of capacity projected?

**Hon. Prof. J E Cortes:** Yes, Mr Speaker, the school was designed with the full involvement of the staff and the Department of Education's educational advisers and was projected for an  
1415 increase in size based on the average entry for the past six, seven or eight years.

I have figures here. If we look at the numbers in our pre-school for Early Birds, in 2009-10 there were seven, the following year eight, then nine, then eight, then seven, then nine, then eight, then eight, then nine in 2017-18, and then eight again in 2018-19, which is when we were dealing with designing the school. Unpredictably, the number jumped to 12 in 2019-20, 17 in 2020-21, a slight  
1420 decrease to 12, and this year 25.

There is no way that an average going over nearly 10 years of eight or nine could have been predicted as an entry of 25. We have been able to accommodate satisfactorily Early Birds this year, but this was not predictable. It is not that it was not predicted, it is that it was not predictable. Therefore, we are considering moving the nursery provision offsite, which would allow more  
1425 classrooms for the older children there, and we are looking at other options too. But this, I say very honestly, was not something that we could have predicted.

**Hon. K Azopardi:** Can I just ask the Minister – he may have a figure in front of him, given all the figures he spouted just now – what is the current number of students at St Martin's? Does he have  
1430 that?

**Hon. Prof. J E Cortes:** Yes, I do, Mr Speaker. At the moment, including the Early Birds Nursery, there are 109.

1435 **Hon. K Azopardi:** Mr Speaker, if there are 109 at St Martin's now, and that is a number that is giving us capacity issues, how is it that in their table, published on their website, there is a figure of 124 at St Martin's School in 2017-18? How is 109 a bigger problem than 124 in 2017-18?

1440 **Hon. Prof. J E Cortes:** Mr Speaker, I would have to check the figures on the website because the number I have for 2017-18 is 63. I can go back to 2009-10: school plus Early Birds, 34, 38, 40, 47, 48, 50, 55, then it goes to 63, then the big jump to 73, 84, 94 and 109. I will clearly check the website. I am not sure whether we are looking at the same figures, but if that is the figure he has picked up from the website then clearly I will need to check that.

1445 **Hon. K Azopardi:** Mr Speaker, I encourage him to do so. It is on the Government's statistics website, in the table which is headed 'Total number of pupils with special needs for the academic year 2017-18', and for 'St Martin's Special' it has 124 in the column of ... That is what it says. It is called that on the table, 'St Martin's Special'. That is what it says on the table. You cut across and under 'Total' it is 124. That is why I could not understand the point. Perhaps the hon. Member can go and check those statistics. They may need amending, but they may also need updating, and I would encourage the hon. Member to update that because there has not been an updated table on the number of pupils with special needs for an academic year beyond 2017-18, which is on the public website. So perhaps the hon. Member can do that.

1450 Can I just ask him, on this issue, so that I can understand the point a bit more ...? He says that, 1455 I assume on a temporary basis, some pupils are going to be moved off site or they are considering doing some classes off site? Has he identified those locations? Is it on the basis that there will then be – I am not sure if I captured the entire answer he gave originally – works at the current site of St Martin's to make it greater capacity?

1460 **Hon. Prof. J E Cortes:** Mr Speaker, of course I will check those figures. I can only give him the figures I have been given by the Department. I just wonder whether those figures might include the learning support facilities in some of the other schools, but I will have to check that.

Regarding the alternatives, the idea is that the Early Birds nursery might move off site. If that is the case, and if we do that, there will be no need for works at the current site because it would release the classrooms that we need to accommodate the children who are not in the nursery.

1465 As regards sites, we are looking at various, but I am not at liberty to discuss that here because we are considering different options.

1470 **Hon. K Azopardi:** I am grateful for that, but on his supposition that it might be that it includes numbers of pupils in other schools, I can tell him that staring at the table there are plenty of numbers for all the other schools, so it does not seem to me that it must be the answer, but by all means if the hon. Member can check that it would be helpful to have that.

In terms of the Early Birds moving off site, again I ask the same question: has there been an identification of specific places for Early Birds? Not yet. Or any timescale of when that could happen to alleviate the capacity issues? If, as the hon. Member says, there has been some unpredictability about it, presumably the capacity issues may be worsened next year, so it would be important to act quickly. So I would urge him to do that, and perhaps he can give us some input on that.

1475 Can I ask, the Government having been surprised by what he says is the unpredictability of it, 1480 have he or his Department now engaged expert advice on a projection as to the future?

**Hon. Prof. J E Cortes:** Mr Speaker, I mentioned earlier that we have not yet firmly identified a site. That was one of his questions.

1485 On the projection of the future, I do not think any external expert could have projected the increase there was at the time and I rely on the great expertise I have within the Department and within St Martin's School for advice.

As to when we will work, from September to September, so we will have to be ready in September, when the term starts, to deal with the number of children with learning disabilities we will have to cater for at St Martin's.

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**Hon. D J Bossino:** Mr Speaker, this is, obviously, a –

**Mr Speaker:** I understand. That is why I am giving a lot of leeway here.

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**Hon. D J Bossino:** Thank you very much.

In terms of predictability, and he talks about September, is he or his Department able at least to have an idea of how many ...? Children at that age, when they access Early Birds Nursery, or thereabouts ... You will know a good five, six, seven or eight months beforehand that your child needs to access that type of facility. Does he have an idea of how many children he is expecting to receive in September 2023?

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**Hon. Prof. J E Cortes:** Yes, we will have an estimate quite soon. These things are done on a continuous basis and within the next few months we will already have an idea.

I think it is likely that the levels will continue at the higher level rather than at the old, lower level of six, seven or eight, which was consistent for many years. That is the thing about it. But we will be aware and we will be ready. We owe it to the children and to the families. This is one thing on which I need not be urged. This is a completely different level of commitment and we will be absolutely there for them.

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**Hon. D J Bossino:** Permit me just a final question, Mr Speaker, in terms of one statistical piece of information. But just by way of general comment – and I know I have spoken to some Members opposite about this – this is going to have a huge impact going into the future, because then, obviously, of those 25, some will do well and go into mainstream, but many of them may not and will need access to the second facility after St Martin's, which St Bernadette's. Whilst I know the intake last year was three, when you are looking at those numbers it is going to have a huge impact.

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The specific question I was going to ask is, of the 109 – and that is the figure he needs to check – in the current cohort in St Martin's, which I assume includes Early Birds Nursery, if he can take a snapshot – you had an intake last September of 25 – how many are currently in Early Birds? It is a pre-school year, so we will be encompassing two or three years at least.

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**Hon. Prof. J E Cortes:** Mr Speaker, currently in Early Birds in total we have 41. We had 31 last year and 28 the year before.

I think this is something that we have to deal with as a community and it is an issue that we should work on without trying to score political points, if I may.

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**Hon. D J Bossino:** I agree, Mr Speaker.

This is going to be an unfair question, in the sense that I am sure he does not have the information, but does he have an idea at least of what the main condition is? Is it many children within the ASD spectrum, or is it other issues? I am sure he will not have that information, but maybe he has a flavour of what conditions these children are requiring special assistance for.

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**Hon. Prof. J E Cortes:** No, I do not have that information. It is something that we work on together with the Ministry for Equality, the Care Agency and so on.

I must say, Mr Speaker, that there are children who start in Early Birds Nursery and then continue in mainstream, so we do not necessarily have to assume that all those will carry on in St Martin's. Increasingly, with the learning support facilities that we have in our schools, we are

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able to look after children in mainstream much more and it is something we always aim to do, but I do not have the analysis of each child, I am afraid.

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**Mr Speaker:** Next question.

**Q384/2022**

**Unqualified teaching staff –  
Whether employed in Government schools**

**Clerk:** Question 384/2022. The Hon. K Azopardi.

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**Hon. K Azopardi:** Mr Speaker, are there unqualified persons teaching subjects in Government schools; and, if so, in which subjects and schools, and on what basis?

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

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**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, all persons teaching subjects in Government schools are suitably qualified.

**Hon. K Azopardi:** Mr Speaker, what does he mean by adding the word ‘suitably’ before ‘qualified’?

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**Hon. Prof. J E Cortes:** That their qualification is suitable, Mr Speaker.

**Hon. K Azopardi:** Okay, let me ask it in this way: are they qualified teachers?

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**Hon. Prof. J E Cortes:** Mr Speaker, had that been the question, I would have given him the answer. All the teachers are qualified teachers. There are also instructors who are qualified in their subjects and work under the supervision of a teacher. This is a process that is widespread throughout education, largely in connection with music, where you can have specialist instructors who teach particular instruments under the supervision of the qualified music teacher.

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**Hon. K Azopardi:** Mr Speaker, I hope that the hon. Member ... It is late in the day on Friday. I am not trying to play word games with him. I thought my question was clear, but fine, we can pick on words, and that is okay too.

The hon. Member has given an example. Are there other examples in other subjects and in which schools, and on what basis, which is what I had asked and which was my original intention.

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**Hon. Prof. J E Cortes:** Mr Speaker, I believe it is just in music – I would need to check that – and this will be in Westside, Bayside and the Gibraltar College. I do not believe we have instructors other than in music, because remember that in music you can be a qualified teacher but you may not be a specialist in an instrument, in vocals or anything like that. This is why there is a long record of music instructors, always under the supervision of a teacher, dealing with classes in their specialised area.

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**Hon. K Azopardi:** But as I understand the explanation he has given, whenever it is happening it is always under the supervision of a qualified teacher – to be clear on the words, a teacher qualified in the particular subject in which the instructor is instructing?

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**Hon. Prof. J E Cortes:** If it is music, it will be a teacher qualified as a music teacher, although I believe in one of the schools we have drama and music together, so it could be the drama teacher, but it would be a relevant subject. Clearly that does not mean that that teacher is present in every circumstance, because the instructor may have two trumpet players whom he or she takes into the studio, working on the trumpet, another instructor might be working on the piano and the teacher supervises in general but may not be in the room at the particular time.

They are qualified in their instruments or speciality and their instruction is supervised by the teacher and has also got to be acceptable, if it is an examination class, to the awarding body. We have to ensure that Pearson or AQA, or whoever, would accept the qualifications of those who are instructing, and that, I am absolutely sure, is completely covered. We would not have it any other way.

**Hon. K Azopardi:** If the qualified teacher who is responsible ... Let me use 'responsible'. I do not want to use the word 'supervision' because I used it in my supplementary. The hon. Member, in his explanation, has explained that they are not necessarily present at every single moment. The qualified teacher is responsible for this happening, but the instructor is there.

Obviously teachers are professionals and subject to their codes of practice and so on. In relation to what code of practice is the supervisor instructing? Who is responsible for that situation? They are external people, they are not Government employees, as I understand it.

**Hon. Prof. J E Cortes:** We expect the standards and the processes and protocols to be identical to those of the teachers.

**Hon. K Azopardi:** Presumably there is monitoring of that going on by teachers.

**Hon. Prof. J E Cortes:** The subject lead and the senior leadership team in the school are responsible for the professional behaviour and standards of their staff, including their instructors, absolutely.

**Mr Speaker:** Next question.

#### Q385-86/2022

#### North Front cemetery – Condition and works undertaken

**Clerk:** Question 385/2022. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, is the Government satisfied with the state of the cemetery at North Front?

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

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 386.

**Clerk:** Question 386/2022. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, what works at the cemetery have been undertaken by private contractors in the financial years 2019-21 and 2021-22, by which contractor and at what cost, providing in each case a description of the works undertaken?

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

1630 **Hon. Prof. J E Cortes:** Mr Speaker, may I just comment that it might amuse the House to know that at one stage in our lives I was instructing the Hon. the Leader of the Opposition to play an instrument, he will recall. I say that with great affection, not with any –

**Hon.** (Interjection) [*inaudible*]

1635 **Hon. Prof. J E Cortes:** Many years go in the Scouts, I might add, just for explanation.

Mr Speaker, as I have said many times, including today, I am rarely satisfied with anything, as I always feel that improvement is a continuum. The cemetery is no exception.

1640 Over the past few years the management of vegetation has improved following the engagement of a horticultural contractor, with complaints in this respect down and those that arise being dealt with quickly.

1645 Since the retirement of the Superintendent, we have been implementing a restructure of working practices at the cemetery in order to ensure greater accountability of contractors and all working practices. This has included a review of the quality of work of contractors, who, incidentally, are engaged largely privately by members of the public and not by Government. We have concerns about some of the quality and so will be introducing detailed protocols and prior assessment of contractors. To this end we will shortly be publishing a call for expressions of interest in order to establish a preferred contractors list for works at the cemetery.

1650 I now hand over a schedule with the information requested in Question 386 in relation to works contracted by the Government but not including private graves etc. The contractor for vegetation management is Greenarc. That followed a competitive process some years ago. The building contractors are Cano Monumental Masons and El Yanito. However, as the information could have commercial implications, the names of these contractors have not been allocated to specific works. The schedule mentions Contractor A and Contractor B. They are these two contractors, but I do not think here I should divulge which is which.

**Answer to Question 386/2022**

Construction works to North Front Cemetery

Contractor A

<b>FY 2019 - 2021</b>	
No payments made	

<b>FY 2021 / 2022</b>		
30/04/2021	White marble macael with inscriptions engraved and cross engraved and painted in black	£ 350.00
16/09/2021	Broken vaults / marble slate with inscription	£ 1,050.00
13/10/2021	Repairs to Broken Vaults	£ 420.00

<b>FY 2022 / 2023 (APRIL - 22 TO DATE)</b>		
07/09/2022	Construction Works to Vault	£ 1,680.00

Contractor B

<b>FY 2019 / 2021</b>		
10/10/2019	Repairs to paths entrance for vaults	£ 1,350.00
03/02/2020	Repairs to vault & marble cross	£ 180.00
21/10/2020	Repairs of various vaults	£ 1,950.00

<b>FY 2021 - 2022</b>	
No payments made	

<b>FY 2022 - 2023 (APRIL-22 TO DATE)</b>	
No payments made	

Contractor C - Greenarc Ltd (Vegetation Management)

<b>FY 2019 - 2021</b>	£ 206,856.00
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<b>FY 2021 - 2022</b>	£ 86,190.00
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<b>FY 2022 - 2023 (April- 22 TO DATE)</b>	£ 77,571.00
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1655 **Hon. K Azopardi:** Mr Speaker, may I, for the record, as the hon. Member made that aside before he answered his question, say that the instrument was a bugle and I hope I played it to his satisfaction.

1660 **Hon. Prof. J E Cortes:** You did indeed.

**Hon. K Azopardi:** Thank you. (*Interjections*) Yes, indeed.

Mr Speaker, certainly on this side of the House we welcome that there should be expressions of interest on a preferred contractors list. That makes sense.

1665 Can I ask him, first, without getting into the granular aspects of this ...? He mentioned that there is a vegetation management contractor and there are also two other contractors in respect of, as I understood it, Government works. Because you are issuing a list for preferred contractors, are they going to be asked to submit a response to the expressions of interest, so that there is then the formalisation of a proper preferred contractors list?

1670 **Hon. Prof. J E Cortes:** Yes, indeed, Mr Speaker. These two contractors have been used for what you will see is minor expenditure because the fact that they are in the cemetery already has its economical aspect. They are there already with their equipment and so on. But yes, indeed, the

expression of interests will require the current contractors to reapply, or to apply, and they will be assessed together with anybody else who applies, and then we will select those we feel can best carry out these functions.

**Hon. K Azopardi:** Mr Speaker, I think the hon. Member acknowledged it, but the reason for the question is because several people have passed me photographs of the state of the cemetery in some respects, and what I have seen, certainly in the photographs, and it is not just hearsay – sometimes people come to see you and they tell you something and then, when you put it to the Government, you get the answer that it is not accurate, but certainly I have seen it for myself in the photographs. What I have seen is broken tombs, the dumping of rubbish, paving issues – some of the paving broken – cement dumping, broken tiles, piping and rubbish or bricks or cement dumped next to graves; pretty disrespectful practices for any family members going to the cemetery. Does he agree that those things are unacceptable, and, to the extent that they are formalising procedures for the application of preferred contractors, that the Government needs to go beyond that and then monitor how those works happen with whatever staff they have there on site, so that these pretty disrespectful practices do not go on at the cemetery?

**Hon. Prof. J E Cortes:** Mr Speaker, the problems that the hon. Member has described, I am familiar with a lot of them. I do visit the cemetery, sometimes because it is my duty to do so and other times, clearly, because of burials in Gibraltar we tend to frequent because we know so many people.

There are two elements there. There is an element of supervision, which he has mentioned, and there is an element of the practices of the contractors. I think both play a part. I think it would not be right for me to go into any specific details as to what steps we are taking in order to remedy both, but what I can say is that in order to remedy one of those we are going to an expression of interest. There will be very strict written protocols, which do not exist at the moment, as to what work practices can and cannot be done, the expectation of removal of rubble, of respecting of an adjacent tomb. Those will be written protocols and failure to adhere to them would result in those contractors not being able to work in the cemetery any longer.

I am very serious about this, I am not happy with the situation and I am doing something about it.

## Questions for Written Answer

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I have the honour to table the answers to Written Questions submitted by the Hon. Edwin Reyes and the Hon. Roy Clinton numbered as W29/2022 to W36/2022.

I also table questions submitted orally by the Hon. Mr Reyes, which have now been converted to Written Questions W37/2022 to W63/2022 at his request.

**Hon. D J Bossino:** Mr Speaker, simply to lay on the record of the House the understanding that we have arrived at with your good self as to how the answers which are being submitted in written form in relation to the oral questions which my hon. Friend Mr Reyes has submitted can be the subject of further supplementary questions for the next meeting of the House and not ...  
*[Inaudible]*

**Mr Speaker:** I accept the representations made by the hon. Member. I also know that the Chief Minister is happy that questions can be raised at the next meeting of the House – follow-up

questions to those oral answers converted into written answers, and they can be put forward as supplementaries but in the form of a fresh question. I understand and accept that.

1720

**Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I take it these are the questions which were asked of me, which I have prepared and are now in written form.

1725

**Mr Speaker:** I fully understand that.

### Adjournment

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I have the honour to move that this House do now adjourn to Monday, 24th October at 3.30 p.m.

1730

**Mr Speaker:** I now propose the question, which is that this House do now adjourn to Monday, 24th October at 3.30 p.m.

I now put the question, which is that this House do now adjourn to Monday, 24th October at 3.30 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Monday, 24th October at 3.30 p.m.

*The House adjourned at 7.04 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.39 p.m. – 4.11 p.m.**

**Gibraltar, Monday, 24th October 2022**

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# The Gibraltar Parliament

*The Parliament met at 3.39 p.m.*

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

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

## **New leader of UK Conservative Party elected – Statement by the Chief Minister**

**Clerk:** Meeting of Parliament, Monday, 24th October 2022.

**Mr Speaker:** The Hon. the Chief Minister.

5

**Chief Minister (Hon. F R Picardo):** Mr Speaker, events in London, which all hon. Members will be aware of, have transpired to produce a new leader of the Conservative Party just before the House sits. In fact, whilst we are sitting, the new leader of the Conservative Party is addressing all elected Members of Parliament for the Conservative Party in the 1922 Committee.

10

Mr Sunak has been Chancellor of the Exchequer. He knows Gibraltar well from his time there and the work we did with him to secure the £500 million guarantee from the Treasury at that time, and therefore I am very confident that we will be able to work with him, as Prime Minister of the United Kingdom, as well as we have been able to work with successive Prime Ministers since we were elected – Mr Cameron, Mrs May, Mr Johnson and, most, recently Ms Truss.

15

I have written to Ms Truss on behalf of the people and Government of Gibraltar to thank her for the work that she did with us at the time when she was Secretary of State for International Trade, Foreign Secretary and, most recently, Prime Minister, and I have written to Rishi Sunak to congratulate him on becoming the leader of the Conservative Party and in anticipation of him being appointed by the King as Prime Minister. I very much look forward to working with the Sunak-led government to ensure the best possible outcome for Gibraltar in the context of the negotiations of the UK-EU treaty and all other matters, bilateral and multilateral, between Gibraltar and the United Kingdom.

20

## Order of the Day

### **BILLS**

#### **FIRST AND SECOND READING**

#### **Pensions (Amendment) Bill 2022 – First Reading approved**

**Clerk:** Order of business: (ix) Bills – First and Second Readings.

25

A Bill for an Act to amend the Pensions Act. The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** I have the honour to move that the Bill for an Act to amend the Pensions Act be read a first time.

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

**Clerk:** The Pensions (Amendment) Act 2022.

**Pensions (Amendment) Bill 2022 –  
Second Reading approved**

**Chief Minister (Hon. F R Picardo):** I have the honour to move that the Bill now be read a second time.

Mr Speaker, section 6(1)(a) to (f) of the Pensions Act already sets out the criteria for the entitlement to a pension, gratuity or other allowance of officers retiring from public service under the Government and those public officers who have transferred to other public services. This subsection of the Act does not provide for the situation, however, where a public officer under government service and entitled to a pension under this Act transfers to a government-owned company or corporation and then transfers again to another wholly owned company or corporation – what you might call a double bounce. Clause 3(a) of the Bill makes provision for section 6(1) of the Pensions Act to be amended after section 1(e), so that this situation can be provided for in legislation as transfers from the public service to government-owned companies or corporations and a further transfer to government-owned companies or corporations have occurred within the public service. It also provides for the legislation to be given retrospective effect to 2nd December 2019 for the purposes of including those public officers entitled to a pension who have already retired under these circumstances.

Clause 3(b) of the Bill amends section 17(7) of the Pensions Act, which sets out the criteria when an officer who dies in the service of an authority, a statutory authority or an agency or wholly owned company or corporation is deemed to have died whilst in the public service under the Government. The amendment has the effect of including the public officers who have transferred to government-owned companies or corporations and then transferred again to another wholly owned company or corporation – again, that double balance – so that they are covered by the same provision.

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, yes, and can I just say, before I launch into my points of clarification, that we are rather depleted, as you will see, on this side of the House. Unfortunately, the Members we had down with COVID have still tested positive for it. We thought that they might be free today.

This was a Bill that was going to be taken by my colleague Mr Clinton, but on his behalf, and having discussed the matter with him, can I just seek some clarification on it? In going through the purpose of the amendment and comparing the Bill with the original Act, which goes back, of course, to 1961, we did note that at some point – perhaps not now, but certainly ... I just flag that this impacts on the public service in terms of pensionability, but the definition of ‘public service’ is rather antiquated and the Government may want to flag that for their own legal draftsmen, if not now, for another occasion. The definition of public service, for example, still makes reference to the East African Railways and so on and so forth, but that is an issue of detail.

On the principle of the Bill itself, can I ask the Chief Minister to perhaps give us a bit more detail on the implication of the changes? He has explained, I think in his original remarks, that the reason for the date of December 2019 was because you are bringing within scope people who retired at that date who may have fallen within the scope of this proposed amendment. Does he have details of how many, loosely speaking, public officers – if I can use that phrase – would come within the scope of this legislation? And, to the extent that he may have those statistics, how many public officers are we talking about who may have gone not just from the Government to a government-owned company, but have bounced a second or third time into another company? I was assuming, when I was going through this, that it probably is not a big number of people, but it would be helpful to understand how many people we are talking about, so that we can form our own view of the implications of the changes. I do not know whether he has any comments to add as to the financial implications of the changes, not just in terms of the number of people affected but in terms of what the financial implications of those changes are.

In terms of fixing the date at 1st December 2019, is there magic to that date, or would someone then say they have been left out because of that date? Does the Chief Minister have that information?

**Mr Speaker:** The Hon. the Chief Minister.

**Hon. Chief Minister:** Mr Speaker, thank you.

The definition of the public service, as the hon. Gentleman says, is now one which is, apparently, of a different age. I do not disagree with him. It is one that I look at sometimes and I do wonder how it is that we have not yet amended it. There are instances when one looks at these things and wonders whether perhaps in future we might have businesses that stretch out as far as they used to in the past, but it is very unlikely that those businesses will be public businesses and therefore I think we are overdue a change of those definitions – and not just the one that the hon. Gentleman points to.

Mr Speaker, the number of people affected by this change is, in fact, as the Hon. the Leader of the Opposition has suggested, a handful. There are no more than that, but they are a handful that have to be provided for. From memory, I believe that this is an issue that was raised by the Principal Auditor in order to ensure that the payment of pensions is properly provided for, and, as a result, the issue of the date, I think, is related also to an officer who was identified as not being covered by the rules as they are presently drafted and who transferred on that date. Since then, there may have been one or others.

The reason we have not been able to do this Bill sooner is that shortly after December 2019 – and that is when the transfer happened, not when the problem was identified – most of our draftsmen became occupied with the drafting of the coronavirus legislation and regulations etc. That became very difficult, but we are now bringing the matter to the House in order to tidy up and provide clarity in respect of individuals who are caught in this instance.

I do not have a number that I can give him, Mr Speaker. It may be an issue that he wants to put a formal question on next time in the House, so that those who compile answers can check, but I think there is literally also just a handful of people who would be affected by moving from the government service to an agency or authority and then moving again to another agency or authority or another company. Those who do move should have the protection that this Bill provides for, so that thereafter, when their pensions are paid, they have the correct and full legal cover that there needs to be for the payment of those pensions. I hope that is helpful, Mr Speaker.

If I can just add – sorry – that, therefore, in terms of the financial implications, which was the Leader of the Opposition's other question, in my understanding there will be no financial implications as a result of this legislation, because if people felt that if they were to move they would lose their pensions, they would not move and the liability would be to pay the pensions. They have moved on the understanding that they will not lose their pension entitlement, and therefore this is exactly the same liability to the Government as there would be otherwise.

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

**Clerk:** The Pensions (Amendment) Act 2022.

**Pensions (Amendment) Bill 2022 –  
Committee Stage and Third Reading to be taken at this sitting**

130 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken later 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.)

**Crimes (Amendment) Bill 2022 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Crimes Act 2011. The Hon. the Chief Minister.

135 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Crimes Act 2011 and for connected purposes be read a first time.

140 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Crimes Act 2011 and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Crimes (Amendment) Act 2022.

**Crimes (Amendment) Bill 2022 –  
Second Reading approved**

145 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

The Crimes Act provides, rightly, that offenders who are convicted of particular offences – in particular, sexual offences – should comply with notification requirements under our law. That means that they are on something loosely called the sex offenders register and, as a result, they have to notify their movements in a particular way.

150 It was brought to my attention by the former Leader of the House and my predecessor, Sir Peter Caruana, that the Act did not provide any discretion to the courts, to judges in particular, to shorten the period when an individual has to be on the register of sexual offenders in appropriate circumstances. In other words, there would be no discretion allowed as to the period for which a person should be on the register of sexual offenders, whether that person was guilty of the most heinous of sexual offences or whether that person had been found to be in breach of certain rules  
155 but the moral opprobrium that the court might consider should be visited upon the particular crime in question should be lesser than another type of similar offence.

Mr Speaker, in our law we are always very careful not to tie the hands of judges. We tend to permit judges to have the ability to determine every aspect of a sentence based on their determination of the culpability affecting an individual who has been found, or has pleaded, guilty of an offence. I think perhaps through inadvertence we had not provided that element of flexibility to permit the judge to be the party that determines whether the period should be shortened or should not be shortened in any particular instance, and so I asked my predecessor, when he brought this to my attention, to draft the piece of legislation that would be necessary to remedy that situation, to ensure that the courts did have the discretion to make those determinations having heard the details of a particular offence in question.

In a nutshell, that is what this Bill does. It provides the power to the judge who has heard the case or who has an application brought to him, to permit an offender who has applied to the Magistrates Court to have his or her application removed from the register or have the period when they are going to be on the register, subject to the onerous notification requirements, shortened from the otherwise statutorily provided period.

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, again, for the same reasons, I rise instead of Mr Feetham to speak on these principles.

We will support the Bill. As the Chief Minister says, it is right that the courts that deal with offenders should have the discretion to then determine the appropriate sentences and how long those should be carried for, so we will support the principle of the Bill.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Crimes Act 2011 and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Crimes (Amendment) Act 2022.

### **Crimes (Amendment) Bill 2022 – Committee Stage and Third Reading to be taken at this sitting**

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

**Hon. K Azopardi:** Mr Speaker, may I just highlight to the hon. Members opposite that we are supporting the principles of the Bill, but when it comes to the Committee Stage ... We are not putting forward an amendment, but personally I found section 315(2) a difficult read because of the double negative, so I just put it to the hon. Members – if they are satisfied with the drafting, that is fine, but I found it a hard read.

**Hon. Chief Minister:** Mr Speaker, it is really for the Committee Stage, rather than now. I do not know on what basis we are saying anything about this now, but I hear what the hon. Gentleman says and I am happy to have a look at it together, so that if there is a better sort of language we can come up with it.

**Hon. K Azopardi:** I appreciate it.

**Mr Speaker:** I would tend to agree with the Chief Minister. It was not the point at which you should have raised this matter. You should have raised it when you were talking about –

**Hon. K Azopardi:** I was trying to be helpful.

**Mr Speaker:** – general principles, but you need to raise it now at Committee Stage.

**Civil Aviation (Amendment) Bill 2022 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Civil Aviation Act 2009. The Hon. the Deputy Chief Minister.

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Civil Aviation Act 2009 be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Civil Aviation Act 2009 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Civil Aviation (Amendment) Act 2022.

**Civil Aviation (Amendment) Bill 2022 –  
Second Reading approved**

**Deputy Chief Minister (Hon. Dr J J Garcia):** I have the honour to move that the Bill now be read a second time.

Mr Speaker, this short Bill introduces new powers to make subsidiary legislation for the purposes of regulating vehicular, pedestrian and other traffic on Winston Churchill Avenue. The regulations shall only apply in the area prescribed and will be limited to the part of Winston Churchill Avenue which intersects Gibraltar Airport, including cycle lanes and footpaths.

The need for new legislation in this area became apparent after discussions with the Royal Gibraltar Police, the Ministry of Defence and the Gibraltar Defence Police. This revealed challenges in policing this area when people are invited on to the runway and behave in an irresponsible manner or do not listen to instructions given by the Police, police officers or airport officials. A specific incident last year saw a person enter via the south barrier of Winston Churchill Avenue and refuse to exit in a timely fashion. Such behaviour can cause delays in clearing the runway and risks endangering an aircraft attempting to land.

Although offences preventing trespass on to Gibraltar Airport or entering restricted areas can be found in our Civil Aviation Act and Crimes Act respectively, such offences would not apply to persons who are invited on to the runway and remain within the confines of the road, cycle lanes and footpaths. Therefore, the proposed regulations will create specific offences which will help the authorities to deal with such incidents effectively. Enforcement will also be aided by the ability of police officers to issue fixed penalty notices.

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. Member Mr Phillips.

**Hon. E J Phillips:** Mr Speaker, the Opposition will support this Bill, but just by way of clarification, was a view taken as to whether the definition of 'Gibraltar Airport', which is referred to in the interpretation section of the primary Civil Aviation Act as including 'Civil Airport and RAF Gibraltar' ... to extend that part of Winston Churchill Avenue? I just want to ask that point of clarification because of the powers it seeks to exercise on that segment of Winston Churchill Avenue, which I assume just leads on to the runway. Apart from that, we will, of course, support this Bill.

**Mr Speaker:** The Hon. the Deputy Chief Minister.

**Hon. Deputy Chief Minister:** Thank you, Mr Speaker.

This arises precisely when the function of the road changes from being a road to being part of the runway. That is why it was felt that the loophole that exists because of that change in function needed to be closed.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Civil Aviation Act 2009 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Civil Aviation (Amendment) Act 2022.

**Civil Aviation (Amendment) Bill 2022 –  
Committee Stage and Third Reading to be taken at this sitting**

**Deputy Chief Minister (Hon. Dr J J Cortes):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Mr Speaker:** Is the Government going to be dealing with any further Bills?

**COMMITTEE STAGE AND THIRD READING**

**Clerk:** Committee Stage and Third Readings. The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should now resolve itself into Committee to consider the following Bills clause by clause: the Pensions (Amendment) Bill 2022, the Crimes (Amendment) Bill 2022 and the Civil Aviation (Amendment) Bill 2022.

*In Committee of the whole House*

**Pensions (Amendment) Bill 2022 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Pensions Act.  
Clauses 1 to 3.

**Mr Chairman:** Clauses 1 to 3 stand part of the Bill.

**Clerk:** The long title.

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

**Crimes (Amendment) Bill 2022 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Crimes Act 2011.  
Clause 1.

**Mr Chairman:** Clause 1 stands part of the Bill.

**Clerk:** Clause 2.

**Mr Chairman:** Clause 2 stands part of the Bill.

**Clerk:** Clause 3.

**Hon. K Azopardi:** Mr Chairman, if I may, the Chief Minister has my point, which I made earlier, on the wording. I will not repeat it because he heard it earlier. If they are satisfied about the wording, then that is fine. If they want to reflect further, again we leave it with them. We found subsection 315I(2), as I said before, a hard read because of the double negative.

**Chief Minister (Hon. F R Picardo):** Yes, Mr Chairman, I am looking at it. The hon. Gentleman, I think, has expressed it in a way that is exactly right: it is a hard read. It is a hard read that reads right. In other words, it does what it needs to do, but it is a hard read because of the double negative. I am loathe, as a result, to change that wording, which is complex, and think that we are going to be able to make it easier to read if the draftsman, who has a lot of legislative experience, has considered that that is the best way to do it in these circumstances. Not all of our legislation is easy to read – hard reads are what make lawyers necessary in the end – but I do take the hon. Gentleman's point. I do not think that the text leads us to a double negative which makes the sentence nonsensical, I think it does what it needs to do, and therefore I am minded not to make any changes on the hoof, so to speak.

**Clerk:** Clause 3.

**Mr Chairman:** Clause 3 stands part of the Bill.



**Clerk:** The long title.

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

**Civil Aviation (Amendment) Bill 2022 –  
Clauses considered and approved**

315 **Clerk:** A Bill for an Act to amend the Civil Aviation Act.  
Clauses 1 to 3.

**Mr Chairman:** Clauses 1 to 3 stand part of the Bill.

320 **Clerk:** The long title.

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

**Pensions (Amendment) Bill 2022 –  
Crimes (Amendment) Bill 2022 –  
Civil Aviation (Amendment) Bill 2022 –  
Third Readings approved: Bills passed**

325 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Pensions (Amendment) Bill 2022, the Crimes (Amendment) Bill 2022 and the Civil Aviation (Amendment) Bill 2022 have been considered in Committee and agreed to without amendments and I now move that they be read a third time and passed.

330 **Mr Speaker:** I now put the question, which is that the Pensions (Amendment) Bill 2022, the Crimes (Amendment) Bill 2022 and the Civil Aviation (Amendment) Bill 2022 be read a third time and passed.

Those in favour of the Pensions (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

Those in favour of the Crimes (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

335 Those in favour of the Civil Aviation (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

**Adjournment**

**Mr Speaker:** The Hon. the Chief Minister.

340 **Chief Minister (Hon. F R Picardo):** Mr Speaker, just before I move the adjournment, I am sure all hon. Members have heard that one of our number, in the course of exerting herself in pursuing the GHA's advice that we should remain active, has done herself an unfortunate injury. The whole House will want to join me in wishing Ms Marlene Hassan Nahon a speedy recovery from that injury. I know that she will miss being with us today and I hope that, despite the injury, she will be well enough to be able to join us for the House's next session, which I am happy to inform the

345 House I anticipate will be in November. I think we have agreed the 23rd is likely to be the date when we will come back.

I move that the House should now adjourn *sine die*.

350 **Hon. K Azopardi:** Would the hon. Member give way?

**Hon. Chief Minister:** Of course, yes.

355 **Hon. K Azopardi:** First of all, I join him in those remarks, but because I thought we were going to get on to that part of the Agenda, I just wanted to record my agreement with the Hon. Minister for Health. I have a motion standing in my name, but we have agreed between us to kick that forward while we have discussions on issues of mental health.

I certainly join the Chief Minister in the remarks about the hon. Lady.

360 **Mr Speaker:** I now propose the question, which is that this House 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 4.11 p.m.*