



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3 p.m. – 7.27 p.m.**

**Gibraltar, Monday, 13th February 2023**

## **Contents**

Thoughts with victims of Turkey and Syria earthquake .....	4
Prayer .....	4
Confirmation of Minutes .....	4
Best wishes to Sir Joe Bossano for a speedy recovery .....	4
Papers to be laid .....	5
<b>Questions for Oral Answer .....</b>	<b>5</b>
Housing, Employment, Youth and Sport .....	5
Q114/2023 Europa Sports Complex – Management and manning systems.....	5
Q115/2023 Gibraltar Sports and Leisure Authority – Update re staffing.....	6
Q116/2023 Gibraltar Sports and Leisure Authority – Cancellations at facilities.....	8
Q117/2023 Varyl Begg Estate – Removal of weeds .....	9
Q118/2023 Lift maintenance in Government rental housing – Details of provision and level of satisfaction .....	11
Q119-122/2023 Kings Bastion Leisure Centre – Ice-skating rink; boulder park.....	12
Transport .....	14
Q123-24/2023 Gibraltar Car Parks Ltd – Services provided; payment received .....	14
Q125/2023 Cars registered in last 12 months – Numbers by fuel type .....	14
Q126-27/2023 Registered cars – Numbers of cars per owner and per household.....	15

Justice, Equality and Public Standards and Regulations .....	16
Q128/2023 New laws re electric scooters and protection for cyclists – Enforcement.....	16
Q129/2023 New fire station – Whether, when and where to be built.....	17
Deputy Chief Minister .....	20
Q130/2023 Queen’s Cinema and Queen’s Hotel sites – Update .....	20
Q131/2023 Europort Road development – Loss of parking .....	21
Q132-36/2023 Rooke site – Proposed development by Carlton Properties Ltd .....	22
Q137/2023 Old GBC site – Update re expressions of interest.....	28
Environment, Sustainability, Climate Change and Education.....	30
Q138/2023 St Martin’s School hydrotherapy pool – Whether fully operational .....	30
Q139/2023 St Martin’s School – Life skills and vocational courses .....	30
Q140-41/2023 Bayside and Westside music departments– Bayside performance room; damage to equipment.....	32
Q142/2023 Water ingress and construction defects in schools – Damage to classrooms and equipment.....	33
Q143/2023 University of Gibraltar – PGCE courses .....	35
Q144/2023 Non-completion of further or higher education courses – Details.....	39
Q145/2023 Vessels discharging black or grey smoke – Warnings and fines issued .....	44
Q146/2023 Energy saving targets – Update re position .....	46
Q147/2023 Registered dogs – Number in Gibraltar at 31st December 2022.....	46
Q148/2023 Pupils with special needs in government schools – Total numbers .....	47
Q144/2023 Non-completion of further or higher education courses – Supplementary questions.....	49
<i>The House recessed at 5.37 p.m. and resumed at 5.57 p.m.</i> .....	50
Digital, Financial Services, Health Authority and Public Utilities .....	50
Q149/2023 School internet issues – Reasons for continuing problems.....	50
Q150/2023 Cross-frontier movement of healthcare workers – Contingency measures for non-negotiated outcome .....	52
Q151/2023 Prescribed medicines – Update on review .....	52
Q152-53/2023 Opioid medicines – Repeat prescriptions; imports .....	56
Q154/2023 Diabetes – Incidence rate .....	57
Q155/2023 Death by heart attack – Incidence of death over last five years .....	59
Q154/2023 Diabetes incidence rate – Supplementary questions .....	60
Q156/2023 Cancer – Stage 4 diagnoses.....	61
Q157-58/2023 New cancer unit – Date when up and running; cost .....	63
Q159-62/2023 Sandpits mental health facility – Contract terms of care provider; payment re meals; budget holder; annual running costs.....	64
Q163-64/2023 Power outages – Number and causes .....	66

Q165/2023 Mask wearing at the Hospital – Reason for reintroduction and where purchased .....	73
Q166-67/2023 GHA Director General role – Proposed interim arrangements; selection process.....	73
<i>The House adjourned at 7.27 p.m.</i> .....	75

## The Gibraltar Parliament

*The Parliament met at 3 p.m.*

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

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

### **Thoughts with victims of Turkey and Syria earthquake**

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

5 **Chief Minister (Hon. F R Picardo):** Mr Speaker, before we start our prayer this afternoon, I thought it would be fitting that the whole House, as we start our prayer, should keep in mind those who have passed away in the tragedy that hit Turkey and Syria a week ago, and of course in particular Dr Chami, who was one of our colleagues in the Gibraltar Health Authority.

### **PRAYER** *Mr Speaker*

### **CONFIRMATION OF MINUTES**

**Clerk:** Meeting of Parliament, Monday, 13th February 2023.  
10 Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 18th, 19th and 20th January 2023.

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

15 **Members:** Aye.

*Mr Speaker signed the Minutes.*

### **Best wishes to Sir Joe Bossano for a speedy recovery**

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

20 **Chief Minister (Hon. F R Picardo):** Mr Speaker, very quickly, before we start the business of laying papers on the table etc., everyone in the House will know that the Hon. the Father of the House has been in hospital for some considerable time. He is now back home, but not well enough to join us. I am sure I speak for the whole House in saying that we very much look forward to

seeing him back amongst us, as always the most energetic of us, as always the most combative of us, and no doubt watching us right now on television, hating the fact that we are talking about him, our deep affection for him and our best wishes. *(Banging on desks)*

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

**Hon. K Azopardi:** Mr Speaker, on this side of the House we join with the remarks of the Chief Minister.

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

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I associate myself with the comments and wish the Father of the House a convalescence and a speedy recovery for us all to continue to enjoy him in the House for years to come.

#### PAPERS TO BE LAID

**Clerk:** (iii) Communications from the Chair; (iv) Petitions; (v) Announcements; (vi) Papers to be laid – the Hon. the Minister for Digital, Financial Services, Health Authority and Public Utilities.

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I have the honour to lay on the table the Mental Health Board Annual Inspection Report 2022.

**Mr Speaker:** Ordered to lie.

## Questions for Oral Answer

#### HOUSING, EMPLOYMENT, YOUTH AND SPORT

**Q114/2023**

##### **Europa Sports Complex – Management and manning systems**

**Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.  
Question 114/2023. The Hon. E J Reyes.

**Hon. E J Reyes:** Mr Speaker, can the Minister for Sport update this House in respect of the progress made since his answer to Question 439/2022 to permanently settle the management and manning systems at Europa Sports Complex?

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

**Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, the arrangements in respect of the management of the Europa Sports Complex are in a transitional

period with final arrangements currently being discussed. I expect I will be in a position to provide more information to this House at the next session of Parliament.

60 **Hon. E J Reyes:** Mr Speaker, I understand what the Minister is saying in his answer. In previous answers, he has also said it was work in progress and so on. If the Minister hopes to be able to update the House at the next session, with your leave, Mr Speaker, when should I be able to pose this question so we can have an update?

65 **Mr Speaker:** Will the Hon. Minister be ready with an answer at next month's meeting of the House in the third week in March?

**Hon. S E Linares:** Yes, Mr Speaker, as I have stated, in the next session, which would be the March session.

70 **Mr Speaker:** Then the hon. Member can lodge a question accordingly.

**Hon. E J Reyes:** I am extremely grateful, Mr Speaker, for your assistance in that.

**Q115/2023**  
**Gibraltar Sports and Leisure Authority –**  
**Update re staffing**

**Clerk:** Question 115/2023. The Hon. E J Reyes.

75 **Hon. E J Reyes:** Can Government update this House in respect of the agreed staffing complement at the Gibraltar Sports and Leisure Authority, indicating which posts are presently vacant and which are being filled in an acting capacity?

80 **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, there is no agreed staffing complement at the GSLA, but at present the GSLA has a staff complement of 61. There are no current vacancies at the GSLA.

85 **Hon. E J Reyes:** Mr Speaker, going back a few months, the Minister, in one of his answers, said that he was discussing with the representatives of the GSLA having an agreed complement, which was subject to the needs, which he was analysing at the time, of Lathbury Barracks Sports Complex and so on. I appreciate that he said there are 61 members of staff now within the complement, but I do not quite understand why he says there is no agreed complement because that does not  
90 coincide with the answers given in the past, that they were discussing what the complement was going to be. Can the Minister enlighten us further on that?

**Hon. S E Linares:** Mr Speaker, the hon. Member knows that in all Authorities and Agencies there is no set manning level or complement. It is a flexible thing that we ... Even so, we are still  
95 looking at how we man Lathbury, so there are still negotiations going on in relation to Lathbury. What I have just stated is that the complement is currently 61 and the management is working out how best to run Lathbury together with the Victoria Stadium – or should I say the Bayside Sports Complex.

100 **Hon. E J Reyes:** It does shed some light, at least, Mr Speaker. I understand that it is work in progress, which is what the Minister is saying.

Mr Speaker, would you agree if I gave him, let's say, three months, maybe after the Easter recess, perhaps shortly before that six-month period? Would I be allowed to seek an update in, say, three months' time, so that we have this issue alive?

105 **Hon. S E Linares:** Mr Speaker, the hon. Member is now giving us dates via asking his questions. I think, in all fairness, if he wants to pose the question in three months in a different way, he can do so. All I am saying now is that I might not be in a position in three months' time to give him the answer. I am not going to be bound by a three-month period because, like I said, it is work in progress and it might take longer, or even shorter.

110 The hon. Member must understand that these are two different complexes that we are running. We have never run them before – for example, the wonderful 52 m swimming pool – and we have to see how we can manage the best we can.

115 **Mr Speaker:** I think it is not going to be possible. On the basis of what the Minister has said, you are going to have to wait for the six months.

120 **Hon. E J Reyes:** Yes, Mr Speaker, I understand your guidance on that question. However, sir, if we are in February, I was thinking in three months' time one thinks the month of May. By then the GSLA is about to put into practice the summer schedule, which brings about more active participation by the sports and so on, so I do not think it is unreasonable that in May we are in a position to at least have some updates. However, if, reluctantly, one has to wait six months, we are talking of after the summer recess, so it leaves not just myself but sports lovers and users of facilities totally unaware of what the situation is. I do not know if the Government can enlighten us further on that.

125 **Mr Speaker:** I do not think we can hold the Government to a certain period of time. When the Government is ready to make the announcement it will do so. I think that is still my position. You will have to wait the six months unless the Minister wishes to speak to you ahead of those six months and can advise that he is ready with the information – then we might consider allowing you to put the question in before those six months, but we cannot hold the Government to account on this basis.

135 **Chief Minister (Hon. F R Picardo):** Mr Speaker, can I just, if it is helpful ...? The hon. Gentleman has said a few things which I think are just entirely wrong. There is no question of the public not knowing about these new arrangements, if we agree them, simply because the hon. Gentleman cannot ask the question in this House.

140 The rules of this House, as you have set out, are very clear. The arrangements are being pursued by the Minister. If an arrangement is reached, it is very likely that the Minister and the unions will want to issue a statement to the membership and more widely, but in this House there is a rule, and the rule is that you ask no more than once every six months on the same subject. That does not mean that the public will not find out.

**Mr Speaker:** Next question.

**Q116/2023**

**Gibraltar Sports and Leisure Authority –  
Cancellations at facilities**

145 **Clerk:** Question 116/2023. The Hon. E J Reyes.

**Hon. E J Reyes:** Can Government inform this House how many cancellations have been necessary at any of the Gibraltar Sports and Leisure Authority facilities since 1st September 2021, indicating the location, date and reason for the cancellation?

150

**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 now hand over to the hon. Member opposite the information requested.

**Answer to Q116/2023**

The cancellations incurred at GSLA facilities since 1st September 2021 are as follows:

**GSLA Swimming Pool Complex:**

**Accessible Pool:**

Date	Remarks
9 <sup>th</sup> September 2021	Faecal Accident
26 <sup>th</sup> September 2021	Faecal Accident
25 <sup>th</sup> October 2021	General Power Cut
6 <sup>th</sup> to 8 <sup>th</sup> November 2021	Air Handling Unit Malfunction
3 <sup>rd</sup> January, 2022	Burst Compressor
5 <sup>th</sup> to 11 <sup>th</sup> January, 2022	Gas Burner malfunction
16 <sup>th</sup> January, 2022	Faecal Accident
9 <sup>th</sup> February, 2022	Faecal Accident
20 <sup>th</sup> to 22 <sup>nd</sup> March, 2022	Gas Burner Malfunction
9 <sup>th</sup> April, 2022	Vomiting Incident
31 <sup>st</sup> July to 2 <sup>nd</sup> August 2022	Various Issues with plant room
8 <sup>th</sup> to 14 <sup>th</sup> September 2022	Works in the plant room. Burst pipe on Accessible Pool system
28 <sup>th</sup> November to 28 <sup>th</sup> January 2023	Damage to main air handling unit. Industry shortage on spare parts.

**Bayside Sports Complex**

**Hockey Pitch:**

Date	Remarks
2 <sup>nd</sup> to 8 <sup>th</sup> August, 2022	General Water Shortage

155 **Hon. E J Reyes:** Mr Speaker, I am grateful for this information. Perhaps a little clarification. From 31st July to 2nd August we had a couple of days of closure of the accessible pool, listed as 'various issues with plant room'. They could be of a minor works nature and so on. But then a month later, from 8th to 14th September, it closed again because of, it says, 'works in the plant room'. This one at least expands on 'burst pipe on accessible pool system'. Was the closure due to the same reasons and probably just lasted a month before it went again? And a burst pipe – to take about a week to fix a burst pipe somewhere that is full of water at first sight does not quite make sense.

160 Perhaps the Minister has some notes given to him by the staff there with a bit more detail on what the various issues were at the end of July and what works in the plant room ... It is just a burst pipe. To take a week to fix a burst pipe, there must have been a considerable amount of loss of water through the burst pipe. I do not know.

165



**Hon. S E Linares:** Mr Speaker, when he has a burst pipe at home, I hope he has another tap, so that he can close the whole of the system so that it does not waste water. But be that as it may, if it says here the various issues in the plant room ... If I remember correctly, there were some issues with some parts that were fixed, and if it has taken a week for the burst pipe in the accessible pool to be fixed, it means that they might not have had this pipe in stock and therefore had to procure it from somewhere else until it came in.

I do not see it as unreasonable. Why would they take longer? Why wouldn't they want the accessible pool working? I think they would do the works as fast as is possible.

**Mr Speaker:** Next question.

**Q117/2023**  
**Varyl Begg Estate –**  
**Removal of weeds**

**Clerk:** Question 117/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** What progress, if any, has been made to remove weeds which continue to be seen growing in roof gutters at Varyl Begg Estate?

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

**Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, the removal of weeds – the hon. Member does not like calling them weeds, they are just plants – growing within the gutters to some of the buildings forming part of Varyl Begg Estate have been tackled in the recent past. However, there are still a number of buildings to address. Aquitania House, Valiant House and Royal Sovereign House will be the next buildings to receive this treatment. Other buildings suffering from this issue will follow suit in the near future.

**Hon. D J Bossino:** Yes, he did say, in answer to the question posed by my hon. Friend Mr Reyes in February 2020, that the matter was being tackled. Can he explain why it is taking so long for the issue to be tackled once and for all?

**Hon. S E Linares:** Well, apart from there was a pandemic in between, I would not know why it has taken so long. This is the answer I have from the authorities I have asked. I am sure it is just a rolling contract or a rolling maintenance that they have, and therefore ... I do not know why it is taking ... Maybe there weren't weeds in 2020. I do not know whether the hon. Member saw the weeds then.

**Hon. D J Bossino:** Mr Speaker, I did not ask the question, it was asked by my hon. Friend Mr Reyes, and it must be because there were weeds.

Mr Speaker, he mentions by name three or four blocks within Varyl Begg Estate, and then he mentions other buildings. Can he state which those are, and are they all within Varyl Begg Estate?

**Hon. S E Linares:** Mr Speaker, just to be helpful, I will read the supplementary that has been prepared for me. There are 18 buildings that form part of Varyl Begg Estate. The Housing Works Agency is currently looking into the possibility of adapting the roofs with an access hatch and safety lines to avoid having to erect the scaffolding every time there is the requirement for removing weeds.

May I say to the hon. Member that these were refurbishments that were done during the GSD for Varyl Begg and we are having loads of problems in the new roofing that they did.

215 **Hon. D J Bossino:** The hon. Member makes a party political point, which is of absolutely no assistance. Can he please answer the question? Which other buildings does he refer to in his prepared reply? He has not answered that question.

220 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this House, in the days whilst we are dealing with the final stages of negotiation of a treaty within months of having come out of a pandemic, has now spent five minutes talking about weeds in a gutter. That is not a party political point that the hon. Gentleman has made, it is an important point. He will want to know that despite all the other things that we are dealing with, because we work together on these issues and because I visit the estates, I have seen how the weeds come back. Weeds are removed, weeds come back, weeds are removed, and weeds are going to continue to vex us for many years in those buildings and in other buildings, a whole list of which I think I would propose we should provide to the hon. Gentleman behind the Speaker's Chair – not because it is secret, but just to let him have it – or by letter, not across the floor of the House, and we should not waste this House's time further with weedy questions of the sort that we are dealing with now.

230 **Hon. D J Bossino:** Mr Speaker, this is an important question which has been raised with me and Members of this side of the House, and I and nobody else on this side of the House is going to be controlled, as he tends to do ... what we do. He can rest assured that we will continue to ask questions that matter to people, and this matters to many residents in Varyl Begg Estate, and we will continue to ask these questions.

235 He has failed to answer the question. His Government has failed to answer the question. Is the answer that he does not have the information in relation to which buildings still require to be fixed in order to remove the weeds?

240 **Hon. Chief Minister:** Mr Speaker, certainly the Government is not going to be controlled by the Opposition and certainly we are not going to be controlled by the hon. Gentleman in particular, whose style appears to be to want to come here to make points about his style rather than points about what matters to people.

245 What matters to people is that their estates should be in the best possible condition. That is the condition that the estates are in today after the very considerable number of millions of pounds spent by this Government in the teeth of the opposition of hon. Members opposite when we have refurbished the estates, we have clad the estates, we have removed weeds from the estates, we have improved conditions in the estates and we will continue to do so.

250 Therefore, the answer to the question will remain as helpful as it was when I first rose. We will write to the hon. Gentleman with all of the details that he seeks. That is how we provide the fullest answers possible to the questions that he pretends to be seeking answers to.

**Mr Speaker:** Last question.

255 **Hon. D J Bossino:** Mr Speaker, he knows he is not being helpful at all, and I am afraid to say that he is able to stand up in his usual way and score as many party political points as he thinks he can score and level against us. But let me tell him this. Can he not agree with me that he simply needs to answer the question by saying he does not have the information I sought? The purpose of the question and answer session is to seek information. Can he tell me that he does not have this information available? Yes? No?

260 **Hon. Chief Minister:** Mr Speaker, if the hon. Gentleman wishes to cross-examine me, he should bring proceedings in a court of competent jurisdiction, and there, as counsel, he can ask me to answer questions on the basis of a yes or no answer.

I will avail myself of the parliamentary privilege that I enjoy as Leader of this House to answer the question in the way that I think is in the best interests of the people of Gibraltar, and that is to tell him that we will give him all of the information available to us, in respect of weeds in gutters, in a letter that we will write to him which provides all of that information, if what he really wants is transparency.

265 As to his suggestion that we are here to score goals, the only thing I can say to him is that as a long-suffering Liverpool supporter, I very much look forward to being in the Champions League final, and that is the only place I am interested in scoring goals.

**Mr Speaker:** Next question.

### Q118/2023

#### Lift maintenance in Government rental housing – Details of provision and level of satisfaction

**Clerk:** Question 118/2023. The Hon. D J Bossino.

275 **Hon. D J Bossino:** Some things never change, Mr Speaker.

Please provide details of the lift maintenance programme the Government has in respect of the Government rental housing estate to include (i) how often lifts are subject to maintenance; (ii) whether the Government is satisfied with its effectiveness; and (iii) which company provides the service.

280

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

**Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, the lift maintenance regime has three facets.

285 First, the current lift maintenance provider, General Lifts Ltd, carries out its own monthly maintenance checks to all passenger lifts servicing Government rental housing accommodation.

Second, the client's specialist lift inspector undertakes six-monthly inspections and then programmes the works on a 'very high' to 'low' priority basis, always in conjunction with the findings of the aforementioned inspections.

290 The third and last facet is the reactive approach to the lift repairs, whereby a defective lift is reported via the reporting office or after-hours duty manager for the necessary action. This third aspect is in line with the reactive reporting of all defects within Government rental housing accommodation.

295 These arrangements appear to be working well. In fact, the current company has a very prompt response to calls and all maintenance issues that arise.

**Hon. D J Bossino:** When he says that it appears to be working well, is he satisfied in relation to that? On what basis does he come to that conclusion?

300 **Hon. S E Linares:** On the information that I am given, and I am satisfied.

**Hon. D J Bossino:** Who gives him that information?

**Hon. S E Linares:** The Housing Works Agency.

305 **Hon. D J Bossino:** Did he mention two companies? He talked about General Lifts Ltd and then he talked about, I think, the client's specialist company. Can he give more information on that? I think I understand what they each do and the different roles they perform, but I was not able to obtain information in relation to the second company.

310 **Hon. S E Linares:** Mr Speaker, the second company is engaged by the Housing Works Agency and is called Specialist Lift Inspectors, which is WJ Enterprises Ltd, to co-ordinate, supervise and oversee the maintenance and repair programmes of all lifts.

**Hon. D J Bossino:** Is that the client that he was referring to as the client of the Housing Works Agency? Is that understanding correct?

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

**Mr Speaker:** Next question.

**Q119-122/2023**  
**Kings Bastion Leisure Centre –**  
**Ice-skating rink; boulder park**

320 **Clerk:** Question 119/2023. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** In the last 12 months prior to its closure, how many people used the ice-skating rink at the Kings Bastion Leisure Centre?

325 **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 120 to 122.

330 **Clerk:** Question 120/2023. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** In the last 12 months prior to its closure, what was the net income or deficit of the ice rink at the Kings Bastion Leisure Centre?

335 **Clerk:** Question 121/2023. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** In the past 12 months, how many people have used the boulder park at the leisure centre?

340 **Clerk:** Question 122/2023. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** In the last 12 months, what has been the net income or deficit at the boulder park at Kings Bastion Leisure Centre?

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

**Hon. S E Linares:** Mr Speaker, during the 12 months prior to its closure, the ice rink received 11,800 admissions with a deficit of £50,921.

350 In the last 12 months prior to 6th February 2023, the boulder park has received 16,400 admissions, with a net profit of £52,405.

Additionally, the boulder park does not cause the environmental problems caused by the ice rink and its installation did not require the capital expenditure the ice rink repair would have required. The House will recall, even if the hon. Lady does not, that information about the global warming emissions was given in Press Release 675/2020. This provided that:

This will replace the ice rink, which has now reached a point where it has become beyond economical repair. The Government has been informed that the refrigerant gas used to chill the surface of the ice is no longer manufactured. This follows the global drive to cut emissions of gas that contribute to global warming. In turn, this has reduced the supply available, led to a shortage and increased the cost of the limited supply of gas that exists. The installation of new equipment, the chiller plant and compressors to take a different type of gas has been estimated to cost in the region of £470,000. The replacement of the ice rink with a new Boulder climbing facility will also mean considerable recurrent savings for the taxpayer, since the ice rink has been heavily subsidised from day one. The cost of electricity alone has been running at some £8000 a month, when it has operated on revenue returns of around £3000 a month. There have also been ongoing issues with water penetration from the ice rink to the bowling alley below, given that it was not designed and located on the ground floor. This has resulted in considerable costs to the taxpayer over the years. In 2019 alone, those operating costs, excluding staff and repairs to the bowling alley, came to nearly £150,000.

355 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for his answer and the detail of the answer. It is clear that the boulder park makes more sense economically and environmentally, and people are enjoying it a lot more, too.

360 Can I just ask whether, given this drastic improvement in the coffers of the facility, as well as in the usage by people, if the management of the boulder park is looking to enhance facilities or make changes? From what I understand, routes sometimes need to be changed within the facility, and my question is, therefore, because of this enhanced popularity, is there a plan for enhancements and changes to be made?

365 **Hon. S E Linares:** Mr Speaker, I am happy to say that the management of the Kings Bastion are always looking to improving the centre, so much so that they have now bought new machines for children. They will look at entrances and exits of the place. They are managing the boulder park, which as I stated, is now making a profit. Not only that, but they are consistently, and openly will take any suggestions from the general public as to how to improve the Kings Bastion Leisure Centre.

370 Let me just say that when we came into government, the leisure centre had a deficit of £2.6 million – that was the expenditure – and the revenue was a mere £50,000. Now, Kings Bastion costs approximately £1.4 million and the revenue is nearing £900,000, so I am really pleased at the direction, not only of its facilities ... The facilities are improving every single day because the management are proactive, they look at all the modern machines, e-gaming and everything that needs to be looked at. If the hon. Lady would like to go – and I open this to her ... She can go to the management and if she has any suggestions about how they come in or they come out or people flow through the centre, I open that to her.

**Mr Speaker:** Next question.

**TRANSPORT**

**Q123-24/2023**

**Gibraltar Car Parks Ltd –  
Services provided; payment received**

380 **Clerk:** Question 123/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government detail what services Gibraltar Car Parks provides under its contract?

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

**Minister for Transport (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 124.

390 **Clerk:** Question 124/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state how much Gibraltar Car Parks are paid for their services?

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

**Hon. P J Balban:** Mr Speaker, Gibraltar Car Parks Ltd is a Government-owned company. The company is responsible for the implementation of all of Government's parking initiatives.

400 **Hon. E J Phillips:** So, Mr Speaker, logically, then, it does not get paid for the services that it offers our community – is that correct?

**Hon. P J Balban:** Yes, sir.

405 **Mr Speaker:** Next question.

**Clerk:** Question 125/2023. The Hon. E J Phillips.

410 **Hon. K Azopardi:** Sorry, just to clarify, the company is not receiving a sum for any contracted service, the employees are paid by the company, but then they get some kind of subvention or subsidy from the Government to pay the employees. How does that work?

**Chief Minister (Hon. F R Picardo):** No, Mr Speaker, it operates on exactly the same basis as every government company, like the Bus Company.

415 **Mr Speaker:** Next question.

**Q125/2023**

**Cars registered in last 12 months –  
Numbers by fuel type**

**Clerk:** Question 125/2023. The Hon. E J Phillips.

420 **Hon. E J Phillips:** Mr Speaker, can the Government state, of the total number of cars registered over the last 12 months, how many were (i) petrol, (ii) diesel, (iii) hybrid or (iv) electric?

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

425 **Minister for Transport (Hon. P J Balban):** Mr Speaker, the information requested is as follows. However, the Hon. Member should note the information I shall be providing is in respect of the 12 months for the year 2022: 266 diesel cars, of which 232 are standard and 34 are hybrid; 980 petrol cars, of which 464 are standard and 516 are hybrid; and 25 electric cars.

**Mr Speaker:** Next question.

**Q126-27/2023**  
**Registered cars –**  
**Numbers of cars per owner and per household**

430 **Clerk:** Question 126/2023. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, at 31st December 2022, how many owners of registered cars appear as the owner of one car, two cars, three cars and more than three cars?

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

**Minister for Transport (Hon. P J Balban):** Mr Speaker, I will answer this question together with Question 127.

440 **Clerk:** Question 126/2023. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, at 31st December 2022, how many households have one car registered with that household's address, two cars registered with that address, three cars registered with the address, and more than three cars registered with that household's address?

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

450 **Hon. P J Balban:** Mr Speaker, upon requesting the information from the Driver, Vehicle and Licensing Department motor vehicle registration database, I have been advised that in extracting information of this nature there will be an element of inaccuracy due to the potential mismatch of records. However, upon running a query that has checked for forename, surname and address, the figures are as follows: one car, 16,525; two cars, 1,482; three cars, 301; more than three cars, 214.

455 On a similar note to Question 126, I wish to advise the Hon. Member that I am advised by the Driver, Vehicle and Licensing Department that there will be an element of inaccuracy due to the potential mismatch of records, but the details are as follows: one car per household, 11,341; two cars per household, 2,439; three cars per household, 743; and more than three cars per household, 532.

460 **Hon. K Azopardi:** Mr Speaker, I am grateful for that, with the caveat, of course, that I understand the possible inaccuracy, especially as details may not get updated when people change homes and all of that. I understand that.

I do not know if the Minister had asked for details of a similar nature before. Given the caveats to the question, it may be that the Minister had not done that, but does he agree with me that this information is important in terms of the formulation of the overall Transport Strategy and the encouragement of alternative modes of transport and the discouragement of ownership of too many vehicles per household?

**Hon. P J Balban:** Mr Speaker, we have requested this data before as part of the study that was conducted, and in fact we look at these figures when we are doing our residential parking schemes to see what are the chances of giving everyone an opportunity to park within the area, or not. This is also how we set our policy in that respect.

**Mr Speaker:** Next question.

## JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

### Q128/2023

#### New laws re electric scooters and protection for cyclists – Enforcement

**Clerk:** Question 128/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, given the statements made by the Commissioner of Police regarding policing resources, how confident is the Government that new laws introduced to regulate the use of electric scooters and the 1.5 m distance rule for cyclists will be enforced?

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

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, the Government is very confident that the new rules for the protection of cyclists will be fully and properly enforced.

**Hon. E J Phillips:** Mr Speaker, the recent press coverage in relation to those officers enforcing those rules probably predates the time at which this question was asked, but I note that is in the public domain now. I am not going to withdraw the question, obviously, but insofar as the 1.5 m distance rule, a number of people – motorists and individuals themselves, actually – have expressed some concern about how that will be enforced, given the sometimes narrow parts of our roads. I was wondering whether the Minister had any feedback from the Police in respect of that and any difficulties that they may have been experiencing insofar as enforcement is concerned.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, we have had this discussion in this House before, I think, in the last two months. We clarified that our understanding of the position is that this will be particularly relevant when someone is knocked down. It is not something that will be measured in the day to day, but it is something that will be relevant in an assessment of negligence, carelessness, dangerousness and liability in the context of a cyclist being knocked down, much in the same way as the rules on dangerous and careless driving are not policeable.

People are making this big fuss – and this is the point we made last time – about the 1.5 m and how you are going to measure the 1.5 m and all the rest of it, and do you have to go around with a tape measure to put against the cyclist as you go past? Well, when you are driving inside your vehicle in a way that is not visible from outside ... For those of us who have the age to remember,



if you are trying to remove a cassette tape and it has got stuck, and you are driving and pulling the cassette tape and all the rest of it, that will be dangerous driving because you will not be giving your concentration to the operation of the motor vehicle.

Of course the Police do not have a camera inside the vehicle. They are not policing you, pulling the tape and trying to get it back together so that it plays the final countdown properly once more, and all the rest of it, but if you crash the vehicle and you hit someone or you break something and the Police turn up and ask, 'What were you doing, for goodness' sake?' and you say, 'I was trying to pull the tape out and I was trying to ...' then it will be relevant.

We have had that discussion already, Mr Speaker, in the last two or three sessions of the House. I have not been able to search for it in the *Hansard*, but I put it to the hon. Gentleman that we have ventilated it and that is how it is going to be dealt with from our understanding, although the rule is an important one to enable the Police to prosecute if there is an accident, if there is an injury, if there is loss of life, if there is damage, etc.

**Hon. E J Phillips:** Mr Speaker, I understand what the Chief Minister says. We asked the question about some of the other European laws and compared the fines in respect of the 1.5 m rule, so I think insofar as clarifying the last discussion we had in this House, it was around those legal fines that can be imposed by other jurisdictions in relation to the 1.5 m, which led to a discussion, as the Chief Minister has articulated.

I think what he is saying quite clearly to us in this House is it is after the event – effectively 'when someone is knocked down' I think are the words he used. Obviously, insofar as careless and dangerous driving there can be instances when an individual is not injured as a result of the careless and dangerous driving, so there is a bit of a distinction there. What I am trying to get at is many members of the community have expressed a concern about the distances that they are operating in relation to those on electric scooters. It is just that I was asking the Minister whether she might be able to provide some reassurance about them. That is all.

**Hon. Chief Minister:** Mr Speaker, somebody does not have to be knocked down. I gave that example, but that is not the only example. A cyclist could complain, could phone the Police and say, 'G 1116 just passed within a hair's breadth of me. I did not fall because I managed to control myself, but I was put in danger. He came within 20cm. It is very unfair because this is totally outside the rule.' He can complain to the Police and the Police can then investigate, and if there is CCTV in the area, they may use it, or not. So this is going to be policed, as we understand it, in exactly the same way as all other traffic rules are policed.

**Mr Speaker:** Next question.

#### Q129/2023

#### New fire station –

#### Whether, when and where to be built

**Clerk:** Question 129/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Will the new fire station promised by the GSLP Liberals in 2011, 2015 and 2019 be built; and, if so, where?

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

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, yes, sir, the new fire station will be built and located at the Rooke site.

The plans have already been approved by the Chief Fire Officer and the relevant officers at GFRS, who have been directly involved in the planning stages. The plans will be submitted to the DPC in the coming weeks.

**Hon. D J Bossino:** Is she able to provide –?

**Mr Speaker:** I think you need to refer to the Minister as the hon. Lady, rather than ‘she’.

**Hon. D J Bossino:** Mr Speaker, I do not think I was being rude at all.

**Mr Speaker:** I am not suggesting that at all. I am saying that I think you should address her in the proper form. That is all I will say.

**Hon. D J Bossino:** Mr Speaker, the hon. Lady says from a sedentary position that it is parliamentary etiquette. Does that apply to all Members of the House? So from now on, in the future, we need to refer to the hon. – (*Interjections*) And indeed, my hon. Friend here to my left is called by her first name by Members opposite, so ... But anyway, is that the ruling, that from now on we cannot use the pronoun, we have to refer to the hon. Members as the ‘hon. Member’ or the ‘Hon. Minister’?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, hon. Members have never, other than through inadvertence, referred to a Member of the Opposition or a Member on this side of the House as anything other than ‘the hon. Member’. The hon. Lady says that she was referred to by her first name. I did that in a speech when I was not referring the House to her, I was setting out a recitation of something. But when we refer to each other, when we call each other’s attention through the Chair, we always refer to each other as hon. Members – the hon. Lady, the hon. Gentleman, the Hon. the Leader of the Opposition. That is how we have always done it, and hon. Members on the other side I do not think have failed to do so either.

I think you were just rightly pulling the hon. Gentleman up today, but if this is another one of the parliamentary rules that they feel they should change because today they have decided that that is the way they can best put forward their case, well, obviously we are happy to listen to why they think that generations of parliamentary procedure should not be followed.

**Hon. D J Bossino:** Mr Speaker, I really –

**Mr Speaker:** No, we are not going to go into a slanging match here. We are now going to continue. The Minister was due to answer the question, the Minister will answer the question and then you can put your supplementary, and we are going to stop there. We are going to ask the supplementaries once the Minister has answered the question.

**Hon. D J Bossino:** Can I simply point out, Mr Speaker, that we –?

**Mr Speaker:** I am not asking you to point out anything. Resume – (*Interjection by Hon. D J Bossino*) No, I am going to enforce – (*Interjection by Hon. D J Bossino*) You have questioned and queried. Now please resume your seat. I do not want to take this any further.  
Where are we now?

**Hon. D J Bossino:** My question.

**Mr Speaker:** Right.

600 **Hon. Miss S J Sacramento:** Mr Speaker, the hon. Gentleman was about to ask me a supplementary question.

**Hon. D J Bossino:** Mr Speaker, we have been called to order before when we refer to an hon. hon. Member as –

605 **Mr Speaker:** No. Again, you persist. Please resume your seat.

**Hon. D J Bossino:** Will the Hon. the Minister please state, if she is able to, when she expects the building of the fire station to be completed?

610 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, there is an element of overlap with this question and other questions on the Order Paper, as the hon. Member will know. The project has not even gone to planning yet, so clearly this is not something that is happening immediately. Once it goes to planning and is approved, there will be a clearer indication of how long it will take to construct it.

615 **Hon. D J Bossino:** Whilst the Hon. the Deputy Chief Minister – and I am grateful for that answer – may not have a specific idea, is he able to give us some further information on, once it goes into planning, how long he thinks the whole project is likely to take in order to come to fruition?

620 I ask this question, Mr Speaker, because this is a promise, a manifesto commitment of the hon. Members opposite in the last three elections, which they won – 2011, 2015 and 2019 – so there is some pressure to see this happening once and for all.

Can I ask the Hon. the Deputy Chief Minister if he is able to give an indication as to when it will be finally completed?

625 **Hon. Dr J J Garcia:** Mr Speaker, once all the permits and everything are in place, we would expect this to happen within 12 to 18 months. This is only a very rough estimate and I would not want to be held to it. I am simply saying it to assist the hon. Member and to try to answer his question.

630 **Hon. D J Bossino:** Would the hon. Member agree with me that, at most, this is a project that is likely to be completed during the course of the next Parliament, should the hon. Members be returned to office?

635 **Hon. Chief Minister:** Mr Speaker, given that I have made no secret that there will be an election during the course of this calendar year – this calendar year is going to run for another 11 months and the estimate that the hon. Gentleman has been given is 12 to 18 months – I think that he is sufficiently able to do the maths himself.

640 **Hon. D J Bossino:** The Hon. the Deputy Chief Minister is absolutely right that I think it conflates nicely with the question I have in relation to the expressions of interest in relation to the other project. Did he say – I may not have caught it – that the site that has been left out of the Carlton Properties Ltd project in relation to the Rooke ...? Is that the site where the fire station is to be located?

645 **Hon. Dr J J Garcia:** Mr Speaker, this is the subject of a separate question on the Order Paper, so if the hon. Member and Mr Speaker prefer, I will answer that when we come to the question.

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

650 **Hon. K Azopardi:** Mr Speaker, thank you.

Can I ask, in terms of the construction of the fire station, is that something that will be constructed in house, or is it going to go out to tender? If it is going to be in house, does the Government have an estimated cost for the construction of this new fire station?

655 **Hon. Dr J J Garcia:** Mr Speaker, yes, the Government has an estimated cost, but we have not determined exactly how it is going to be done as yet.

**Hon. K Azopardi:** So the Government is not willing to share across the floor of the House the estimated cost – is that the position?

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**Hon. Chief Minister:** Mr Speaker, it would be grossly contrary to the interests of the Gibraltar taxpayer for the Government to share its internal estimate of what the police and fire station are going to cost, and I am sure that on reflection the hon. Gentleman will agree.

665 The Hon. the Deputy Chief Minister has told the hon. Gentleman we have not yet determined whether we are going to build in house or whether we are going to go to tender, so if we were going to go to tender, we would be giving away what we think it would cost, so that if anybody thought they could build it for less, they would not. Therefore, I am sure he will agree with me that it is right that we should not disclose that internal estimate now.

670 **Hon. K Azopardi:** Do I take it from the answer he has just given, unless it was a slip ...? He said it is the police *and* fire station. Is it two stations in one?

**Hon. Chief Minister:** No, Mr Speaker, it is that the two stations go in the same area.

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

**Hon. Ms M D Hassan Nahon:** Mr Speaker, if I could just follow on from that question, does the Government have any plans of what it intends to do with the current station, which will be the decommissioned fire station?

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**Hon. Dr J J Garcia:** Mr Speaker, yes, the Government has ideas as to what we want to do with both of them, including putting them out to tender, so it is still open in that sense.

**Mr Speaker:** Next question.

#### DEPUTY CHIEF MINISTER

Q130/2023

#### Queen's Cinema and Queen's Hotel sites – Update

685 **Clerk:** Question 130/2023. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government provide an update as to the development of the Queen's Cinema and Queen's Hotel site?

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

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, yes, the Government continues in discussions with a preferred bidder for the sites.

695 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Hon. Minister for his answer. If I could just ask two very quick questions, firstly, in terms of the discussions, this is for both sites combined as one development? And then secondly, would there be any linkage between the development of this site, which I imagine will involve the demolition of the Queen's Hotel site and the proposed modular construction at Coaling Island?

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**Hon. Dr J J Garcia:** Mr Speaker, yes, the tender and the development will be for the two sites combined, so it will be one project; and there is no connection between this and the development at Coaling Island.

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

**Hon. Ms M D Hassan Nahon:** Mr Speaker, can the hon. Member tell us whether their intention will be to sell to whoever the bidder is for a culture incentive, given that this was hailed as the Theatreland hub in, I think, two manifestos previously.

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**Hon. Dr J J Garcia:** Mr Speaker, this has not been Theatreland for quite a while. I think originally, the hon. Lady is correct, there was an intention. The theatre was mentioned in connection with this project. GBC was also mentioned as a possible location for this project, but in the last expression of interest that was published ... it has come out of expression of interest more than once. In the last one, there was no mention of either of these, but there will be, nonetheless, a cultural dimension to the project as well, yes.

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**Mr Speaker:** Next question.

**Q131/2023**  
**Europort Road development –**  
**Loss of parking**

**Clerk:** Question 131/2023. The Hon. D J Bossino.

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**Hon. D J Bossino:** Following the issuing of an expressions of interest in respect of a plot of land at Europort Road, what measures are being put in place to address the loss of parking spaces that will result should the development proceed?

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

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, in the event that the site is developed in the future, the parking spaces currently there will be re-provided inside the Rooke development.

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**Hon. D J Bossino:** Is he able to say how many expressions of interest have been received in relation to this site? I realise now, reading it, that the closing date is not finished, so it may be a bit precipitous for him to answer the question, but is he able to give some form of indication by way of assistance?

735 **Hon. Dr J J Garcia:** Mr Speaker, the short answer is no, because the process closes on 17th February. We will have an indication then of how many there are going to be. In past experience, people tend to leave this until the last minute on the last day.

740 **Hon. D J Bossino:** And in relation to the Rooke site, he is referring to the one that is the subject currently of an application before the DPC, I think, filed by a company called Carlton Properties Ltd. Is he talking about that particular development, which seems to have provided for parking spaces? I assume that the idea is that it will be made a condition that the parking spaces currently on this site, the site that is the subject of this question, will be transferred or will be replaced on the Rook site development.

745 **Hon. Dr J J Garcia:** Mr Speaker, yes, that is correct.

**Mr Speaker:** Next question.

**Q132-36/2023**  
**Rooke site –**  
**Proposed development by Carlton Properties Ltd**

750 **Clerk:** Question 132/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** What premium has been or will be paid for the Rooke site, now the subject of a recent application for outline planning permission filed by Carlton Properties Ltd?

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

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I will answer this question together with Questions 133 to 136.

760 **Clerk:** Question 133/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Which supermarket is expected to form part of the proposed development by Carlton Properties Ltd at the Rooke site?

765 **Clerk:** Question 134/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Will the raised platform deck at the proposed new development at the Rooke site filed by Carlton Properties Ltd be accessible to members of the public?

770 **Clerk:** Question 135/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Why is the plot to be occupied by Carlton Properties Ltd at the Rooke site reduced in space from that advertised in the expressions of interest?

775 **Clerk:** Question 136/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Is the Government supportive of the recently announced development filed by Carlton Properties Ltd at the Rooke site?

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

780 **Hon. Dr J J Garcia:** Mr Speaker, the premium to be paid in respect of this development depends on the final form of the proposal that is approved by the Development and Planning Commission. The Government does not consider it prudent, therefore, to disclose an amount at this stage.

The supermarket chain remains a commercial decision to be taken by the developer.

To the question in relation to the platform, yes, it was a condition of the Government, as  
785 landlord, that it should be open to the public.

On Question 135, as has previously been publicly stated, the plot has been reduced in space to accommodate the elderly residential home at the northern end and the police and fire stations at the southern end.

In relation to Question 136, the development filed with the DPC by Carlton Properties Ltd has  
790 obviously been negotiated with the Government, as landlord. However, it will be examined further by the DPC from a planning perspective.

**Hon. D J Bossino:** Mr Speaker, I appreciate that there will be a planning process, but as the Hon. the Deputy Chief Minister himself says, the Government will be present as part of that  
795 process because it will have voting members within the DPC, and also it is the landlord. In relation to the Government's support of the project, he did not quite put it in those terms. He said that it was obviously negotiated by the Government as the landlord, but if this was a successful applicant of the tender process, I assume that the Government is happy with it and therefore I would suggest that they are also supportive of the project.

In relation to that, is he able to comment as to why it is that, according to press reports ... I did  
800 not see it in the design statement, I saw it in the *Gibraltar Chronicle* press reports. I calculated that the tallest building, if you include the double flooring just under the podium level, will come to 20 floors. That, so that people understand, is double the size, on any rough calculation, of the modular construction of which we now see the full height. It is going to be double the size of that  
805 particular building. How is he able to marry the Government's support in relation to this project and what they said in their 2019 manifesto when they talked about ...? I understand that it was in descriptive terms of the London and Regional proposals at the time, which were relevant at the time, but it says in block letters – and the block bit is the 'not', the negative, 'This will NOT be a high-rise development.' Isn't this a high-rise development? And what does the Government have  
810 to say in relation to that?

**Hon. Dr J J Garcia:** Mr Speaker, the Government marries this in a very simple way. First of all, the residential construction will only occupy 20% of the site, so it is to the northern end; 80% of the site – that is to say the bulk of it – will be a green area, a park, sporting facilities, and a  
815 restaurant/café, I think it said in the planning statement. So the bulk of the site will be an open area on three storeys, having the car park and the commercial activity taking place below. That is how the Government marries it.

In relation to the support in the DPC, the Government Ministers in the DPC are not necessarily bound to support Government projects. There have been occasions when my colleague Minister  
820 Cortes and I have voted differently on projects. So developers do not take for granted anymore that because they have the consent of the Government as landlord, it means they will have the consent of the Development and Planning Commission, which looks at different criteria and looks at planning considerations, which is not necessarily what the landlord does.

**Hon. D J Bossino:** Just to understand the position a bit further, is it the Government's position  
825 that it has been willing to – how can I put it in terms which are as parliamentary and as friendly as possible? – bend what appeared to be a very firm commitment by his party in the 2019 election manifesto that they would not be building high-rise flats in that area? Is that the Government's position, that it is willing to change its position in relation to that very specific commitment,  
830 because 80% of the land is going to be, in effect, in the podium-level green area and places of leisure and all the rest of it?

**Hon. Dr J J Garcia:** Mr Speaker, the Government has made it a condition also – as landlord, I should add – that it will not accept that the building should be higher than Midtown, which is the one immediately across the road from it. So there is a restriction imposed, as landlord, that the building will not be higher than Midtown. Given that, and given that the Midtown development is already there, we think it is a good balance to be able to have a site where 80% of the land area will be devoted to public use, to recreational use – it represents a huge public gain – and to confine the development to the north, and that it is, in fact, that development that pays for everything else.

**Hon. D J Bossino:** He will be sighted on more detail than I am, by far, but from my reading of the papers I am not persuaded that certainly the tallest building is not going to be higher than the Midtown development, which will be, in effect, behind it. It depends which way you are looking at it; if you are looking towards the bay, it will be behind it.

Can I ask him, in relation to the premium ...? This is a preferred bidder, and whilst I appreciate that there will be finality in the negotiations and all the rest of it, and alighting on a specific number, once it goes through the planning process and they go into the specificity of it, is he able to give us at least a range within which the Government has negotiated, by way of a premium price, which he is able to tell the public now?

**Hon. Dr J J Garcia:** Mr Speaker, it is very difficult at this stage to be able to give the Member that information for a number of reasons, including the fact that if, for example, the DPC were to remove five floors from the project and make it economically unviable, we would then have to proceed with the next highest bidder on the list. So it is difficult to give that information.

But in terms of the height point the Member made at the beginning of his intervention, he should not confuse floors with height.

**Hon. D J Bossino:** May I ask why there was a change of heart in relation to the expressions of interest? The expressions of interest, so that people understand, was originally to include the area, in effect, where the parcel post currently is and where it is now earmarked to include the fire station and the police station. Why that change of heart, when indeed it was the Government's own position that the fire station was going to be located on the Rooke site?

**Hon. Dr J J Garcia:** Mr Speaker, for the sake of clarity, let me read out what the expression of interest says:

A process of consultation and negotiation will follow with the parties that submit ideas or concepts that are of interest to the Government. Such concepts, ideas or proposals may need to evolve or be adapted as discussions or negotiations move forward.

So it is a perfectly common thing that happens in this kind of negotiation that sometimes things change. Sometimes it also happens, I should say, on the basis of practical and technical advice to pursue a different course of action from the one originally intended, but it is perfectly common, normal and standard in any process for this kind of thing to happen.

**Hon. D J Bossino:** Or is it because the original proposal was for the developer to pay for the police station and the fire station? Is that what has changed? The expressions of interest state that any expressions of interest should include proposals as to whether there will be provision of a police station or fire station within the area, which was indeed the Government's stated policy decision in 2015 and in 2019.

**Hon. Dr J J Garcia:** Mr Speaker, the developer will still be paying. The Government has found a different way of doing that.



880 **Hon. D J Bossino:** Is the Hon. the Deputy Chief Minister saying that the developer will be paying for the fire station and the police station?

**Hon. Dr J J Garcia:** Mr Speaker, yes.

885 **Mr Speaker:** We will have one – (*Interjection*)

**Hon. D J Bossino:** I have quite a number of questions on the –

**Mr Speaker:** The Hon. the Leader of the Opposition, then we will have the Hon. Roy Clinton.

890 **Hon. K Azopardi:** I have two. I am just going to roll them up. They are different questions, but it might be easier. First of all, I am not really sure I understand that last answer you have given, given the previous answer.

895 **Hon. D J Bossino:** No, the Hon. Deputy Chief Minister.

**Hon. K Azopardi:** Yes, the Deputy Chief Minister, given that he answered before that the Government had not ... He had intimated that the Government was going to pay for the fire station, so I am not really sure. Perhaps he can clarify that.

900 The other issue is when he says that 80% of the site will be green – he is obviously sighted on the plans and we are not – is that a scientific assessment of the percentage proportions of the plot? I cannot really get my head round that, because if it is going to have this new, dense residential commercial development and it has the Rooke elderly site, it has the fire station and the police station all on that site, how is it possible that, once you have built all that, you still have 80%, which is going to be a park?

905 **Hon. Dr J J Garcia:** Mr Speaker, the park is on a podium. That is clear from the designs that have been published. It is not at ground level. It is a podium level on a building which will have three floors, which would be spread over the entire site.

910 On the paying point, clearly the developer will be paying the Government and the Government will be choosing its own contractor and paying its own contractor to build them.

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

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

915 If I may ask the Hon. Deputy Chief Minister, and following on from the questions that my hon. colleagues to my left have been asking, can the Minister just confirm to the House that the tender has in fact been awarded? There was no Government announcement and, so far, I have not actually heard those words, that the tender has been awarded to Carlton Properties. Is that the case? Can the Minister at least confirm that point?

920 And then secondly, I presume that some heads of agreement must have been drafted with a premium in mind, maybe contingent on certain things, but can he confirm that something is in writing and has been signed? And could he distinguish the process in this scenario from the Eastside project, where we have a premium of £90 million already announced? I do not understand why one has an announced premium and the other one does not. What is the difference?

925 **Hon. Dr J J Garcia:** Mr Speaker, the two are different. First of all, the development was put to planning by a preferred bidder, so the entity we are dealing with is still a preferred bidder. There are, as he rightly says, certain heads of agreement or certain terms and conditions which, if those

930 are met and if the Development and Planning Commission approves the development in a certain style and way, will lead to a premium, and we are now close to also developing the detailed MoU.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister. Can he just confirm, then, effectively until this clears DPC, the tender has not been awarded?

935 **Hon. Dr J J Garcia:** Mr Speaker, that is correct, and that is why we are unable to give a premium amount at his stage.

**Mr Speaker:** The Hon. Damon Bossino.

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

Is he able to – because I do not think he has – confirm that the preferred bidder is the company that I have been referring to? I have been referring to that company based on my reading of the design statement, which cites this company as the client. Is it Carlton Properties Ltd? And is he also able to say whether there are any other entities other than Carlton Properties Ltd involved in this project?

**Hon. Dr J J Garcia:** Mr Speaker, yes, the preferred bidder is Carlton Properties Ltd. Remember, there were two consortiums originally. The Government was negotiating with two in respect of the site. Those two then merged into one. The preferred bidder is the merged entity, and that is the proposal with which they have come forward.

**Hon. D J Bossino:** And presumably that is separate to London and Regional, which was referred to in the 2019 manifesto. Is he able to say why that particular project did not prosper?

955 **Hon. Dr J J Garcia:** Mr Speaker, London and Regional, if I remember correctly, emerged from a different expression of interest. That expression of interest closed when the Government was unable to agree terms with them, if I remember correctly, and a new one was then put forward, which is the one we are dealing with today.

960 **Hon. D J Bossino:** And in terms of the further detail, is he saying that Carlton Properties is a third named entity which combines two previous entities that he has referred to? Is that the case, or is Carlton Properties Ltd one of the two?

965 **Hon. Dr J J Garcia:** Mr Speaker, the two entities were asked to come to the Government with one proposal for the entire site. This is the product of that discussion. Whether legally or technically those two entities are represented in Carlton Properties Ltd is not something I can answer today, but to all intents and purposes, as far as I am aware, this is the product of that joint bid.

970 **Hon. D J Bossino:** Mr Speaker, I think it may be of public interest to understand, but if the Hon. the Deputy Chief Minister does not have that information with him today, you understand a bit of the history of this, is he able to provide some history in terms of the entities that are involved, or does he not have it? I think he said obliquely in his reply that he does not have that information with him, and if I may, with the Speaker's leave, I would like to ask further questions in relation to that at the next session of the House, because I think it does arise from the question and answer session we have just had.

980 **Mr Speaker:** Does the Hon. the Deputy Chief Minister wish to answer the question? Does he have any further information that will answer the supplementary that he is proposing, which he has in his mind and which he would like to put to you? Do you have any answers to that?

**Hon. Dr J J Garcia:** Mr Speaker, I am happy to provide the general history, which we have done in this House already. If you recall, the expression of interest came out, there were two interested parties whose bid the Government liked, we negotiated with them separately, we were then  
985 advised that technically and legally and in terms of the lease and other issues it was better to negotiate with one entity rather than with two in respect of that site, we then advised those parties to get together to come back with one joint bid, and that is what has happened and is where we are today.

**Mr Speaker:** I think we need to stick to the six-month rule, so if you have any questions now, please put the questions.

**Hon. D J Bossino:** Mr Speaker, in relation to the exchange we have just had, I do not think I can pursue the hon. Member further because he does not have that information, and it is on that basis  
995 and premise that I was seeking your permission to ask the question so that the hon. Member has the information with him. The difference is that I would write to him and I am sure he would be willing to provide the answer to the question.

**Mr Speaker:** Perhaps that may well be the way forward.

**Hon. Dr J J Garcia:** Mr Speaker, I am not quite sure what information he wants. Does he want the names of the two entities. Is that what it is? Right. If he writes to me, I would be happy to provide that.

**Hon. D J Bossino:** Procedurally, Mr Speaker, the only reason why I am asking for your leave is because I would rather this information ... If the hon. Member is telling me it is confidential, then it is a different matter, but if it is a question of simply providing the information, I would rather it be recorded in *Hansard*, and on that basis I would be grateful for a bit of flexibility to allow me to ask the question and not be beholden to a six-month rule that actually makes it very difficult when  
1005 one is meant to be asking pertinent and relevant questions precisely because the hon. Members introduced the policy of having monthly meetings of the House.

**Mr Speaker:** In the future, in the Select Committee on Parliamentary Reform, that should be brought up, but as things stand at the moment, it is a six-month rule.

**Mr Speaker:** If the hon. Member wishes to write to the Hon. the Deputy Chief Minister for answers to all his supplementaries, then I am sure the Hon. the Deputy Chief Minister will be more happy to give the information.

**Hon. D J Bossino:** Mr Speaker, it is not a question of wishing to write. I would rather ask the question across the floor of the House.

**Mr Speaker:** I understand, but the hon. Member is a Member of the Opposition, he is a Member of this Parliament, and I am the Speaker and I decide, with respect.

**Hon. D J Bossino:** Mr Speaker, if I may ask a question in relation to the supermarket – I think he was talking about this being a commercial decision for the entities. Indeed, I suppose everything is a commercial decision, including the height of buildings and things like that. Is he able to say whether the Government has any condition in relation to this? The design statement talks about a new major supermarket in very specific terms. Is he not able to provide ...? I ask this question because I was asked by somebody to ask it, in the street, because there is interest to know what supermarket is going to be placed there. Does he have any information in relation to that, or indeed, does the Government have any conditions in relation to that issue?

1035 **Hon. Dr J J Garcia:** Mr Speaker, the prospective developers have shared the information with the Government confidentially. The question really asks *which* supermarket is it, and that is not really a question that the Government can answer.

1040 **Hon. D J Bossino:** So he does have the information. Were there any conditions imposed by the Government in relation to the identity of the supermarket? For example, does it have to be a British supermarket, a British chain, or are they not particularly concerned about that?

1045 **Hon. Dr J J Garcia:** Mr Speaker, it is a commercial decision for the operator or the intended or proposed developer. They shared their view, their vision of the project with the Government, and I am sure announcements will be made. He will have seen the planning statement.

**Hon. D J Bossino:** Mr Speaker, I understand that fully, but is the answer, therefore, that the Government has no particular preference or, indeed, condition imposed in relation to this issue?

1050 **Hon. Dr J J Garcia:** Mr Speaker, the Government published an expression of interest, and if I recall, it was quite wide. It said the Government, at this stage, is not restricting the future use of the site and is open to ideas and proposals. Entities came forward with those ideas and proposals to the Government. The Government went through the different lists of entities and the different interested parties and determined on this particular one, which has now put forward the application for planning permission. That included a supermarket, but it could not have included  
1055 a supermarket. A supermarket was not a condition imposed by the Government, but a condition imposed by the expression of interest.

**Mr Speaker:** Next question.

**Q137/2023**  
**Old GBC site –**  
**Update re expressions of interest**

1060 **Clerk:** Question 137/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Please provide an update in respect of the expressions of interest issued in connection with the old GBC site.

1065 Before the hon. Member answers the question, Mr Speaker, simply to say, out of an abundance of caution, that I have an interest because I live in the area, but I have been asked to pose this question by residents of the area ... in relation to this question and the other one in respect of Mount Pleasant. I am not sure if the hon. Member is answering the question.

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

1070 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the Government continues in discussion with a preferred bidder for the site.

1075 **Hon. D J Bossino:** Mr Speaker, when I asked this question on 17th May last year, 2022, the Hon. the Deputy Chief Minister said he was currently reviewing four applications, which I think was the total number of applications that had been received. Is he telling this House that that number has been reduced to one, that he is looking at one, almost successful, applicant?

**Hon. Dr J J Garcia:** Mr Speaker, that is correct. The Government has now centred on one particular application, and that is the proposed developer that we are dealing with.

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**Hon. D J Bossino:** Is he able to give any information in relation to what type of project that is going to be? I know he has set out some conditions, which are that it should not be a high rise, that I think, if memory serves – I have the *Hansard* here – they would have to provide a number of – I think 40 – public parking spaces, but other than that, is he able to provide any information? I understand that he is currently in negotiations, so there may be an element of restriction in relation to that.

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**Hon. Dr J J Garcia:** Yes, Mr Speaker, there is a live negotiation going on, so I would not like to say too much, but I would remind the hon. Member, as he has reminded the House, that the proposed scheme was for a low-rise residential development, for a use which was compatible with the area and had to provide a minimum of 40 public car parking spaces and a green area. The other element was if the developer chose to increase the footprint of the site, they were also obliged to pay for and relocate a number of cultural entities that are, at the moment, on the site, either completely somewhere else and they paid for it, or temporarily and then bring them back to the site. That provides a flavour of the kind of thing that we are trying to achieve there.

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**Hon. D J Bossino:** The Hon. the Deputy Chief Minister talks about the extent of the site and he is absolutely correct, that was the subject of the expressions of interest and is not necessarily new information which he is giving to the House, but is he able to confirm that the extent of the site is as shaded in red and blue, subject to the point that he made? I think blue is the one that is optional. If the successful applicant is able to move those sites where there are cultural activities currently taking place, is he able to confirm that that is the extent of the site?

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**Hon. Dr J J Garcia:** Mr Speaker, that is precisely the new information that I provided to the House, that the developer is looking at the entire site, which is option 2, and not only at the area shaded in red, which is the first option.

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**Hon. D J Bossino:** Yes, Mr Speaker, I was just trying to be helpful by way of my preamble, but he is saying that it is new information, in that ... I understand what he is saying, that the applicant is minded to include, as part of the development, the area shaded in blue, but my question was slightly different. Is he telling the House that the extent of the area does not go beyond the red and the blue, as set out in the expression of interest?

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**Hon. Dr J J Garcia:** Mr Speaker, the extent of the area in terms of Government ownership, Government land, is the red and blue. The Government is not free to sell or negotiate with other people's property.

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**Hon. D J Bossino:** Is it a possibility that part of the development is to consider an area that is adjacent to the red one, which is, I understand, currently in private ownership? Is it going to be extending to that particular property? I think it is one family that lives there.

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**Hon. Dr J J Garcia:** Mr Speaker, part of the proposal the Government has received includes extending it to private land to the south of the Government plot. So there is the option of extending it or not extending it. There are two options being looked at.

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**Hon. D J Bossino:** This is with the one potential applicant that he talked about earlier?

**Hon. Dr J J Garcia:** Yes.

**Mr Speaker:** Next question.

1130

**ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION**

**Q138/2023**

**St Martin's School hydrotherapy pool –  
Whether fully operational**

**Clerk:** Question 138/2023. The Hon. E J Reyes.

**Hon. E J Reyes:** Can Government confirm that the hydrotherapy pool at St Martin's School is now fully operational?

**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, no, sir. There have been complex design problems which have affected drainage and so I have not approved its use until these are resolved. I am sure that faced with the same issue, all hon. Members would have acted as I have and in the same timescale.

The works for the resolution of the problems are ongoing and I expect them to be completed in a matter of weeks.

**Hon. E J Reyes:** Can the Minister expand further on what problems are causing these delays? I think he said something generally, but I did not quite capture it.

**Hon. Prof. J E Cortes:** Mr Speaker, there are issues related to the drainage of the pool and the ability of the pipe taking the water away from the area to deal with that amount, which has led to backflow. I was not comfortable that that was acceptable, and therefore I have requested – in fact, more than requested – that these be rectified before we are able to do it. I have been told only in the last few weeks that they have now come up with an engineering solution, which will involve some changes and also a regular maintenance programme that will check the system regularly, and I am confident that in a matter of weeks we will be able to have it up and running.

**Mr Speaker:** Next question.

**Q139/2023**

**St Martin's School –  
Life skills and vocational courses**

**Clerk:** Question 139/2023. The Hon. E J Reyes.

**Hon. E J Reyes:** Is Government planning any future life skills or vocational courses for pupils of Saint Martin's School to follow once they complete their compulsory educational years at said school?

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

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the Gibraltar College has offered life skills and vocational courses since 2013. Young people who have been able to access these courses have always been able to enrol on these, regardless of the educational setting in which they completed their compulsory education.

Our plans for the new Gibraltar College include a dedicated learning zone for young people with additional needs. This will offer opportunities for expansion of the present curriculum. Further life skills and vocational courses are currently being explored.

**Hon. E J Reyes:** I welcome the news, Mr Speaker, for the future, for the College, but can the Minister confirm, as we stand today, despite whatever the College is offering, are they able to cater for students who may have additional needs as we speak, or is this something that is in the pipeline for future implementation within the College?

**Hon. Prof. J E Cortes:** Mr Speaker, as I think I have explained, the College offers opportunity. The College at the moment I believe has a number of pupils who were formerly at St Martin's. It does really depend on the disability of each particular student, to see whether the College is able to cater and support them with learning support assistants, for example. This is considered on a case-by-case basis and it does depend on the level of disability, but the panel and the teachers who have experience in this will be the ones to determine what they can offer.

I do know that the courses being offered at present are the ASDAN programme and there are a number of subjects covered, ranging from managing social behaviour to preparing for work, functional skills, healthy eating, food safety and one or two others.

**Hon. D J Bossino:** The hon. Member says that further life skills and vocational courses are currently being explored. Is he able to provide some detail in relation to that?

**Hon. Prof. J E Cortes:** Not detail as such, but the current College site is obviously limited. The new College that is in the process of being designed – in fact, the designs are pretty advanced, or at least the requirements set – will be able to offer more facilities. I would not be able to detail which specific courses, but I am happy to look at this and offer it and write to the hon. Member. I would appreciate being reminded, to ensure that I do not omit ... I usually do remember to write back and copy the Clerk, but if he wants to remind me, I can get those details for him.

**Hon. D J Bossino:** And in relation to the ASDAN programme, is he able to enlighten this House as to what specific special needs that is geared for? I am not familiar with it.

**Hon. Prof. J E Cortes:** Mr Speaker, I would not be able to give the details. I can imagine what they are, but I think it would be unfair for me to do that. I can tell the House what subjects are covered, like I have said, which really focuses on allowing these young people to progress in matters like good health, independent living, community inclusion and employment, but the specific details of the requirements and so on, I would need notice of that question.

**Hon. D J Bossino:** Mr Speaker, I am grateful for your indulgence in relation to this. Just one final question. He talks about the body which in effect decides whether an individual can access these courses or not, and he talks about the teachers – presumably the teachers at St Martin's School – as to whether an individual is capable of having a sufficient level of understanding to be able to follow those courses. Presumably those are the factors which go into the mix. And then he talks about a panel. Which panel is he referring to?

**Hon. Prof. J E Cortes:** I am referring to the Special Needs Panel, which I have referred to in the past, and the teachers not just of St Martin's but also of the College, who would be the receiving institution. But I can say – and I do not have the figures here, but I think I have given them in the past – that there is an increasing number of young people from St Martin's now receiving a higher level of education at the College, and the intention is that we will continue to do that.

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

**Hon. K Azopardi:** Mr Speaker, the hon. Member has spoken about the College site and the designs for it. Does he have a fixed site in mind for this area?

1225 **Hon. Prof. J E Cortes:** Mr Speaker, this is well known. The site that is being worked on at the moment is the one behind the Cross of Sacrifice.

**Mr Speaker:** Next question.

**Q140-41/2023**

**Bayside and Westside music departments—  
Bayside performance room; damage to equipment**

**Clerk:** Question 140/2023. The Hon. E J Reyes.

1230 **Hon. E J Reyes:** Can the Minister for Education provide details of how long the performance room at Bayside's music department has been out of use and the estimated date by when this facility will once again be available for use by pupils and staff?

1235 **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 141.

1240 **Clerk:** Question 141/2023. The Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Education provide details of any damage caused to music equipment and related apparatus, inclusive of costs to repair or replace these, at both secondary schools?

1245 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

1250 **Hon. Prof. J E Cortes:** Mr Speaker, the performance room at Bayside suffered water ingress in the last week of term in December 2022, the week commencing 19th December. All equipment and resources were moved at the time to avoid any damage. The only item which was not moved and became damaged as a result was a very old amplifier that had already been deemed obsolete.

At the start of term, on 10th January 2023, a works order was raised by Bayside School and reported to the facilities management contractor. On 12th January, the contractor checked all the electrics and the performance room was deemed to be safe for staff and pupils. The performance room has been available for use since 13th January.

1255 Westside School has had very minor water ingress in the music area and no equipment has been damaged.

Other than the damage caused to the obsolete amplifier referred to above, no equipment was damaged. The Department of Education does not expect to incur any costs for the repairs caused by water ingress damage.

1260 **Mr Speaker:** Next question.



## Q142/2023

**Water ingress and construction defects in schools –  
Damage to classrooms and equipment**

**Clerk:** Question 142/2023. The Hon. E J Reyes.

1265 **Hon. E J Reyes:** Can Government provide full details of the damage caused to classrooms and equipment at any of our schools as a result of water ingress or construction defects, together with estimated costs to repair or replace damaged fixtures and/or equipment?

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

1270 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have just handed over a schedule with the information requested. It is on its way to the hon. Member.

**Answer to Q142/2023**

Answer to Question 142.

School	Water Ingress Location	Damages to Fixtures/Equipment	Action	Estimated cost
St. Joseph's Upper	Top classroom/activity room	Light fittings	GBS is undertaking major works (re-roofing) to the Clock Tower roof due to recurrent water ingress issues.	£52,473.74 is cost of roof relining. Resulting damages at Nil cost
St. Joseph's Lower	top classroom	Light fittings	GBS is undertaking major works (re-roofing) to the Clock Tower roof due to recurrent water ingress issues.	
St. Anne's Upper Primary	Sports Hall Gym store Library	ceiling tiles and water stained wall Light fittings, ceiling tiles & plasterboard some light fittings & ceiling tiles/2 blinds	Repairs undertaken unsuccessfully - ongoing investigation Repairs undertaken unsuccessfully - ongoing investigation affected light fittings disconnected - partial lighting available - ongoing investigation	Related to defects and liability period. The Department does not expect to incur costs for repairs £60.00
Governor's Meadow	LSF - through skylight	none	repaired	Unknown at this stage
St. Paul's	Nursery	none	ongoing investigation	Unknown at this stage
St. Bernards Lower Primary	Sports Hall and adjacent areas  Various locations Various locations School entrance lobby/SA Store	Historical issues from inception that have caused considerable damage to the building interior  Intruder alarm callout and subsequent repairs Fire Alarm callout and subsequent repairs recurrent damp/water filtration causing damage to wall plaster	Repairs undertaken by contractor include waterproofing/relining of Playground surface and works to Green Roof  Repairs by contractor Repairs by contractor Currently under investigation	Related to defects and liability period - Managed through Chief Technical Officer £523.00 £1,215.15 Unknown at this stage
St. Bernards Upper Primary	Various locations Various locations	Intruder alarm callout and subsequent repairs Fire Alarm callout and subsequent repairs	Repairs by contractor Repairs by contractor	£415.00 £2,137.25
Westside	Computer suite 130 - Level 2 playground through staircase 4 wall Room 304 - Level 4 playground down through staircase wall Room 318 - Level 4 playground through an unknown path Staircase 2 lift shaft - Level 4 playground through the main wall Lab 115 - Ceiling. Music Rooms - Water coming in through the window Staircase 3 - Podium Level - Water coming from the external podium/upper floors through the windows	None as this area had been secured from previous year  Ceiling tiles collapsed. Staining of the walls. Damage to posters etc on the wall Ceiling tiles collapsed. Water stains on the wall  Residue build on the doors and shaft. Rust evident in the level 3 lift door  Superficial water damage to the middle pod. New observation  Water staining on the wall. Area of the room has been cordoned off after the rains Water damage, stairs having to be cordoned off	Works report issued to Facilities Management contractor  Works report issued to Facilities Management contractor  Works report issued to Facilities Management contractor  Works report issued to Facilities Management contractor  Works report issued to Facilities Management contractor  Works report issued to Facilities Management contractor	Education Department does not expect to incur costs related to water ingress issues at the two secondary schools
Bayside	Room 226 - music area	Amplifier, ceiling tiles, flooring & other minor issues	Works report issued to Facilities Management contractor	

1275 **Hon. E J Reyes:** Mr Speaker, going through this list, in St Joseph's, both the upper and the lower primary schools, in the column of damages the Minister has kindly put in light fittings. Does this entail a danger to electrical installation? Is that what is meant by it, or is it just a physical lampshade that has been damaged?

1280 **Hon. Prof. J E Cortes:** Mr Speaker, the water ingress did affect the electrics. That obviously was dealt with immediately, and during the period that the room was compromised, the children were moved to another class. I believe they are likely to have got back today; I need to confirm that. Clearly, whenever there is the slightest suggestion that there could be a danger due to water getting into the electrics, that classroom is not used and the works are carried out immediately.

1285 **Hon. E J Reyes:** Mr Speaker in respect of the Westside School, the Computer Suite 130 Level 2, under damages it says 'None as this area has been secured from previous year'. What exactly is

meant by that? I do not quite know. It says no damage because the area has been secured. It means what?

1290 **Hon. Prof. J E Cortes:** I believe what that means is the solution happened last year and therefore there has been no damage this year, but for the fullness of record we have included it, as that was an area that was giving problems earlier on.

1295 **Hon. E J Reyes:** In the Minister explaining that it had been settled last year, on the estimated cost there is no indication of how much the cost was.

**Hon. Prof. J E Cortes:** Yes, Mr Speaker, because these are considered to be problems arising from the original construction. We would not be expected to pay for matters that have arisen as a result of pending faults, and therefore it has been absorbed by the contractor as part of the post-snagging process.

1300 **Hon. E J Reyes:** Mr Speaker, if I go to Bayside, at the very bottom it says the damage was to an amplifier, ceiling tiles, flooring and other minor issues. Kindly, a student provided some footage taken with a mobile phone and showed it to his or her parents and I have seen big puddles of water accumulating in these classrooms, but the Minister puts it down as 'other minor issues'. Is that what is considered as a minor issue, very big puddles of water if it has rained overnight or the day before they come to school? It is a hazard and of course makes the whole area slippery. I do not know if he has any further information on what is happening there.

1310 **Hon. Prof. J E Cortes:** Mr Speaker, I suppose that 'minor' is a relative term. I think this is the area that I referred to in my previous question, which has now been dealt with, and, as in the other cases in Westside, because they were residual they have not cost the Department because it has been made good by the contractor.

1315 **Hon. E J Reyes:** I see, Mr Speaker, that in respect of Westside we have far more detailed, broken-down information than in respect of Bayside. I do not know if this is a question of the manner in which it has been reported to him or not, but I believe that, not for the first time, just a few days ago even whiteboards were coming off the wall when teachers were using them in classrooms. Is the Minister aware of that problem happening live in a classroom with pupils?

1320 **Hon. Prof. J E Cortes:** No, Mr Speaker. This question refers to water-related problems. I do not know whether the hon. Member is suggesting that the whiteboards problem is related to water ingress. If there is another separate question on whiteboards, then obviously I would have to inquire, but I have no information in relation to any specific whiteboards. I think the hon. Member said in the last few days. It certainly has not come to me and it certainly did not arise when I last spoke to the senior team in the schools.

1330 **Hon. E J Reyes:** I appreciate, Mr Speaker, the Minister can only provide information as given to him. Just for clarification, my question does say 'as a result of water ingress or construction defects', so it is not just water ingress. I believe that there are some walls – I take it they are probably of plasterboard material, or whatever – that are completely warped and so on, so that I attribute as more as a construction defect, and normally logic tells you when these walls get warped it is because the plasterboard itself has got wet. I do not know if the Minister is aware of the cause of these problems.

1335 **Hon. Prof. J E Cortes:** Yes, Mr Speaker, indeed, but I have no indication either as to whether the incident that he is referring to on the whiteboards is anything to do with construction defects. I have provided the information that has been provided to me. If the hon. Member is aware of

anything further, then I would be happy to consider it. What I can say is that none of this would have happened in any new school made by the party opposite when they were in Government because they did not build any new schools.

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**Hon. D J Bossino:** Mr Speaker, there are references in the description the hon. Member has provided under damages to fixtures and equipment which can be somewhat alarming. We are talking about a building full of people, not just children but teachers as well, and we are talking about ceiling tiles collapsing. That features on at least two occasions, and some of these issues have had to result in areas such as stairs being cordoned off. Is the hon. Member concerned about the state of the buildings?

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**Hon. Prof. J E Cortes:** No, Mr Speaker, the hon. Member is not concerned about the state of the buildings. These types of problems do arise in new buildings. If it is in relation to water ingress, I can say that the ceiling tiles are not heavy tiles, they are soft, cardboard-type tiles, so they have not caused any injury, nor would they cause any injury. So absolutely no concern whatsoever.

1350

**Mr Speaker:** Next question.

**Q143/2023**  
**University of Gibraltar –**  
**PGCE courses**

1355

**Clerk:** Question 143/2023. The Hon. E J Reyes.

**Hon. E J Reyes:** Can Government update this House in respect of the international accreditation of Postgraduate Certificate in Education (PGCE) courses offered by the University of Gibraltar?

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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 can provide the following information.

The PGCE at the University of Gibraltar was designed with reference to the UK Quality Code for Higher Education, the UK Characteristics Statement for Masters Degrees and the UK Teachers' Standards. This postgraduate degree provides school experience and professional portfolio evidence that students need in order to apply for professional recognition of their qualification.

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In Gibraltar, no person can work as a teacher in a school operated by the Department of Education unless registered on the Gibraltar Qualified Teacher Status (GQTS) Register. Successful completion of the PGCE programme at the University of Gibraltar provides direct entry on to the GQTS Register as per the Education (Gibraltar Qualified Teacher Status) Regulations 2020.

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In the UK, no person can work as a teacher in a school that is part of the UK state-funded school system unless they hold Qualified Teacher Status (QTS). Although QTS is not a legal requirement for all UK schools – for example, free and private schools – many schools still use QTS to assess the quality of candidates for teaching posts.

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Those with a University of Gibraltar PGCE degree and GQTS registration follow the same process as individuals from nations that include those in the EEA, Hong Kong, Northern Ireland, Scotland, Australia, Canada, New Zealand, Switzerland and the USA, namely, they can apply for direct online entry on to the UK QTS register. Each country has different requirements and regulatory organisations that deal with teacher qualification recognition. ENIC (previously NARIC) is a commercial information centre that provides the contact details for the appropriate

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organisation in international countries and can assist individuals with the overseas process, for a fee.

1385 In general, most countries and international schools require overseas applicants to provide some form of professional recognition – for example, a jurisdictional government-issued teaching licence, such as the GQTS. In addition, most international schools and organisations will seek to ensure that the qualification awarding body, typically a university, meets internationally recognised standards for quality assurance in higher education. The University of Gibraltar, following a successful international quality review against all 10 higher education quality  
1390 standards, was recently awarded international accreditation by the UK Quality Assurance Agency for Higher Education (QAA). This global accreditation provides trust and confidence for students and international education establishments.

**Hon. E J Reyes:** Mr Speaker, if I refer to the last couple of years, whenever the Minister or his  
1395 predecessor have answered questions in respect of the PGCE, they have always informed this House of how hopeful they were and were leading us to believe it was only a question of time, that by obtaining a PGCE in Gibraltar this was somehow going to be fully acceptable within the UK qualification system. From the Minister's answer today, that does not seem to be the case. It now seems that the individual has to go through some sort of application process. So either the  
1400 situation has changed since it was originally being promoted as a PGCE, or not. As it happens, a graduate who undertakes the Postgraduate Certificate in Education in Gibraltar does not now automatically qualify to be recognised as a QTS graduate to be able to teach in ordinary state schools in the UK, whereas those who choose to carry out their PGCE in the United Kingdom, instead of the University of Gibraltar, obtain the QTS. Unless things have changed since my day,  
1405 you are even given a number on the register in the UK and you provide that to the local authorities, who require nothing further; maybe there is an internal exercise where they check the veracity of the number you have written down.

It does not seem to be a reciprocal recognition, as we were being led to believe a couple of years ago. Can the Minister explain why what was hoped to be attained two years ago has not  
1410 really materialised?

**Hon. Prof. J E Cortes:** Mr Speaker, there are a couple of points here. I do not know whether the hon. Member is questioning the quality and the rigour of the course at the University of Gibraltar, because there is absolutely no question that that is up to standard. I think if that is the  
1415 case and the hon. Member fully accepts the quality and the rigour and the quality of teachers that emerge from the course at the University of Gibraltar, then the hon. Member is worried about a procedural matter which would also apply to those teachers who qualify in universities in Hong Kong, Northern Ireland, Scotland, Australia, Canada, New Zealand, Switzerland and the USA, where they apply for direct online entry.

1420 I am not aware of any local teachers who have not been successful, have they applied. I think that this is something that in no way calls into question the validity of the courses at the University of Gibraltar and in no way can be seen as a serious obstacle to those teachers from Gibraltar who would seek a job in the UK.

1425 **Hon. E J Reyes:** Mr Speaker, I am sorry the Minister got the impression that I was questioning at all the validity or the rigour of the contents of what is being delivered in the PGCE locally. Nothing like that ever crossed my mind and I do not think it crossed my lips. I think it may have been a misunderstanding.

What I am questioning is that two years ago this House was being informed and we were  
1430 equally with the Government side actually promoting to students the idea of undertaking a PGCE course registered at the University of Gibraltar so they did not have to leave their homeland. It saves money in grants and so on to Government and they were able to undertake a PGCE – and different Ministers have always assured this House that they would have no problems in getting ...

it was just a question of time, we were going through paperwork and so on – that will carry an equal validity with the UK.

I am not interested because I do not represent anyone in Australia or Hong Kong today and have no intention of ever representing people in Australia or Hong Kong. Looking at Gibraltar's graduates, for those who have been encouraged to undertake a PGCE locally, it now seems that the validity of that accreditation with the UK has not transpired and they have to now go through some other process. Am I wrong in that there has been a shift in what was being sold to students two years ago?

**Hon. Prof. J E Cortes:** Mr Speaker, I do not think we need to encourage anyone to take their PGCE in Gibraltar; it is very well subscribed. The value of being able to undertake a degree course of this nature in your home town, particularly for those people who may be wanting to come into teaching later on in life ... As is the case at the moment with many of the PGCE students, all of whom I have met, they may have had other careers and feel that they have a vocation for teaching. Maybe they have always wanted to teach, and in the past, when they were at the school leaving age they were unable, for whatever reason, to leave Gibraltar. They are coming in and they are having this rigorous, high-quality course and they are qualifying. So I do not believe that the current situation is a problem.

Remember also that the logic continues because if they have chosen to study this course in Gibraltar rather than go to the UK, because for them going to the UK might be a problem, it is highly unlikely – not impossible – that they would now seek a job in the UK, and therefore their qualifications are perfectly okay for them to practise in Gibraltar. And if they do want to seek a job in the UK, then there is a simple process to be followed in order for them to be able to do that.

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

**Hon. K Azopardi:** I am not sure the hon. Member is specifically addressing the point that my hon. colleague is setting out. Is it that the Government is going to envisage achieving that accreditation of the equivalence of the course? There may be people who, yes, of course, wanted to do it here on the basis that they were going to get an equivalent certificate that would then be transportable, as it were, and now they find it is not transportable in that sense. That is the question. Is it going to be the equivalent of what my hon. colleague has said? In other words, will it then lead people to have the option, should they wish to in future, like they used to when they did it in England?

**Hon. Prof. J E Cortes:** Mr Speaker, yes, it is transportable. The only thing is there is a process to be followed for the UK to say, 'Yes, okay, we accept your qualification.' They are going to accept it, but there is a process to be followed. It is not as if there is an obstacle.

I am sorry, because the Hon. Mr Reyes seems to have been offended at the fact that his question could be taken as an implication that our course is not good enough, and I totally refute that. Our teachers are coming through, perhaps even with more rigorous requirements than there would be in the UK, but there is a process to be followed at this point in time. That is the fact, but I do not think it is an obstacle and I do not think it is a problem.

**Hon. K Azopardi:** I understand that, and no one is saying that on this side. It was unnecessary to clear it because, with all due respect, my hon. colleague to my right had already said that no one was questioning the rigour or the excellence of the course. The question that we are putting, given that there is a process to be followed, is: is this something that the Government is trying to clear up so that there will not be a process in future, so that there is acceptance of the quality of the course?

1485 **Hon. G H Licudi:** Mr Speaker, can I assist the House, given that there was a reference by the  
Hon. Mr Reyes to assurances given in this House and elsewhere by former Ministers for  
Education? That was clearly a direct reference to me, and perhaps I can explain my understanding.  
Certainly I am not speaking for the Government, the Minister speaks for the Government, but  
1490 given that there was a reference to me and to assurances given by me, let me tell the hon. Member  
what my understanding was about the position.

There is a Gibraltar qualification which allows – and this was something that was introduced,  
as I recall, when I was in office – by regulations a Gibraltar QTS status, and there is a requirement  
to register. If anybody wants to practise in the UK as a teacher, they have to register and obtain  
QTS status in the UK, and you have to show, in order to obtain QTS status in the UK, that you have  
1495 an accreditation from an accredited university or teaching institution that allows you to obtain  
that registration as QTS status in the UK. The fact that there is a process simply means that there  
is an application to be made. Nobody in the UK, without there being an application, will know the  
people who have done the course in Gibraltar and whether they want to practise in the UK and  
obtain status in the UK, and therefore there has to be an application. When there is an application,  
1500 there is a need to look at what qualification you have.

Gibraltar's qualification today now stands in exactly the same position as a qualification from  
Scotland. A person who qualifies in Scotland as a teacher and wants to teach in England has to  
apply for a number. The hon. Member referred to a QTS number. You have to apply and say, 'I  
have qualified at Edinburgh University, please give me my QTS number,' and then you can teach  
1505 in England. In the same way, somebody who does the same in Gibraltar goes to England and says,  
'I have qualified in Gibraltar, this is my status, this is the university, please give me my QTS  
number.'

It is exactly the same position my learned Friend experienced when he studied law in the UK  
and was called to the Bar in the UK. That did not automatically allow him to practise law in  
1510 Gibraltar. He needed to apply in Gibraltar to be called to the Bar on the back of a qualification  
which he had obtained in the UK. So there was still a process to be followed. After having qualified  
in the UK as a barrister and been called to the Bar in the UK, my learned Friend and myself, and  
other members of the legal profession here, still had to come to Gibraltar and make an application,  
and there followed that application and we were all called to the Bar and we can practise. That is  
1515 exactly the same process that applies in relation to teachers.

**Hon. Prof. J E Cortes:** Mr Speaker, may I just thank my hon. Friend for assisting and essentially  
making the point that there is no obstacle.

1520 **Hon. E J Reyes:** Mr Speaker, I am grateful to the hon. Member for his contribution. It has helped  
to clarify it a little bit. He has given examples of other professions, like law and so on. As far as  
teaching is concerned, a student who undergoes a PGCE in the UK and is granted a QTS number  
in the UK automatically has that accepted within Gibraltar. He has explained to us the process that  
you now have to apply for that in the UK and so on, so it is not completely reciprocal, but all right,  
1525 there is a system.

Can I ask the Minister, is he aware of any PGCE holders graduating from the University of  
Gibraltar who have encountered any problems in the UK? Or is he aware of those who have not  
encountered any problems in the UK and therefore been able to obtain QTS? Does he happen to  
have at hand any statistics that it is been an easy process or that it is been questioned? It is just  
1530 to put the mind at ease for those who would consider undertaking PGCE courses at the University  
of Gibraltar.

**Hon. Prof. J E Cortes:** Mr Speaker, I am not aware of any teacher who has applied to teach in  
the UK and gone through the process and found that they have not been able to register. Should  
1535 I be made aware, then I would immediately take that up with the Department for Education in the  
UK.

**Hon. E J Reyes:** And likewise, Mr Speaker – I am grateful for that – is he aware of anyone who has applied and has had no problems and got the QTS registration?

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**Hon. Prof. J E Cortes:** No, Mr Speaker.

**Mr Speaker:** Next question.

1545

**Q144/2023**

**Non-completion of further or higher education courses –  
Details**

**Clerk:** Question 144/2023. The Hon. E J Reyes.

**Hon. E J Reyes:** Can Government provide details in respect of the number of students who have returned to Gibraltar without fully completing their further or higher education studies since 1st September 2020, indicating the reasons why, together with details of the date and corresponding academic year in which the student left the course they were enrolled on?

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

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**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, a schedule with the information is making its way to the hon. Member as I speak.

Answer to Q144/2023

Answer to Question 144

Number	Status	Terminating Year	Reason for non-completion
1	WITHDRAWN	2019/2020	Withdrew - Undisclosed personal reasons
2	FAILED	2019/2020	Failed academic year
3	WITHDRAWN	2019/2020	Withdrew - Did not like the course selected
4	DEFERRED	2019/2020	Deferred Year but resumed Jan 22
5	WITHDRAWN	2019/2020	Opted to take a gap year
6	WITHDRAWN	2019/2020	Withdrew from Course to pursue further A Level studies
7	Withdrawn - paid back in full	2019/2020	Withdrew - Undisclosed personal reasons
8	DEFERRED	2019/2020	Suspended studies and subsequently did not meet eligibility criteria due to residency
9	FAILED	2019/2020	Failed academic year
10	WITHDRAWN	2019/2020	Withdrew - Undisclosed personal reasons
11	WITHDRAWN	2019/2020	Withdrew - Undisclosed personal reasons
12	WITHDRAWN	2019/2020	Withdrew - Personal Medical Issues
13	FAILED	2019/2020	Failed academic year - self-funded repeat successfully
14	WITHDRAWN	2019/2020	Did not proceed with University course enrolment
15	FAILED	2019/2020	Failed academic year and repeat year
16	WITHDRAWN	2019/2020	Did not proceed with University course enrolment
17	WITHDRAWN	2019/2020	Withdrew - Undisclosed personal reasons
18	WITHDRAWN	2019/2020	Withdrew - Undisclosed personal reasons
19	FAILED	2019/2020	Failed academic year - self-funded repeat successfully
20	DEFERRED	2019/2020	Deferred studies 19/20 resumed 20/21
21	WITHDRAWN	2019/2020	Withdrew - Undisclosed personal reasons
22	DEFERRED	2019/2020	Withdrew - Related family issues
23	WITHDRAWN	2019/2020	Failed academic year
24	WITHDRAWN	2019/2020	Withdrew from studies 19/20 but resumed 20/21
25	WITHDRAWN	2019/2020	Deferred studies 19/20 - Did student resume????
26	WITHDRAWN	2019/2020	Withdrew - Undisclosed personal reasons
27	WITHDRAWN	2019/2020	Withdrew - Related family issues
28	FAILED	2019/2020	Failed academic year
29	WITHDRAWN	2019/2020	Withdrew - Undisclosed personal reasons
30	WITHDRAWN	2019/2020	Withdrew - Personal Medical Issues
31	Withdrawn - paid back in full	2019/2020	Withdrew - Undisclosed personal reasons
32	WITHDRAWN	2019/2020	Withdrew - Personal Medical Issues
33	FAILED	2019/2020	Failed academic year
34	WITHDRAWN	2019/2020	Withdrew - Undisclosed personal reasons
35	DEFERRED	2019/2020	Interrupted progression - Self-funded failed modules from previous year
36	Withdrawn - paying back	2019/2020	Withdrew - Undisclosed personal reasons
37	WITHDRAWN	2019/2020	Withdrew from studies 19/20 but resumed 20/21

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**Continued Answer to Question 144**

Number	Status	Terminating Year	Reason for non-completion
1	WITHDRAWN	2020/2021	Self funded year 1
2	WITHDRAWN	2020/2021	Did not proceed with University course enrolment
3	WITHDRAWN	2020/2021	Continued with change of course
4	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons
5	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons. Continued at Different uni/course
6	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons.
7	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons. Returned at later date
8	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons.
9	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons.
10	WITHDRAWN	2020/2021	Withdrew - Personal Medical Issues
11	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons.
12	WITHDRAWN	2020/2021	Withdrew - Personal Medical Issues
13	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons.
14	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons.
15	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons.
16	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons. Returned at later date
17	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons. Continued at Different uni/course
18	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons.
19	WITHDRAWN	2020/2021	Withdrew - Did not like the course selected
20	WITHDRAWN	2020/2021	Withdrew - Personal Medical Issues
21	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons.
22	WITHDRAWN	2020/2021	Withdrew - Undisclosed personal reasons. Continued at Different uni/course
23	WITHDRAWN	2020/2021	Withdrew - Personal Medical Issues
24	DEFERRED	2020/2021	Intercalated Studies. Resumed at later date
25	DEFERRED	2020/2021	Personal Medical reasons. Returned at later date
26	DEFERRED	2020/2021	Self funded placement year. Resumed 21/22
27	DEFERRED	2020/2021	Opted to take a gap year
28	DEFERRED	2020/2021	Opted to take a gap year
29	DEFERRED	2020/2021	Self funded intercalated year. Resumed 21/22
30	DEFERRED	2020/2021	Opted to take a gap year
31	DEFERRED	2020/2021	Self funded intercalated year. Resumed 21/22
32	DEFERRED	2020/2021	Undisclosed Personal reasons. Resumed 21/22
33	DEFERRED	2020/2021	Personal Medical reasons. Returned at later date and completed Successfully
34	DEFERRED	2020/2021	Personal Medical reasons - funded repeat year - Passed successfully
35	DEFERRED	2020/2021	Undisclosed personal reasons. Resumed 21/22
36	DEFERRED	2020/2021	Personal Medical reasons
37	DEFERRED	2020/2021	Undisclosed Personal reasons. Resumed 21/22
38	DEFERRED	2020/2021	Undisclosed Personal reasons. Resumed 22/23
39	DEFERRED	2020/2021	Undisclosed Personal reasons. Resumed 22/23
40	DEFERRED	2020/2021	Undisclosed Personal reasons. Resumed 22/23
41	DEFERRED	2020/2021	Undisclosed Personal reasons. Resumed 21/22 and completed Successfully
42	DEFERRED	2020/2021	Opted to leave course
43	FAILED	2020/2021	Failed academic year
44	FAILED	2020/2021	Failed academic year - self-funded repeat successfully
45	FAILED	2020/2021	Failed academic year
46	FAILED	2020/2021	Failed academic year - self-funded repeat successfully
47	FAILED	2020/2021	Failed academic year - self-funded repeat successfully
48	FAILED	2020/2021	Failed academic year
49	FAILED	2020/2021	Failed academic year

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Continued Answer to Question 144

Number	Status	Terminating Year	Reason for non-completion
50	FAILED	2020/2021	Failed academic year
51	FAILED	2020/2021	Failed academic year
52	FAILED	2020/2021	Failed academic year - self-funded repeat successfully
53	FAILED	2020/2021	Failed academic year
54	FAILED	2020/2021	Failed academic year
55	FAILED	2020/2021	Failed academic year
56	FAILED	2020/2021	Failed academic year
57	FAILED	2020/2021	Failed academic year - self-funded repeat successfully
58	FAILED	2020/2021	Failed academic year
59	FAILED	2020/2021	Failed academic year - self-funded repeat successfully
60	FAILED	2020/2021	Failed academic year
61	FAILED	2020/2021	Failed academic year - self-funded repeat successfully
62	FAILED	2020/2021	Failed academic year
63	FAILED	2020/2021	Failed academic year
Number	Status	Terminating Year	Reason for non-completion
1	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
2	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
3	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
4	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
5	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
6	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
7	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
8	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
9	DEFERRED	2021/22	Opted to take gap year - accomodation reasons
10	DEFERRED	2021/22	Personal Medical reasons
11	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
12	DEFERRED	2021/22	Gap year - wasn't sure about course
13	DEFERRED	2021/22	Placement year. Returned at later date
14	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
15	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
16	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
17	DEFERRED	2021/22	Undisclosed Personal reasons
18	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
19	DEFERRED	2021/22	Year abroad. Returned at later date
20	DEFERRED	2021/22	Personal Medical reasons
21	DEFERRED	2021/22	Undisclosed Personal reasons. Returned at later date
22	DEFERRED	2021/22	Personal Medical reasons - funded repeat year
23	DEFERRED	2021/22	Undisclosed Personal reasons
24	DEFERRED	2021/22	Undisclosed Personal reasons
25	DEFERRED	2021/22	Undisclosed Personal reasons
26	DEFERRED	2021/22	Undisclosed Personal reasons
27	FAILED	2021/22	Personal Medical reasons
28	FAILED	2021/22	Personal Medical reasons
29	FAILED	2021/22	Failed academic year - self-funding repeat year
30	FAILED	2021/22	Failed academic year - self-funding repeat year
31	FAILED	2021/22	Failed academic year
32	FAILED	2021/22	Failed academic year - self-funding repeat year
33	FAILED	2021/22	Failed academic year
34	FAILED	2021/22	Failed academic year

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Continued Answer to Question 144

35	FAILED	2021/22	Failed academic year
36	FAILED	2021/22	Failed academic year - self-funding repeat year
37	FAILED	2021/22	Failed academic year
38	FAILED	2021/22	Failed academic year
39	FAILED	2021/22	Failed academic year - self-funding repeat year
40	FAILED	2021/22	Failed academic year
41	FAILED	2021/22	Failed academic year - self-funding repeat year
42	FAILED	2021/22	Failed academic year
43	WITHDRAWN	2021/22	Undisclosed Personal reasons
44	WITHDRAWN	2021/22	Undisclosed Personal reasons
45	WITHDRAWN	2021/22	Did not proceed with University course enrolment
46	WITHDRAWN	2021/22	Undisclosed Personal reasons. Returned at later date
47	WITHDRAWN	2021/22	Did not proceed with University course enrolment
48	WITHDRAWN	2021/22	Undisclosed Personal reasons. Returned at later date
49	WITHDRAWN	2021/22	Undisclosed Personal reasons. Returned at later date
50	WITHDRAWN	2021/22	Undisclosed Personal reasons
51	WITHDRAWN	2021/22	Undisclosed Personal reasons
52	WITHDRAWN	2021/22	Change of course
53	WITHDRAWN	2021/22	Change of course
54	WITHDRAWN	2021/22	Undisclosed Personal reasons. Returned at later date
55	WITHDRAWN	2021/22	Undisclosed Personal reasons
56	WITHDRAWN	2021/22	Undisclosed Personal reasons
57	WITHDRAWN	2021/22	Undisclosed Personal reasons
58	WITHDRAWN	2021/22	Undisclosed Personal reasons
59	WITHDRAWN	2021/22	Personal Medical reasons
60	WITHDRAWN	2021/22	Personal Medical reasons
61	WITHDRAWN	2021/22	Personal Medical reasons
62	WITHDRAWN	2021/22	Undisclosed Personal reasons
63	WITHDRAWN	2021/22	Undisclosed Personal reasons
64	WITHDRAWN	2021/22	Undisclosed Personal reasons. Returned at later date
65	WITHDRAWN	2021/22	Did not proceed with University course enrolment
66	WITHDRAWN	2021/22	Undisclosed Personal reasons
67	WITHDRAWN	2021/22	Personal Medical reasons
68	WITHDRAWN	2021/22	Personal Medical reasons
69	WITHDRAWN	2021/22	Did not proceed with University course enrolment
70	WITHDRAWN	2021/22	Undisclosed Personal reasons
71	WITHDRAWN	2021/22	Change of course
72	WITHDRAWN	2021/22	Personal Medical reasons
73	WITHDRAWN	2021/22	Undisclosed Personal reasons
74	WITHDRAWN	2021/22	Undisclosed Personal reasons. Returned at later date
75	WITHDRAWN	2021/22	Personal Medical reasons
76	WITHDRAWN	2021/22	Undisclosed Personal reasons
77	WITHDRAWN	2021/22	Eligibility
78	SELF FUNDED	2021/22	Self funded Placement year
79	SELF FUNDED	2021/22	Deferred - self funded year
80	SELF FUNDED	2021/22	Self funded year abroad

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Continued Answer to Question 144

Number	Status	Terminating Year	Reason for non-completion
1	WITHDRAWN	2022/23	Not ready to pursue course
2	WITHDRAWN	2022/23	Undisclosed Personal reasons
3	WITHDRAWN	2022/23	Personal Medical reasons
4	WITHDRAWN	2022/23	Did not proceed with University course enrolment
5	WITHDRAWN	2022/23	Did not proceed with University course enrolment
6	WITHDRAWN	2022/23	Did not proceed with University course enrolment
7	WITHDRAWN	2022/23	Personal Medical reasons
8	WITHDRAWN	2022/23	Undisclosed Personal reasons
9	WITHDRAWN	2022/23	Undisclosed Personal reasons
10	WITHDRAWN	2022/23	Was unsure about course
11	WITHDRAWN	2022/23	Undisclosed Personal reasons
12	WITHDRAWN	2022/23	Undisclosed Personal reasons
13	SELF FUNDED	2022/23	Self funding placement year
14	SELF FUNDED	2022/23	Failed academic year - self-funding repeat year
15	SELF FUNDED	2022/23	Failed academic year - self-funding repeat year
16	SELF FUNDED	2022/23	Failed academic year - self-funding repeat year
17	SELF FUNDED	2022/23	Failed academic year - self-funding repeat year
18	SELF FUNDED	2022/23	Change of course - self-funding
19	SELF FUNDED	2022/23	Failed academic year - self-funding repeat year
20	SELF FUNDED	2022/23	Self funding placement year
21	SELF FUNDED	2022/23	Change of course - self-funding
22	SELF FUNDED	2022/23	Failed academic year - self-funding repeat year
23	SELF FUNDED	2022/23	Self funding placement year
24	DEFERRED	2022/23	Undisclosed Personal reasons
25	DEFERRED	2022/23	Self funding placement year
26	DEFERRED	2022/23	Failed academic year - self-funding repeat year
27	DEFERRED	2022/23	Opted to take gap year
28	DEFERRED	2022/23	Opted to take gap year

**Hon. E J Reyes:** Mr Speaker, sir, it is a long list with five or six pages of small print, which may take me a while. Would you like to proceed with other questions? If I have anything that arises, I can inform you.

**Mr Speaker:** I agree.

**Q145/2023**  
**Vessels discharging black or grey smoke –**  
**Warnings and fines issued**

**Clerk:** Question 145/2023. The Hon. E J Reyes.

**Hon. E J Phillips:** Mr Speaker, how many vessels have been warned or otherwise fined for discharge of black or grey smoke over the last 12 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, before I reply, I have just received information from my hon. Friend Mr Licudi that he is aware of one teacher who qualified at the University of Gibraltar and is now successfully employed in the UK without any hiccups.

1575 The Environmental Agency has not yet issued a fine or a formal warning to a vessel. The Agency investigated eight complaints of dark or black smoke from vessels in 2022. No complaints of dark or black smoke have been received, so far, in 2023.

1580 **Hon. E J Phillips:** Mr Speaker, in relation to those eight complaints in 2022, can the Minister give more information about the duration? I suppose a warning or an investigation would have commenced in relation to a time period when these vessels were emitting black or grey smoke. Does he have any further information on the answer?

1585 **Hon. Prof. J E Cortes:** Yes, Mr Speaker. There are several criteria that have to be met, including the darkness of the smoke, according to the Ringelmann chart, also the period of time. There are several defences regarding the reasons why the black smoke is emitted – if it is something that is reacting to an emergency, for example.

1590 I can go through, very briefly, the eight instances that have been referred to. There was one in February last year which did not meet the criteria, two in July last year that did not meet the criteria, and one in August that did not meet the criteria. There was one in August where the vessel was boarded and the master of the vessel was able to provide evidence that the emission was due to an unforeseen failure in connection with the boiler, and following this, as well as guidance from the GMA, it was determined that there were exceptional circumstances and the prosecution should not be pursued. There was then one further instance in August and one in  
1595 November that did not meet the criteria, and there was one other where the smoke was intermittent and did not fit the time criteria either. Those are the details that I have on those eight instances.

1600 **Hon. E J Phillips:** Does the Minister have any view as to whether the criteria that are imposed by law are too flexible insofar as the damage that black smoke and grey smoke does to our environment? It is clear that of the eight incidences he has referred to – very helpfully, thank you for that – there has been not a single prosecution, and whilst I understand that the criteria were not met, there were possible defences available to the master of that particular vessel. Does the Minister have a view as to the flexibility, or otherwise inflexibility, of some of the criteria?

1605 **Hon. Prof. J E Cortes:** Mr Speaker, it is very hard to really be less flexible, and certainly I would not be more flexible. As I said, the defences are that the emission of the dark smoke took place in circumstances affecting the safety or life of the vessel or a member of the crew or a passenger. Clearly that has to remain as a defence. The other defence is some unavoidable failure of  
1610 apparatus. Clearly the consequences on the air quality in the immediate vicinity are not going to be acceptable, but the defence nevertheless is probably justifiable.

Different jurisdictions – and I did quite a bit of research on this when we were drafting the Bill that we passed through the House not that long ago – have different criteria. This was done in close consultation with the Port Authority and the GMA, and now that we have just over a year of  
1615 experience, I think it is something that we can always look at again and study to see whether any changes are necessary.

I do think, Mr Speaker, if I may, that it does act as a deterrent. Certainly every instance is investigated, and more often than not the master of the vessel is actually tackled and explanations are requested, so it is nowhere near turning a blind eye. There is active investigation in every case.

1620 **Hon. E J Phillips:** I suppose the answer really is active investigation into these matters, because there could be an instance where machinery fails in the situation. That is the defence that is available to the master and the crew of this particular vessel. However, on close inspection by the investigators, if the machinery is not maintained to a certain standard that is acceptable, that  
1625 defence may not be available to that master or that crew.

I think the other countries that the Hon. Minister has alluded to have strict liability offences in relation to black smoke, for instance, and therefore our position is slightly more flexible than that because defences are certainly available. Is it right, then, given the experience that we have had post the implementation of this legislation, that this matter is kept under review, particularly also to the extent to which we can fully manage an investigation in relation to these matters?

**Hon. Prof. J E Cortes:** Yes, I think it is a matter that we have to keep under constant review, and I think the shipping industry itself is constantly reviewing its own processes and is actually leading the way in a lot of this. So, yes, it is a matter that I am sure will be kept under review and in discussion between the Department of the Environment, the Port Authority and the GMA.

**Mr Speaker:** Next question.

**Q146/2023**  
**Energy saving targets –**  
**Update re position**

**Clerk:** Question 146/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state where Gibraltar is in relation to meeting energy saving targets?

**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, it is not clear from the hon. Member's question exactly which targets he is referring to, and therefore I cannot answer the question specifically.

**Hon. E J Phillips:** I suppose the question was referring to the previous applicable directives that the Minister has talked about in this House previously in relation to Gibraltar's targets for energy saving across ... What I can do is, of course, put another question to him, but this arises in the context of those previously applicable directives that the Minister has referred to in this House.

**Hon. Prof. J E Cortes:** Yes, Mr Speaker, I think it would be helpful if I had a more specific question, because the targets mainly are related to increasing the amount of renewables and not specifically targeted at energy saving. I would be happy to perhaps have another question, or if he wants to write to me asking for specific details, I would be very happy to supply him with all the information that I have.

**Mr Speaker:** Next question.

**Q147/2023**  
**Registered dogs –**  
**Number in Gibraltar at 31st December 2022**

**Clerk:** Question 147/2023. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** How many registered dogs were there in Gibraltar at 31st December 2022?

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

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**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, there were 4,494 dogs registered at 31st December 2022.

**Mr Speaker:** Next question.

**Q148/2023**

**Pupils with special needs in government schools –  
Total numbers**

1670 **Clerk:** Question 148/2023. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, what is the total number of pupils with special needs in government schools in 2019-20, 2020-21 and 2021-22?

1675 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the total numbers of pupils with special education needs in government schools are as follows: 2019-20, 1,612; 2020-21, 1,637; 2021-22, 1,880.

1680 If I may point out that these are the numbers of individuals. We had correspondence last time round because the adding up of the special needs did not add up to the number of individuals. I have specifically asked again, even today, and I am told these are the numbers of children with needs. Some of these may have more than one need, and therefore, if you tot up every single need from a table, you are going to end up with more than these numbers.

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**Hon. K Azopardi:** Well, I am grateful because that was going to be my question. He knows we have had exchanges about this, and my hon. colleague to my right, Mr Reyes, has asked him questions. He will remember across the floor of the House I said to him that the total ... There was a column in the statistics that the Government used to publish, which had a total number, which in around 2018-19 said something like 1,500. At the time, we said it might not be the total because of the explanation he has just given, that some people might have autism but may also have speech and language issues, and so 1,500 might not reflect the total. But what he is now saying is that these figures of between 1,600 and 1,880 do reflect the number of individual pupils, even though some of them may have more than one. That is how I understand his answer.

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1695 It seems like a very large number. When I had suggested that last time, when we were talking about the number of 1,500, it had been suggested to me that that would reflect not the real number, but rather it might be that there were pupils with more than one special need, and therefore it had bumped up the figure. Having now verified that in fact that is a real number, does he agree with me that it seems like quite a high number? How does it compare to numbers in other countries?

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**Hon. Prof. J E Cortes:** Mr Speaker, I do not know what proportion, but obviously it is not comparing like with like. It would be possible to seek figures in other jurisdictions, but their assessments may be completely different to ours, so I do not think comparing it with other countries is necessarily going to be helpful. I think what we have to do is look at how the numbers have increased in Gibraltar through the years. But yes, had we totted up individual needs or types of needs rather than individuals, the numbers would be even higher than this. That was the subject

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of the correspondence, and I know there have been conversations with the Clerk today, which is why I have provided this answer.

1710 Certainly the numbers have increased. We have had this conversation before. Speculating as to the reasons is sometimes interesting, sometimes helpful, sometimes not helpful, but I can confirm that these numbers are high.

1715 **Hon. K Azopardi:** Mr Speaker, I am being told that in England the correlation of special needs is around 16.5% of the pupils – but it is something that perhaps we can look at – and that it has been decreasing. Again, I am sure there are unique factors here. They seem to be increasing. I think it is something that bears reflection, and does the Hon. Minister agree with me that having now at least flushed out whether this was the real total or not, perhaps he can discuss that within the Department and understand the numbers a bit better in terms of the trends and  
1720 proportionalities?

**Hon. Prof. J E Cortes:** Mr Speaker, I discuss this with the Department very frequently and we do not arrive at any absolute conclusion, but we do not doubt that these special needs exist. Certainly if the figure of 16.5% – I was not familiar with this, I will certainly look it up – is correct,  
1725 I would suspect our percentage is higher than that, considerably higher, perhaps 20% to 30%. We would have to calculate exactly how many children there are in education. It is around ... I think it would come up to that. Again, we are speculating.

I do discuss this regularly with the Department and we are trying to do some work to find out what the professionals believe are the main reasons for this increase. Having said that, I do  
1730 remember that it is not of the last few years. I do remember, when I was Minister for Health, having similar discussions from the health side as to the number of special needs children increasing at the time, and that is now 11 years ago, so it is not a new phenomenon.

**Hon. K Azopardi:** And given the explanation he has just given about the discussions that are ongoing within the Department and people considering what are the causes or reasons for it, can he illuminate us as to what sort of tentative conclusions there have been?  
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**Hon. Prof. J E Cortes:** Mr Speaker, I do not think that would be helpful. I am not a professional in this. I have my own views, but I do not think that would be helpful. What I do think is important  
1740 is to establish and confirm that special needs are taken very seriously and every support possible is given to the children in question.

**Hon. K Azopardi:** Can I ask whether the discussions, if they had been ongoing for some time, had been factored in the planning of the capacity of St Martin's School?  
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**Hon. Prof. J E Cortes:** Mr Speaker, I go back to the fact that here the figures I have given are looking at special educational needs across the whole of the education system. The numbers of St Martin's have increased but took a jump, as I have explained. I do not have the figures in front of me, but I have explained before the average number for the previous 10 or so years – I am  
1750 working from memory – had been six or seven a year and then they took a jump to about 19, and it stayed at 19 for the past few years. Therefore, the numbers for St Martin's School were calculated based on the average intake to St Martin's School because most of these children will not be attending St Martin's School, they will be fully mainstream but their special needs are attended to by additional support, perhaps from LSAs or in the learning support facilities, so it is  
1755 not the same process that has gone into determining St Martin's School. It is a different process.



**Q144/2023**

**Non-completion of further or higher education courses –  
Supplementary questions**

**Mr Speaker:** Before we proceed to the next question, I believe the Hon. Edwin Reyes has a couple of supplementaries in relation to Question 144.

1760 **Hon. E J Reyes:** Thank you, Mr Speaker. I thank the Minister for the schedule and I just want to raise a couple of little issues with him.

1765 In the status column, there are some indicated, unfortunately – luckily, they are low in numbers – where it says that the status of the student is ‘failed’. But as we go down, we see in some cases ‘Failed academic year, self-funded repeat successfully’. That is understandable. You fail the year, you come to terms with the university and then you self-fund the year. But in some cases ... For example, student 2 failed in the academic year 2019-20, and it does not have the additional remark of ‘self-funded repeat’. Unless a student self-funds and is able to complete and qualify in the course, is it still the case that the Department of Education would ask for a full refund of all moneys granted in the scholarship? Can we start off with that?

1770 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, when a student unfortunately fails, obviously if there are medical reasons then it is a different dynamic, but when they fail they have the option of paying back the years that they have studied and that they have failed, or to self-fund the repeat year, and then if they are successful we carry on funding them for the remaining one or two years. But obviously for 1775 that year, rather than having to pay us, they self-fund it and then they almost make up for having failed, and then we would pick up the next year. That is the process.

**Hon. E J Reyes:** Thank you, Mr Speaker. That makes a lot of sense and clarifies it. If we may use as an example ... If we look towards the very end, for the academic year 2022-23 there is a list of 1780 students as self-funded. It means that they are students but during this academic year they have a self-funding repeat year. I am grateful for the Minister nodding yes.

1785 However, where a student has withdrawn himself or herself, if we look at, for example, number 7 and number 31 it says ‘paid back in full’, so they have settled completely there and then, whereas those who have withdrawn, like number 1 and so on, for personal reasons, we do not need to know those but there is no indication of whether any payment has been made back contrary to the other one of ‘paid back in full’. Or perhaps it is a question of being handled by another Department, whereby they have entered into an arrears repayment agreement with another Government Department. I do not know whether the Minister has any information to shed some light on that.

1790 **Hon. Prof. J E Cortes:** Mr Speaker, when they withdraw, it is the equivalent of failing because they have failed to complete, and therefore there is the expectation that unless they fund the year again, as in the case of failing, they would have to refund. The Department engages in the first instance and then the Central Arrears Unit might get involved. In most of these cases there will be 1795 a repayment plan. No two cases are the same, but the principle is that yes, they will have to pay back if they have withdrawn mid-course or mid-year.

**Hon. E J Reyes:** I understand.

1800 Mr Speaker, on the penultimate page, where we have number 77, a student seems to withdraw during the academic year 2021-22 and in the remarks column it says ‘eligibility’. I do not know what exactly has happened there. Is it a question that there was an error perhaps, or it came to light that the student was not eligible? There was someone else in eligibility, but at least that one there. Of course, I only asked for the date on which the withdrawal took place, and that happened

1805 during 2021-22. I do not know whether that was the first, second or third year of that individual and what happened to any payments that were made in the previous years in respect of eligibility.

1810 **Hon. Prof. J E Cortes:** Mr Speaker, I would have to check. There is a vast amount of information here. I know that the hon. Member does not expect me to have intimate details of every single one of them. 'Eligibility' could be that after they were deemed to be eligible it was found that there was a problem with eligibility and perhaps the offer was withdrawn. So the withdrawal may have come from the Department or by mutual agreement when it was pointed out that that student was not eligible. I am just speculating, but I undertake to find out and let him know.

1815 **Mr Speaker:** Next question.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, as we are moving on to the Hon. Minister for Digital Services, I wonder whether this might be a convenient moment to stop for 15 minutes and then continue.

1820 **Mr Speaker:** The House will now recess for 15 minutes.

*The House recessed at 5.37 p.m. and resumed at 5.57 p.m.*

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

### Q149/2023

#### School internet issues – Reasons for continuing problems

**Clerk:** We continue with answers to questions. Question 149/2023. The Hon. E J Reyes.

1825 **Hon. E J Reyes:** Further to the answer provided to Question 40/2023, can Government provide explanations as to why schools are still experiencing intranet problems despite the Minister's answer with assurances that these issues had now been resolved?

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

1830 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, further to the answer to Q40/2023, I have been actively involved, together with the Minister for Education, as well as IT&LD, in all the latest developments in connection with the school internet issues.

1835 IT&LD identified that the root cause at the time of this issue was a malfunctioning distribution switch which was reconfigured to restore connectivity. However, they continued to receive reports from the schools of a degradation of Wi-Fi services between the hours of 8.30 and 9.30. Upon further investigation, they identified that the Wi-Fi services across all schools were being overwhelmed by approximately 2,000 unauthorised devices connecting simultaneously to the system. This amounted to a total of approximately 3,500 devices connecting to the system, resulting in a denial of service.

1840 IT&LD has since carried out extensive configuration changes to the way the system operates, to ensure that only authorised devices can connect. This will make the service stable and secure. IT&LD envisages that the works will be completed by the end of next week. They have and continue to work closely with the Department of Education and its Ministry, who are fully supporting IT&LD in this matter.

1845 On Monday, 6th February a meeting was held where all issues were discussed and an update was provided. IT&LD is co-ordinating with all the schools on the necessary works and all stakeholders are constantly being kept abreast on the progress made.

1850 **Hon. E J Reyes:** I am grateful, Mr Speaker. It is an interesting occurrence, to say the least. Like the Minister said, the feedback we were getting coincided with his timing: from 8.30 to 9.30 seems to have been the worst time of all.

1855 The Minister has said that there seem to have been unauthorised connections. Any idea as to where these unauthorised connections were taking place? The first thing that comes to mind is maybe you have the normal intranet and the facilities provided to the teachers to carry out registration using the intranet, the access to certain learning resources, schemes of work and so on. Could it be that individual teachers, or maybe pupils, were logging on to the system? Has he been able to identify where the unauthorised access was coming from?

1860 **Hon. A J Isola:** Mr Speaker, the information we have is that the unauthorised access was from students who obtain passwords and then just begin to use the Wi-Fi – there are very many students, particularly in the two larger schools – and that has been causing the problems. There is a separate system for teachers, with their own passwords.

1865 Basically what is happening now is that all of the students' official work tools are being registered with their unique number and they will be given access, irrespective of the password. So there is not a password issue now. It is only the machines that are legitimately being used in schools that will have access to the internet and the Wi-Fi at the school, which avoids the problem. There will then be a separate feed for guest Wi-Fi, and if that goes fast or slow because it is oversubscribed, fine, but nothing will interfere with the teaching and the teaching tools at the schools. That is what we are working on at the moment.

1870 **Hon. E J Reyes:** I thank the Minister for his answer and I wish him and the IT department the best of luck in sorting this out. I know, and I think he will agree with me, it is not necessarily an abuse by students, because there now seems to be a system – so my grandchildren tell me – that even homework and so on is communicated via social media services, which is extremely useful. 1875 The student is reminded of what homework they have pending and those communications come through. So it seems to be very much an essential item of day-to-day life for students. And yes, just looking at the numbers on roll, between teaching staff and pupils, if we take the two secondary schools alone we are talking of well over 2,500, close to 3,000.

1880 The Minister has kindly identified and admitted that other schools are also having the problem, so I wish him the same luck in resolving the issues, and let's hope that this subject does not need to be asked about again in questions if all proceeds well.

**Mr Speaker:** What is the question?

1885 **Hon. E J Reyes:** *[Inaudible]*

1890 **Hon. A J Isola:** Yes, Mr Speaker, I agree and I know the Minister for Education agrees because he has been breathing down my neck these past weeks to ensure that schools have what is no longer a luxury. This is now a critical part of learning, and of course that is why we have given it the urgency it requires and why we have worked and continue to work closely with ITLD to make sure that we can get this right, not just in the two secondary schools, as hon. Member has said, but across the entire network of schools.

**Mr Speaker:** Next question.

**Q150/2023**

**Cross-frontier movement of healthcare workers –  
Contingency measures for non-negotiated outcome**

1895 **Clerk:** Question 150/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state the contingency measures for a non-negotiated outcome in respect to the movement of healthcare workers across the land frontier?

1900 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**  
Mr Speaker, the GHA is working closely with the Brexit Contingency Committee to ensure that we can continue to provide a health service to the people of Gibraltar with minimum disruption. They are currently co-ordinating an updated in-depth analysis of potential impact issues and identified mitigation actions and contingency measures in each and every area of healthcare, as they are all impacted in different ways. Much of this work was done in the Brexit Contingency Committee and also refreshed during the pandemic. It is not prudent to say much more in public at this stage.

1910 **Mr Speaker:** Next question.

**Q151/2023**

**Prescribed medicines –  
Update on review**

**Clerk:** Question 151/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government update this House on its review of all medicines prescribed at the PCC and St Bernard's Hospital?

1915 **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 now completed its first full version of the formulary of medicines and dressings approved for use within GHA facilities and/or which can be prescribed under the GPMS scheme. The process of developing this has included substantial periods of consultation with clinical staff. This formulary has been placed on the GHA public website. The formulary is embedded in the electronic prescribing system used within the GHA.

1920 The GHA has advised that this process, however, remains ongoing, as new medicines are placed on the market and the science and understanding of the value of existing medicines changes. The Drugs and Therapeutics Committee, made up of senior clinicians and pharmacists, is tasked with delivering this work. All of the work to review medication is in line with NICE guidelines.

1930 **Hon. E J Phillips:** Just one question arising from that. Is the Minister satisfied with the level of consultation, given that the number of appeals that have been transferred to the committee in respect of prescriptions and the number of appeals allowed stands at 50%?

1935 **Hon. A J Isola:** Mr Speaker, the number of appeals is negligible, so 50% of a negligible number is even less. I would not agree with the statements that the hon. Members made to the media in press releases over the past month. What the hon. Member needs to consider is that the only

people making these decisions are clinicians. There is nobody with a calculator working out the cost of medication; this is entirely in the hands of clinicians.

1940 If the hon. Member has seen the statement that the GHA issued in respect of the lidocaine patches, they will see that the use of those patches today is very limited and it not used for what it used to be used for in the past, and so one of the ways of updating whether those patches work or not is a case-by-case analysis by the team, looking on an application from the GP as to whether that particular medication is suitable today for that patient.

1945 So the issue of what the hon. Member has inferred in his public statements, that there is a huge disconnect in understanding between GPs, the Chief Pharmacist and pharmacists I do not believe is accurate at all, because if a GP is concerned about a patient not being able to be prescribed the medication they believe is necessary, because it is not on the formulary, they go to the clinicians at the appeal tribunal and discuss it there, and if the case is made they will reverse it; if not, they will not.

1950 In the same way as the hon. Members say 50% have been reversed and 50% have not, that means that the system is working. I have no issue whether the percentage is 70, 80 or 90. Either way, the system is working because GPs are referring medication to the board for review and they are then making a clinical decision as to whether it should go one way or another. So I believe the system is working. This review is long overdue and is keeping us up to date with the UK formulary, which we use as a benchmark in deciding what we should or should not be having in our own  
1955 formulary.

**Hon. E J Phillips:** Mr Speaker, the Hon. Minister refers to public statements that we have made that effectively arose in the context of information being provided to members of the public during a session at City Hall, within which Prof. Geoghegan, indeed also the Chief Pharmacist, handed out this data relating to the percentages of those appeals brought to the committee that were allowed in the context of appeals by clinicians.  
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I do not agree, Mr Speaker, that he believes there is not a disconnect. That was the feeling in the room with the packed City Hall that certainly set out their views on the disconnect. And indeed it is not only the people who were in that hall, but also a doctor himself who came to give his views to the GHA and expressed his concerns about the disconnect. So it is not me regurgitating this; this is effectively my report of my engagement at that particular session with my hon. Friend Mr Clinton, who was also there.  
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What I would say to him is I do not think it is negligible and I do not think it is just restricted to lidocaine. I understand his answer in relation to lidocaine, but there are many other medicines, of course, that people do require. And whilst he is absolutely right about the clinical efficacy of certain drugs – and that is for the Chief Pharmacist, not for anyone in this House to decide – there are some genuine concerns, certainly there were in that packed hall that I attended, about the prescription policy and how drugs on this list are prescribed. Therefore, I would encourage him again to give that reassurance to the public in relation to those medications and that people receive them as and when they need them.  
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**Hon. A J Isola:** Mr Speaker, the GHA has around 1,300 people working within it. The hon. Member seems to place a lot of emphasis on one doctor who was in the public hall, but not on the words of the Director General, who dealt precisely with this point and explained precisely that the issues were clinically based. I do not understand how he can jump from one person and a feeling of a disconnect to say there is a fundamental breakdown in policy, which is what his press release said. That is very different to what the hon. Member has just said now, but even that, in my view, is wrong because the decisions are based on what clinicians are deciding. Full stop. If a clinician believes the treatment should be A or B, it is their choice and their decision. It is not for us, obviously, and I am sure the hon. Member will accept that, to make a contrary decision or take a contrary view. In that hall, there were people who had not been rejected any medicines opining on whether they should or should not, and this is precisely the problem. We need to deal with the  
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facts. The facts are if your GP believes that you should be getting a medication that is not on the formulary, he can appeal, go to the clinical board and they will review it, and if the clinicians agree they will give, no issue. So I just do not understand what the problem is.

**Hon. E J Phillips:** Just one question, with your leave, Mr Speaker. I think it was evident from ... Obviously the Hon. Minister was not there – I am sure he had other things to do in his Ministry – but I was there and I did listen to the disconnect. It centres around patient communication with doctors and indeed the GHA. In my respectful view, it is bringing patients along with you, which is what the GHA needs to do when it changes policy that affects people who have been prescribed drugs over a period of time. The policy has changed. There has been a review of medications. There has been an identification of abuse through the system. We all acknowledge that in this House. Everyone acknowledges that there has been an abuse of the system, and that is being tackled. But when medicines are changed that affect the lives of people who are prescribed those medicines, you need to bring along those patients with you so that you can say to them there are alternatives and we will treat you. That is not what has been happening. That is the level of disconnect and that is the level of disharmony between patients and doctors.

Just in relation to the point that he raises in relation to one doctor, this doctor was vociferous in his views as to the change in policy. Whilst I do understand that it is only one doctor, that was one doctor within the GHA putting Prof. Geoghegan right in respect of that, quite frankly. Therefore, Mr Speaker, and I would ask him again to clarify what communication measures, or at least what patient collaborative measures are in place to ensure that people understand how this policy works.

**Hon. A J Isola:** Mr Speaker, I do not think he put Prof. Geoghegan right. I think, from what I understand and what I have seen and watched, the reverse is the case because I understand that doctor made reference to if the patient insists then it is just left, if the patient insists they will give the patient the medication they want – and that is precisely what Prof. Geoghegan responded on, saying that is absolutely not the case and he should not be doing that. I do not quite understand how that interchange has been interpreted in the way that you have described.

Patient communication ... The GHA today has public meetings. It has never happened before, with a fully-fledged hall, with Prof. Geoghegan addressing them regularly, with data online and with specifics given to the people. But let's be clear, if the clinician decides to change the medication of a patient, then that is the clinician's decision. If the GHA decides what the formulary should or should not be, that is their decision. There is no political involvement or interference in that process *at all*, and so it is the GHA doing what they are meant to be doing. They are the experts and they are telling us what they should and should not be doing, and they are doing it, and for as long as that continues to be the case, I will obviously continue to support them in the work that they do.

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

**Hon. R M Clinton:** Thank you, Mr Speaker. I just heard what the Minister said, and would I like to make two points. There have been GHA public meetings in the past. I used to attend them, in fact, when the Hon. Prof. Cortes was Minister for Health, so it is not a new thing. I hear that it was a procedure that has been started in the past.

I would encourage the Minister to go back to Prof. Geoghegan and ask him what he asked the doctor concerned, because he asked the doctor to confirm to the general public that they were not under pressure from management not to prescribe certain medicines and the answer was actually yes, we are. That is why there was this exchange with the doctor. So I encourage the Minister, if he would, to go back to the Professor and clarify that point, because the issue was about management. In fact, I remember very well the Professor taking umbrage at the fact that ...

2040 'Oh, now it is a management issue.' So I think there may be even miscommunications within the communications between Prof. Geoghegan and the Minister. I would encourage him to ask him.

2045 **Hon. A J Isola:** Mr Speaker, no, the decision taken, as I said before, is not by management, it is by the clinicians within management, so to suggest, as the hon. Member has just done, that the administrative team are involved is just not true. The position is that the clinicians within management, the Chief Pharmacist in his role, have reviewed the formulary and that has led to changes, but it is them deciding, no one else. That is the point. So I do not understand what miscommunication the hon. Member is talking about. It is perfectly clear, always has been and continues to be.

2050 **Mr Speaker:** The Hon. the Leader of the Opposition.

2055 **Hon. K Azopardi:** Can I just ask: in terms of the appeals mechanism, obviously there is some committee on which the Chief Pharmacist sits together with, presumably, some other clinician and they review the formulary, set the changes, and then doctors in the front line can appeal. Can patients also appeal directly?

2060 **Hon. A J Isola:** Mr Speaker, I am not sure if they have. The board will look at any appeal that is made to it, but if a GP is not going to be supporting an appeal, I do not think it would have much prospect of success because the only basis of an appeal is if the clinician recommends it. And so for an individual to say, 'I like this medicine more than that one because I am addicted to this one or addicted to that one,' – or not, whatever the case may be – it has to be supported by the GP, obviously. Otherwise, I guess, just thinking logically, it would make it very difficult for the clinicians on the appeal board to change their earlier decision.

2065 **Hon. K Azopardi:** I understand that obviously it is more likely to be successful if a GP has endorsed the appeal, but is he saying that it is possible for patients to appeal directly to the committee, or is he saying that it is not possible? I am just trying to clarify the process because I am sure he will have seen, like I have seen, patients writing letters. I do not know if they are invoking rights of appeal or not, or whether they do have the right of appeal or not. I am asking a very precise question. Formalistically, is it possible for patients to appeal to the committee, or does it have to go through a GP?

2075 **Hon. A J Isola:** Mr Speaker, I am not certain if they can formally, but I have no doubt that if an individual writes an appeal to the board, they would consider it. I do not think there is anything that prohibits them from doing that, but I am not certain, so I will have to come back to the hon. Member.

2080 I am aware of one letter that I have seen from a private person writing, complaining about it. That particular case has been referred three times and refused three times by the same clinical board. So, yes, I am sure it has been considered on a number of occasions already.

**Hon. K Azopardi:** And for me to understand the process again, does the appeal go to the same people who set the changes, or does it go to a separate body of people?

2085 **Hon. A J Isola:** Mr Speaker, I understand that the team varies depending on the nature of the request, so there may be different specialities from which people will be brought in to consider different requests. Again, I am happy to get more of that detail as to exactly who and how and send that to him before the next sitting.

2090 **Hon. K Azopardi:** Mr Speaker, obviously there is public concern expressed by some people and it would be important for this process to be known. Is there a process in writing that people could

see? Is there such a thing, or is this a devised policy but there is no written process for appeals that could be made public so that people are more aware of the mechanics of the process?

**Hon. A J Isola:** Mr Speaker, my understanding is that on the website there is guidance on the process to be followed for those who wish to ... and how it works. I think it is all explained on the GHA website.

**Mr Speaker:** Next question.

**Q152-53/2023**  
**Opioid medicines –**  
**Repeat prescriptions; imports**

**Clerk:** Question 152/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state the number of persons currently on repeat opioid prescriptions?

**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 153/2023.

**Clerk:** Question 153/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state the number of opioid painkillers imported into Gibraltar for each year over the last five years?

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

**Hon. A J Isola:** Mr Speaker, there are currently 281 patients on repeat opioid prescriptions. I will now hand over a schedule to the hon. Member with the information requested.

**Answer to Question 153**

Below is the data requested (2018 to 2022) of the number of opioid painkillers imported into Gibraltar, as reported to the International Narcotics Control Board (INCB).

Drug	2018	2019	2020	2021	2022 first quarter
					only
Diamorphine	15.2g	16.1g	20.8g	6.2g	8.2g
Morphine	38.8g	113.1g	53.2g	62.4g	Being Collated
Oxycodone	394.0g	561.8g	53.2g	62.4g	180.8g
Remifentanyl	0.0g	0.0g	3.6g	5.0g	Being Collated
Fentanyl	49.2g	102.4g	25.4g	81.1g	Being Collated
Pethidine	0.0g	0.0g	10.0g	0.0g	Being Collated
Methadone	0.0g	5.0g	5.0g	15.0g	5.0g
Buprenorphine	14.8g	7.6g	14.8g	10.5g	Being collated

The importation of schedule 2 drugs is reported in grams. This is because each of type of medication can be supported/administered in multiple formats.



2120 **Hon. E J Phillips:** Mr Speaker, I will digest the answer to this question, but just insofar as these particular drugs are concerned – forgive my pronunciation – oxycodone and fentanyl are obviously the two larger amounts, certainly over the last five years, and morphine, of course, understandably. In relation to the other two large ones, of course there has been very significant criticism, particularly in the United States, in relation to those particular drugs, which I think are described as ‘oxy’. Fentanyl, I think, is the other one. Insofar as the amounts are concerned, are these just for prescription within the confines of the hospital building – for example, in the wards and in surgery?

2125

**Hon. A J Isola:** Mr Speaker, the question relates to ‘imported into Gibraltar’. I am not certain if this is global imports or this is just GHA imports. The question is ‘opioid painkillers imported into Gibraltar for each year over the last five years’. I would guess it was the GHA, but I cannot say it is definitely.

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**Hon. E J Phillips:** I will ask further questions in relation to this, but this is helpful data anyway. Insofar as the items that are being collated, is it possible that the Minister could write to me with the answer to those particular questions and possibly when he expects to receive them as well?

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**Hon. A J Isola:** Yes, Mr Speaker, I am expecting them in the course of the next month, in the next five weeks, so I will happily write.

2140 **Mr Speaker:** Next question.

**Q154/2023**  
**Diabetes –**  
**Incidence rate**

**Clerk:** Question 154/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state the incidence rate of diabetes in the community sorted by type 1 and type 2, ordered by sex and age groups over the past 10 years?

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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 now hand over a schedule to the hon. Member with the information requested.

**Answer to Question 154/2023**

**Type 1 Males:**

Age	2013*	2014*	2015*	2016*	2017	2018	2019	2020	2021	2022
0-9	0	0	1	1	1	2	2	1	0	1
10-19	1	0	5	5	2	1	1	0	2	0
20-29	0	0	5	1	2	0	2	0	1	0
30-39	0	1	4	3	1	4	2	0	3	0
40-49	1	0	6	1	0	2	0	1	1	0
50-59	0	0	1	1	0	0	0	0	1	1
60-69	0	0	0	0	0	0	0	0	0	1
70-79	0	0	0	0	0	0	0	0	1	0
80+	0	0	0	0	0	0	0	0	0	0

**Type 2 Males:**

Age	2013*	2014*	2015*	2016*	2017	2018	2019	2020	2021	2022
0-9	0	0	0	0	0	0	0	0	0	0
10-19	0	0	0	0	0	0	2	0	2	0
20-29	0	0	0	1	0	0	1	1	1	1
30-39	1	0	5	8	2	2	4	3	7	5
40-49	2	5	30	13	13	13	13	12	5	11
50-59	13	18	53	48	36	23	24	20	27	30
60-69	15	21	85	60	37	28	29	27	40	26
70-79	2	1	49	40	19	15	10	14	23	17
80+	0	0	7	10	7	4	4	3	12	8

**Type 1 Females:**

Age	2013*	2014*	2015*	2016*	2017	2018	2019	2020	2021	2022
0-9	1	0	0	2	1	1	1	0	0	0
10-19	0	0	0	1	0	1	0	1	2	2
20-29	0	0	3	1	0	1	2	1	0	2
30-39	1	0	3	0	0	0	1	2	2	2
40-49	1	0	2	1	0	0	1	0	0	1
50-59	1	0	1	2	1	1	0	1	0	0
60-69	0	0	0	1	0	0	0	0	0	0
70-79	0	0	0	0	0	0	0	1	0	0
80+	0	0	0	0	0	0	0	0	0	0

**Type 2 Females:**

Age	2013*	2014*	2015*	2016*	2017	2018	2019	2020	2021	2022
0-9	0	0	0	0	0	0	0	0	0	0
10-19	0	0	0	1	0	0	0	0	0	0
20-29	1	0	2	1	1	2	2	0	1	0
30-39	0	0	8	2	1	0	2	2	3	7
40-49	4	6	20	13	7	10	12	5	7	10
50-59	7	11	47	28	26	17	14	14	21	23
60-69	5	6	56	43	23	20	19	18	28	31
70-79	3	4	36	34	23	11	11	14	19	24
80+	1	1	25	19	15	16	11	4	7	7

\*Please note that the electronic primary care system was introduced in 2015 and therefore a large portion of patients who had been diagnosed previously were coded for the first time in 2015/2016. For this reason, there appears to be a spike in numbers between 2015 and 2016.

2150 **Hon. E J Phillips:** Mr Speaker, we will digest those and come back with supplementaries if we need to.

**Mr Speaker:** Next question.

**Q155/2023**  
**Death by heart attack –**  
**Incidence of death over last five years**

**Clerk:** Question 155/2023. The Hon. E J Phillips.

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**Hon. E J Phillips:** Mr Speaker, can the Government state the incidence of death by heart attack over the last 10 years?

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

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**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, the incidence of death by heart attack over the last 10 years is as follows: 2013, 13; 2014, 13; 2015, 19; 2016, 14; 2017, 25; 2018, 25; 2019, 24; 2020, 40; 2021, 30; and 2022, 26.

**Hon. E J Phillips:** Mr Speaker, can the Minister perhaps – just identifying that very large number within the latter end of the statistics run that he was doing, of 40 – clarify why it appears to be a blip in the statistics, or was that just ...?

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**Hon. A J Isola:** Mr Speaker, yes, there seems to be a spike in 2020 and then it drops down again in 2021 to closer to normal levels, as it is indeed in 2022. I do not have an explanation as to what that blip comes from. COVID and everything else, potentially. That is the logical one.

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**Hon. E J Phillips:** Just to speak to the point that he makes in relation to the normal years, there has been, I would probably hazard a guess to say, a steady increase of those dying as a result of cardiac arrest. Is he confident in the level of resource that we are putting into the GHA in terms of assisting cardiac patients with rehabilitation and certainly those who have conditions? Are we satisfied with the work that we are doing in relation to that?

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**Hon. A J Isola:** Mr Speaker, I think part of the problem with lawyers jumping to conclusions, like we often do, is that within the totality of our population ... In other words, are the vast majority living much longer than they have done before? Are more people dying from heart attacks as a percentage of the size of the population? These are all the other factors that one could look at.

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But in terms of what we are doing, the hon. Member will know, because we have made the announcement to this effect, we are setting up our own cath lab within St Bernard's, which will enable us to deal with cardiac patients here, rather than send them away. As the hon. Member will know, the provision of response times is critical to these patients, and consequently, to be able to do it in Gibraltar rather than send them, as we currently do, to Quieron Palmones. Sending them further away, like Xanit, is just too far, because time is of the essence, so a massive step forward is to be able to do this in Gibraltar in our own hospital.

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The second step is more education and more information in terms of first aid response, and hooked with that are defibrillators. We are in the process of replacing every single defibrillator around Gibraltar with the support of a charity, which will mean we will have a significant number of defibrillators around our community available to the public, again because of the length of time and how acting quickly can actually save lives.

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So the GHA is doing a lot in terms of dealing with how we can support people with cardiac issues, and I think by the time the cath labs are open we will be in a very much better place than we ever have been before.

**Q154/2023**

**Diabetes incidence rate –  
Supplementary questions**

2195 **Mr Speaker:** The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, I do not have a question on this. I wanted to go back to the incidence rate of diabetes, if that was fine, which was the previous question.

2200 **Mr Speaker:** Does the Hon. Minister wish to take that question. It is a supplementary. Yes?

**Hon. K Azopardi:** I am grateful, Mr Speaker. I think we had indicated that we wanted to look at the schedule, which was quite detailed, first, and –

2205 **Mr Speaker:** I accept that, but it was the Hon. Elliott Phillips who said that he might be in a position to ask a question, not you. That is why I asked.

**Hon. K Azopardi:** I thought he was speaking collectively for us, given the aside that I was having with him on it.

2210 Mr Speaker, looking at the type 2 diabetes figures, obviously all the years are different, but the rates of incidence, I would say, if you pick on any particular year, whether it is males or females, you are looking at 100-plus cases of males and 100-plus of females, maybe a couple of hundred in total. Of course, each year will be different, but over a spread of ... if that is a regular statistic ...  
2215 The Minister has given us a 10-year view of things and, given life expectancy, that looks like there might be a figure of type 2 diabetes of a population of anything above 3,000 or 4,000 at any time, does the Hon. Minister have an in-house statistic, a verifiable one for the population, of people with type 2 diabetes? And would that be an accurate assessment?

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**  
2220 No, Mr Speaker, I do not have any information other than what has been asked of me, and I am not going to make any conclusion as to the numbers, as to whether they are high or higher. I think that there is, again, a far more detailed discussion to be had, which I would be happy to have with the hon. Member, but not jumping to interpretations as to what these numbers mean in a community of our size.

2225 **Hon. K Azopardi:** Mr Speaker, I was not inviting him to make a conclusion as to what it means. I was simply asking him whether he has a verifiable statistic internally on it. He has indicated he does not today. Would he be willing to write to me with that information, if indeed the GHA has a view as to the kind of type 2 population there is in Gibraltar? I am told with our own intelligence  
2230 that it might be around that figure, but obviously that is not a verifiable official figure, and I would be interested to have an official figure if one is available.

**Hon. A J Isola:** Yes, Mr Speaker, I am happy to do that.

2235 **Mr Speaker:** The Hon. Elliott Phillips.

**Hon. E J Phillips:** Mr Speaker, just picking up on what the Hon. the Leader of the Opposition was talking about so far as the figures are concerned, clearly if we look at 2013, if my maths is not wrong that is about 33 people across the age range, and in 2022 it is 98. I think that is right, isn't it, in terms of the numbers? I am sure the abacus next to me is able to work that out insofar as numbers are concerned. In terms of type 2 males the numbers from 2013, for instance ... So if we look broadly at 10 years plus, we are looking at a significant leap in numbers per year.

Whilst none of us in this House are medical experts, it is clear that it is a recognised fact that unhealthy diets, lack of exercise, not moving our community around as it should, is one of the key areas which leads to diabetes. I wondered whether, given the previous answer to the questions about heart attacks particularly, he is concerned about the public health message that we should be pushing out in order to assist members of our community in getting to move more, more exercise, and eating more healthily, because these are obviously concerning statistics that there is an upward trend significantly since 2013, from the figures that we have, in those being diagnosed with type 2 diabetes.

**Hon. A J Isola:** Mr Speaker, of course our people should lead healthier lives, because that will lead to less reliance on our Health Service and enable them to enjoy a longer and fitter life.

The hon. Member has done what lawyers should never do, which is he has not read the small print, because if he reads the paragraph at the very end of all of the statistics, it will tell him that 'the electronic primary care system was introduced in 2015 and therefore a large portion of patients who had been diagnosed previously were coded for the first time in 2015/2016. For this reason, there appears to be a spike in numbers between 2015 and 2016', where in fact there is not one. So if you look at 2013, you are actually not looking at a comparable number, hence the footnote at the end, which says you cannot look at 2013, you cannot look at 2014, you can begin to look at it in 2016, which is when we begin to have some reliable data. And if you compare 2016 and 2017 to 2022, you will see that in fact there is not the spike that he refers to.

**Hon. E J Phillips:** Just one further question about the small print. I would have thought, Mr Speaker, if you look at the figures for 2015 there appears to be a catch-up of diagnosis. Therefore, arguably, if they were tested in 2014 or 2013, then it may well have seen the natural curve that I am talking about and that is what ... It would appear from what you see from these numbers ... I just do not understand why there is such a significant spike in 2015.

**Hon. A J Isola:** Mr Speaker, the hon. Member tries to dig himself out of the hole he has put himself into.

My view is no, not at all. As the footnote says, 2015-16 is the first year, and so there is not the spike that he is trying to draw attention to. If you look at 2017, it is 26 and today it is 23. So it really is there, or thereabouts. It is quite static.

Could it be better? Of course it could, and we will continue to work to make it as low as we possibly can.

**Mr Speaker:** Next question.

**Q156/2023**  
**Cancer –**  
**Stage 4 diagnoses**

**Clerk:** Question 156/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state the reason why up to 48% of all cancers diagnosed are at an advanced stage 4 of the disease?

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

2285 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**  
Mr Speaker, the figure of 48% presented by Dr Ballesteros at the GHA public meeting made  
reference to those patients referred to the cancer unit and are those who require systemic cancer  
treatment, such as chemotherapy or immunotherapy. It is more likely for these patients to receive  
systemic treatment in advanced stage 4 than in early stages 1, 2 and 3. Therefore, this group of  
2290 patients does not necessarily represent a delay in diagnosis. In the year 2022, 105 patients were  
referred to the cancer unit, which represents a slightly lower number than the previous year of  
114. The percentage of advanced stage cases in 2021 was 37%. The hon. Member's question  
relating to 48% of all cancers therefore may have been a misunderstanding of Dr Ballesteros's  
presentation. Whilst 48% relates to those patients being referred to the cancer unit, the correct  
2295 percentage relating to the hon. member's question regarding all cancers diagnosed is, in fact, 28%.

Suspected cancers are discussed by a GHA multi-disciplinary team, who then decide on an  
appropriate course of treatment. Not all patients are referred to the oncology department for  
treatment at the time of initial diagnosis, as they may be referred for other forms of treatment  
first, i.e. surgery or radiotherapy.

2300 **Hon. E J Phillips:** Mr Speaker, I am grateful for the clarification. Certainly, I understood the  
answer to his presentation, and I think the general public did as well, and I think that is how it was  
printed in the press, which caused me some concern because, of course, in the United Kingdom I  
think 45% of all cancers diagnosed fit within stage 3 and stage 4. That is why I was pressing the  
2305 question, just to ascertain what those figures were.

As I understand the answer to this question, 28% of all cancer diagnoses in Gibraltar relate to  
advanced stage 4. Does the Minister, in his answer, have a breakdown backwards in terms of  
stage 3, stage 2 and stage 1 cancers? It would be helpful just to see how we are diagnosing how  
they fall within those particular groups.

2310 **Hon. A J Isola:** No, I do not have that number. I am happy to get it for him.

I understand exactly what he says when his impression was 48, but of course, as I have  
explained in the answer, if you understand the point of entry to all cancers and then some being  
referred on to this unit, by the time they get to this unit they are going to be the higher stages of  
2315 cancer treated for that specific treatment by the oncology unit. So the 28% is the percentage of  
total cancers with grade 4.

I will certainly get the numbers that the hon. Member is seeking. I would say that in the United  
Kingdom the numbers are very much higher in terms of at what stage they are being discovered,  
and obviously the wait for care is very much longer. The hon. Member may have read a report in  
2320 *The Times* newspaper on 10th February, last Friday, where it says the wait for cancer care in the  
UK at the moment is the longest on record. Thankfully, we do not have that problem and we treat  
our patients efficiently and effectively.

2325 **Hon. E J Phillips:** Mr Speaker, that information I have also read and I accept that there are some  
very significant difficulties with the NHS in the United Kingdom, and thankfully we do not have  
some of the problems that he has referred to. Ours are very different, of course, and have been  
ventilated in this House and argued before by various Members at various points in time.

I just have one question. A common theme when I speak to constituents about cancer  
particularly is that there appears to be this view amongst certain members of our community that  
2330 our cancer rates seem to be higher. What I am encouraging the Minister to do, and he might be  
able to give me an answer to this, is publish statistics around early detection of cancer, because I  
think it will allay any fears or misconceptions out there within our community, based on facts and  
data, to try to dissuade people from saying that we might have higher incidence of cancer  
particularly. So I would ask the Minister whether he would be able to publish material on a more

2335 regular basis on the Government website so that people can actually see the data. I know that the Hon. Chief Minister has previously, on our invitation, in respect of sick leave, for example, sought to publish those statistics, and it would be helpful if he might be able to do the same.

2340 **Hon. A J Isola:** Yes, Mr Speaker, I would be happy to look at that and engage with the GHA to see if we have that sort of data readily available, where it can be updated on a frequent basis. I have no issue with that.

**Mr Speaker:** Next question.

**Q157-58/2023**  
**New cancer unit –**  
**Date when up and running; cost**

2345 **Clerk:** Question 157/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state when it expects the new cancer unit to be up and running?

2350 **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 158/2023.

2355 **Clerk:** Question 158/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government confirm the cost of the proposed new cancer unit, including new staff provision, on the fifth floor of St Bernard's Hospital?

2360 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

2365 **Hon. A J Isola:** Mr Speaker, the new location for the new cancer unit has been identified at St Bernard's Hospital and an outline plan has been developed for the unit and the associated aseptic dispensing facility, which is a feature of any cancer unit. The identified space will become available as soon as the current TSSU/CSSD moves to its new location in the hospital in April this year. In preparation for the development, the GHA is preparing detailed plans for the unit. Once plans are approved and the preliminary costings and findings are confirmed, the unit will take approximately 12 months to complete.

2370 The cost estimate for this building work is currently being finalised and will also be supported by donations from the public. Whilst talking about oncology and donations, I must specifically and publicly thank Margret Ayling, a firm supporter of our cancer services who has worked and continues to work with us to improve these new services. My sincere thanks to her.

2375 **Hon. E J Phillips:** I am grateful for the answer from the Minister. I must say – perhaps it was an impression – that my hon. Friend Mr Clinton and I left the public engagement with the view that this was a matter of months and not a year, but be that as it may, Mr Speaker, it is heartening to hear that we will have a new unit that deals specifically with this area.

Just one question arising from that, and that relates to the new staff provision. Does the Minister have a bit more information as to what level of provision will be required in terms of the human resource on the unit?

2380 **Hon. A J Isola:** No, Mr Speaker, I do not have that information with me. I think in dealing with  
cancer, obviously there are different areas being worked on all the time. Recently opened, again  
with the support of Margret Ayling, is one of the units for those patients seeking or requiring  
chemotherapy. It is an improved and much more comfortable location for our patients. This is just  
2385 the next step in that delivery. If the hon. Member is asking how many new people will be required  
to work in the unit, I will find that information and get it sent to him.

**Mr Speaker:** Next question.

**Q159-62/2023**

**Sandpits mental health facility –**

**Contract terms of care provider; payment re meals; budget holder; annual running costs**

**Clerk:** Question 159/2023. The Hon. E J Phillips.

2390 **Hon. E J Phillips:** Mr Speaker, can the Government state the contract terms in respect of the  
entity engaged to make provision for care at the Sandpits mental health facility?

**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 160 to 162.

2395 **Clerk:** Question 160/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government confirm who pays for the provision of meals  
at the Sandpits mental health facility?

2400 **Clerk:** Question 161/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state under whose budget the Sandpits mental health  
facility comes?

2405 **Clerk:** Question 162/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state the annual running cost of the Sandpits mental  
health facility?

2410 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

**Hon. A J Isola:** Mr Speaker, as has previously been discussed in this House, Sandpits House is  
owned by Meddoc Ltd and they provide the number of carers according to the individual assessed  
2415 needs of patients.

In line with the basic principles of mental health rehabilitation service, users at Sandpits have  
full control of their moneys unless they are assessed not to have the capacity to manage their own  
finances, in which case arrangements are put in place for their representative to oversee their  
finances. Service users attend the Social Security Department to collect their disability allowance,  
2420 accompanied by a social worker, carer or psychiatric nurse, and both identify and agree the budget  
for the provision of meals.



The GHA reimburses Meddoc for the care and associated services provided to the service users at the Sandpits facility. This is provided from the GHA budget.

2425 The staffing costs for Sandpits supported living facility is approximately between £240,000 and £300,000 per annum, depending on the needs and number of patients.

**Hon. E J Phillips:** Mr Speaker, how many patients are ordinarily resident in any given month, if the Minister has any information about that?

2430 **Hon. A J Isola:** Mr Speaker, the unit has a bedsit and three bedrooms with shared bathroom, kitchen and living room, so I guess four.

**Hon. E J Phillips:** Mr Speaker, insofar as the £240,000 to £300,000, does that relate to the premises themselves and staffing?

2435 **Hon. A J Isola:** Mr Speaker, that is the cost of the provision of the services, so I assume it does.

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

2440 **Hon. R M Clinton:** Thank you, Mr Speaker.

The hon. Member will remember he gave my hon. Friend Mr Phillips a schedule of mental health expenses – I cannot remember if was at the last session or the session before – which was an analysis of mental health costs that were not staff related, but I could not see these particular costs being itemised in there, and it is not immediately obvious to me, looking at the Gibraltar Health Authority budget estimates, where that £240,000 to £340,000 per annum would sit. It is not separately identified as this Sandpits facility. Does the Minister have an idea of where it would sit? Is it, in his view, perhaps ...? I am not going to ask him to speculate. Does he know where it would sit? Is it within salaries, or is it in some sort of contracted services? I cannot see anything in terms of contracted services where it would obviously fit. There is something called ‘other maintenance agreements’, but that would not really describe this. Does the Minister know where within the GHA budget, ideally which line item, it would come under? Obviously, if it is described as contracting for services, it might be that it is deemed to be some sort of personnel cost rather than the hiring of a facility, if the Minister understands me. If he could point me in the right direction, I would be grateful.

2455 **Hon. A J Isola:** Mr Speaker, it certainly would not be labour because they are not employees. It is Meddoc providing their contracted service to us, which varies depending on the number of patients we have in the facility at any given time. I will find out where it is documented and inform the hon. Member, so that he can have a look at it, rather than me guesstimating as to where those services are detailed.

2460 **Mr Speaker:** The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Can I just ask, if this facility is providing a service for four people and it costs £240,000 to £300,000, it is £60,000 to £80,000 per person – couldn’t this service be provided more cheaply within the existing mental health structure, given the average per-bed cost in a mental health facility? I think the daily cost is ... I do not know, anything like £150 probably, but it just seems to be ... Has that issue been looked at?

2470 **Hon. A J Isola:** Mr Speaker, I think we need to understand what it is that we are talking about, because this care is about providing those people with a halfway house between being at, for example, Ocean Views and being at home. It is about trying to get people back into the community, and that is a lot of what the work that goes into the Sandpits property is. In fact, I was

with the staff at Ocean Views last week and they were lauding the work that is done at this particular property and another one and saying that it would be ideal if the mental health services in Gibraltar could have more like this because it works so well.

But of course it comes at a cost. Some of the carers are one to one, so if you imagine ... 24/7 one-to-one caring is expensive. But then we need to make the decision as to – what the hon. Members criticised us for in past times – is it cost or is it care. We are approaching this on the basis of providing the best possible care that we can afford to provide those patients, and the halfway house I think works very well. The GHA are very happy with it. Ocean Views, in particular the staff there and the professional and qualified staff there, are very happy with how it works and they want to do more of this, which is to reintegrate users back into the community, and this is a big part of that. Teaching people budgetary disciplines, how to make sure they know what to spend, how much they can spend and how to spend it is a really big and important part of all of the work that goes into mental health patients reintegrating back into our community. Stigma ... All of these issues are what the halfway house seeks to improve and to help the users with.

On that basis, I think it would be a retrograde step to go back into looking at increasing the size of Ocean Views and putting more people into those facilities. We want to see more and more of this outreach into the community. Having people living at home and helping them to live a normal life as far as is possible has to be the objective of any mental health plan.

**Hon. K Azopardi:** I accept that, of course. I accept that there is a need for these facilities to integrate mental health patients back into the community. I was really asking more precisely about whether, having looked at these figures – and it correlates to four people – the GHA had looked at the Meddoc costs and decided that these were costs that were being outlaid and the same thing could not be achievable at a more reduced cost. Really, that was what I was asking.

**Hon. A J Isola:** Mr Speaker, the GHA will always look at how they can provide the best service at the least cost, obviously. Whether we can do this service cheaper or not is something that I am sure has already been considered and was when they initially did this on a probationary basis. It has worked and they are happy with the results of it.

We look every year to see what on the budget that we have in the GHA can do better or attract better value for money, and not just in this but in every other service where we contract services that is the first question they ask themselves at this time of the year, every year.

**Mr Speaker:** Next question.

**Q163-64/2023**  
**Power outages –**  
**Number and causes**

**Clerk:** Question 163/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state why Gibraltar continues to be plagued by power cuts?

**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 164.

**Clerk:** Question 164/2023. The Hon. Ms M D Hassan Nahon.

2520 **Hon. Ms M D Hassan Nahon:** How many power outages were there in 2022, and can Government list the reasons for each of those?

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

2525 **Hon. A J Isola:** Mr Speaker, I now hand over a schedule with the information requested.  
Gibraltar has not been plagued by power cuts. A plague is a widespread affliction and we do not have that in respect of power cuts. Gibraltar suffers power outages, as do similar small territories that operate without the support of national grid power systems. These power grids have tens or hundreds of power stations generating power at any point in time and a problem with a particular generating unit is proportionally very insignificant and easily absorbed by the system without consumers noticing any glitches whatsoever.

2530 In Gibraltar's case, any single generating unit accounts for a big percentage of the total power demand and therefore any problems with a unit can affect a significant number of consumers. The GEA does operate with a margin of spinning reserve, but in order to cover for all eventualities it would mean running with a very large element of spinning reserve, which is very expensive and not good engineering practice. Although when events as described occur, inevitably some consumers are affected, these outages tend to be relatively short and are associated with the time it takes to start spare capacity, of which the GEA has plenty.

2535 Notwithstanding the above, what must be taken into account is that power stations are complex installations and the North Mole power station is no exception. Projects of this nature are not off the shelf, and it takes time to both integrate into existing distribution networks and fine tune, a process which the GEA is presently going through and is a process which occurs every 30 to 40 years at least for us here in Gibraltar. I think our new power station is Gibraltar's biggest capital investment project to date and is a key component of our critical national infrastructure. It ensures that we can maintain our energy independence.

2540 However, it is also true that not all power outages are as a result of problems at the power station. Many are as a result of faults or damage to our high- and low-voltage power distribution systems. Although the record of the location of underground cables is extremely accurate and this is provided to all applications for excavations, damage does occur and this can and has resulted in interruptions of less or greater severity, depending on the nature of the fault and the equipment affected.

2545 Our two most recent power outages have not been related to the power station at all. They have been related to interruptions to our fuel supply, and our supplier has publicly stated what the problems were. Their installation is also of a complex nature and they themselves are fine-tuning their processes and continue to work closely with the GEA to ensure the maximum levels of reliability, which also provides for a cleaner environment, as annual CO<sub>2</sub> emission figures have dropped from 147,309 tonnes in 2015 to 119,247 in 2021 and will continue to reduce as our processes become more efficient.

**Answer to Q164/2023**

YEAR 2022	Date and time	Duration	Feeders affected	Reasons for Power Cut
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

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.
3	11.03.2022 00:48	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.	N MPS IFLS testing caused a trip of Set 1 causing feeders to open.
4	08.07.2022 07:04	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.
5	20.07.2022 10:45	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.
6	02.08.2022 16:23	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 NM PS CR. S55, S63 and S65 restored manually.
7	12.08.2022 11:30	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.
8	28.10.2022 06:59	14 - 19 mins	Marina, Ocean Village, Waterport Terraces, Kings Bastion, Cornwall's Lane, Governor's Parade, Alameda, Rosia Bay.	Gasnor sensor fault caused gas shutdown resulting in sudden drop in gas-line pressure. Set 3 (Gas engine) initiated emergency shutdown due to fuel starvation. Set 6 (DF) QCO to diesel.
9	28.11.2022 16:10	5 - 27 mins	Marina, Water Gardens, Ocean Village, Bedlam Court, Waterport Terraces, William Jackson, Waterport Place, Kings Bastion, Cornwall's Lane, Gove4rnor's Parade, Alameda, Rosia Bay, Little Bay, Buena Vista.	Gasnor programming issue caused gas shutdown resulting in sudden drop in gas-line pressure. Set 1 and 3 (Gas engines) initiated emergency shutdown due to fuel starvation. Set 6 (DF) QCO to diesel.

**Hon. E J Phillips:** Mr Speaker, I characterised this question as a plague because in September 2019 when the power station was commissioned, with none other than the Chief Minister himself flicking the switch, declaring power to No. 6 in a huge step forward – as described by the hon. Gentleman – in energy security and the security of supply in our community ... How does the Minister reconcile that very flamboyant announcement in 2019 with what we have experienced in recent years and the impact it has had on business? At the end of the day, Members opposite are responsible for encouraging inward investment and encouraging big business to come to our shores. How realistically can we show the world that we are a modern, efficient, secure environment when we cannot even manage our power supply? I would ask him to answer that question.

**Hon. A J Isola:** Mr Speaker, with enormous ease I can answer that question because when you contract with firms of the quality of Bouygues and MAN Engines, who are probably the largest producer of this style and size of power station, and you compare that to what the hon. Members proposed in previous years, it is beyond comparison and a power station that every Gibraltarian should be proud of, because to categorise ...

It seems as if the hon. Members are waiting for the power cut to happen so they can tweet some ridiculous, sarcastic, stupid comment along their social media networks with pride. I say that because there have been a number of instances of it, which I have seen and commented on in the past, which I think is just wishing to put ourselves down.

If we have made a mistake in respect of the power station, tell us. But what is the mistake? Contracting MAN Engines? Who would they have contracted? Is it contracting Bouygues? Who would they have contracted? You cannot expect Government Ministers to be responsible for a fault in a gas line from a Gasnor/Shell supply into the power station which results in a 15-minute power cut, or any of the other power cuts that are caused, for example, by private contractors digging a hole in the road and causing a power cut, or criticising and knocking the very hardworking team we have at the GEA who, from the minute there is an issue, spend the next hour trying to work safely to restore power at the first available possibility. I think they need to be commended for the work that they do because you certainly cannot blame them.

So if you cannot blame the workforce and you cannot blame the specialists who advise Government which is the best power station to buy or which is the best contractor to buy it, then what is it that you can complain about? (**A Member:** The Government.) Well, the Government, yes, of course. If you want to play politics with the power station, by all means do so, but have the honesty to say so. If you get up and say, like you have just said, that there is an issue with the power station because we have got something wrong, no problem, let's have that discussion. But the hon. Members opposite know that is not true, they know it is not the case, but it does not matter because it is politics. Fine. If that is the case, that should be the prefix to the question. Who would they have contracted to design that smelly – (**Hon. Chief Minister:** Grimy, smelly.) grimy, smelly, diesel, GSD power station? Who would they have contracted? And did they receive a guarantee from that contractor when they were negotiating with them that they would have no power cuts? Well, of course not, because nobody in the world would agree to that condition. It would be absolutely ridiculous, although it did not stop them from agreeing with them the 5% increase in electricity costs every year for the next 20 years. So they were more concerned about electricity increases than providing power.

We have gone to the best in the business to ensure that our power station can meet our demands. We are going to have a glitch when somebody digs a road, yes; we are going to have a glitch when the LNG supply has a problem through one of the feeds where safety is paramount, yes; and for that I am absolutely delighted to say that I am the chairman of the company that does that and it does it incredibly well. And are we going to continue to have issues like this whilst the teething problems go? Probably, yes. I hope not, but if we do, I will be the first to defend them for the work that they do to put things right. (*Banging on desks*)

**Hon. E J Phillips:** Mr Speaker, just one more supplementary. We know when we have got the Government on the ropes, and we have got them on the ropes in relation to energy security and energy supply for our community.

To much fanfare in 2019 we were guaranteed supply of energy, guaranteed security. What we are trying to do is encourage confidence in our jurisdiction so business floods to our community to spend their money in our community and hire more people. That is the whole point. But the question I put to the Hon. Minister is about energy security, about energy supply and the guarantees that the Chief Minister gave, himself, in September 2019. Ultimately what they cannot do is guarantee that supply, and that policy has failed.

**Mr Speaker:** What is the question?

**Hon. E J Phillips:** That is right, isn't it?

**Mr Speaker:** Okay.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, nothing makes me happier than to have the opportunity to deal with this issue with hon. Members in this House, especially in the way that the hon. Gentleman has framed the question.

The hon. Gentleman has said that we are unable to provide energy security. The Hon. Minister has already told him that we operate as an energy island. I do not know whether the hon. Gentleman has been reading or watching what is happening around Europe, especially after Russia's illegal invasion of Ukraine. The United Kingdom has been within hours of losing power completely to the whole of the national grid. I do not know whether the hon. Gentleman understands the severity of that. In other words, the United Kingdom was not likely to suffer a power cut, the United Kingdom has stood on the verge of not being able to produce energy for its people. The reason for that is that the United Kingdom has been importing gas and exporting gas to the European grid without the ability to take gas or electricity back as a guarantee. The United Kingdom has serious issues in respect of energy security. They have been all over the newspapers that I recommend the hon. Gentleman read. Spain has had a hugely difficult issue with its relationship with Algeria and its supply of gas, as a result of changing its position on the Western Sahara and the right of self-determination of the people of Western Sahara, to such an extent that it has had to renegotiate its contracts in respect of the supply of gas, which provides the lion's share of Spain's energy security. Germany has found itself, with the blowing up of the Nord Stream 2 pipeline, potentially without sufficient gas to power the industrial heart of Europe and heat its people's homes. France has been receiving the gas that has been coming from the United Kingdom under established agreements and, because it has nuclear power and has had to reset when it decommissions its nuclear power stations as a result, is having to reset how it provides its energy. Indeed, the United Kingdom and Germany have had to go back on promises in respect of mining coal to produce energy as a result of the issues that have arisen in the past 14 months. That affects the energy security of some of the largest economies in the world. In Gibraltar we have had no such issues.

When you talk about energy security, you are not talking about the fact that part of our grid was settled by the MoD. We do not have any plans for it, but it is all now interconnected and a contractor can go through a cable when they do not know that there is likely to be a cable there. No contractor, unless they were being remarkably negligent, would permit their workers to dig in a place where they are going to go through a cable, unless they do not know it is there. That is not about energy security, but that leads to a power cut.

The security of the gas facility – that is to say all of the systems in the gas facility to ensure that there is no blowback of gas, no escape of gas – are about securing energy security, but they can lead to short power cuts. The supply of the gas for Gibraltar, which we have contracted through Shell, one of the biggest companies in the world, comes to us from any of the points from which

Shell can obtain gas, so we have no issues with the supply of the fuel that we need to generate electricity, which we might have had. And now – the hon. Gentleman might want to reflect – we have two sources of energy to produce electricity, gas or diesel, because we made the choice to have some of those dual-fired engines.

2665 So have we secured Gibraltar's energy security, although we might have power cuts? He has linked the two, we have not. I think in this year in particular we have demonstrated that the choices we made were the right choices to secure Gibraltar's energy security. To test that, I put it to him that he should compare the choices we made with the choices they made or were about to make. They were about to go with just one fuel, diesel. The price of diesel, as hon. Members  
2670 know, has rocketed in the past year and our cost of fuel has rocketed in respect of that part of our supply which is diesel, although luckily part of our supply is gas, where the price has been lower. Which was the right choice: to go to gas and diesel or to stay with diesel? I put it to him that if he were to look at this objectively and make a choice not based on what is in his party's interest, he would say of course it was right to diversify the fuel that you rely on to gas and diesel and not just  
2675 diesel. So we made the right choice for energy security. Was it right for us to contract with one of the largest companies in the world that can secure gas from many sources? I put it to him that if he were to objectively analyse that, he would say that we were right to do so. Again, the right choice for energy security. Was it right that we should agree a price with Shell for gas? Of course it was right, because it protected us against some of the increases that we have seen. Was it right  
2680 that we should put the power station and the gas regasification facility in an area by the sea, rather than in an area at the entrance to the Nature Reserve, in a green corridor, and pipe the fuel from the sea to there? I put it to him that objectively – he also holds the brief for the environment – he would say it was right and more secure to have a shorter line and to choose the area that we chose and not blight the Upper Rock Nature Reserve.

2685 In each of the choices that fell to be made we made the right choice, not because we are the cleverest in the room but because we listened to the advice and we did not just allow ourselves to be led by the politics. For that reason, I believe we have discharged our obligation to deliver energy security to Gibraltar, even though we might sometimes have power cuts because of the systems we have set up to protect the power station from a catastrophic failure and because of  
2690 the fact that contractors may go through cables, something that we are hoping to prevent in the future.

But the hon. Gentleman must remember where we come from. We inherited a power station so old that it literally blew up on Easter Sunday 2013. We were left without power for days, and potentially for weeks. We recovered that position. Gibraltar now has a reliable, diversified source  
2695 of power, and that is complying with our obligation to deliver energy security. The hon. Gentleman must listen to himself. Don't stop believing. It is a journey and we are taking Gibraltar there.  
*(Banging on desks)*

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

2700  
**Hon. Ms M D Hassan Nahon:** Mr Speaker, the Hon. Minister for Health and Energy answered the question by my hon. Friend here saying that we should not be politicising this and that the Opposition likes to tweet when something goes wrong, but from my research the tweets have been coming from the Government and the Chief Minister himself in 2014 saying that new plans  
2705 must reflect lessons of such incidents so we never repeat. This is nine years ago. In 2016, another tweet guaranteeing our electricity supply, and then in the 2019 manifesto saying that now we have the security. The issue with Ukraine and Russia has only been in the last 10 months, but these issues ... and from this sheet we are having an average of 0.75 outages a month, which is almost one a week.

2710 So my question would be really it is about the people of Gibraltar, the businesses of Gibraltar, and how would the Government seek to regain their faith for our electricity supply when we have

had so many failures and so many unequivocal promises over the last seven to 10 years that this will not be happening again, by Government themselves?

2715 **Hon. Chief Minister:** Mr Speaker, the Hon. Lady has not understood what I have said about energy security, and of course she has not, as she says from a sedentary position, because she has once again mixed the power cut with the security. It is very simple.

The hon. Lady is suggesting that because we have a power cut because somebody goes through a cable, or because we have a power cut because there is a problem in the regasification facility, 2720 which is a problem that the system is designed to identify to prevent a catastrophic fault, we are not providing energy security. Yes, we are providing energy security, because now that we have got to the Ukrainian problem we do not have a problem with supply of fuel. That is a question of energy security. That is what energy security is about. Will we have power cuts? We will have power cuts. Will they be less often? Of course, once we have broken in the power facility it will be 2725 less often because by then these sensors will have been got exactly right, so you should have none of the issues that arise between the supplier of the fuel and the power station. As the engines become run in, as you say in respect of an engine, you will have fewer issues in respect of that.

The hon. Lady has heard me say before in this House one of the things that we are looking at is a grid that will run in two directions, the upgrading of the grid. We have talked about why you 2730 cannot upgrade the grid in one year or in one term, because that means digging up every road in Gibraltar. You have not got enough guys to dig and you would have no flow of traffic. It is something that has to be staged, so that the process that we inherited, which was a grid that had not been touched in 16 years – and I know they do not like to go back, but they have to understand that we have to go back to analyse the problem – is one that cannot be repaired in one year and 2735 it cannot be repaired in 10 years. It is a process that has to be undertaken. When we have that better grid, we will have fewer issues even with contractors going through cables because the new grid will be properly mapped.

Those are the things that are giving rise to power cuts, not energy security. Gibraltar is now one of the most secure jurisdictions in the world in respect of the supply of the fuel necessary for 2740 the generation of electricity as a result of the choices that we made; indeed, as a result of the choices that the people of Gibraltar made, because in 2015 this was one of the key electoral issues. Their power station or our power station. Go back to the one that was going to be at the entrance to the Nature Reserve or stick with ours and the gas station that we were going to develop, dual fuel, down by North Mole. The contracts had not been signed. The people knew that they were 2745 voting for one or the other. I am not going to claim the credit for this. The people of Gibraltar chose, in 2015, to go with this power station and they were right because in 2015, as we all remember, the dalliances on the other side of this House were with a company called SPARC, a Russian company. So much for energy security, Mr Speaker.

2750 **Mr Speaker:** The Hon. Roy Clinton.

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

Turning to Gasnor, can the Minister confirm that Shell disposed of Gasnor? Did Shell discuss the disposal with the Government at the time, in terms of the continuation of provision of service 2755 by Gasnor, and what were the discussions at the time? It is a simple question.

**Hon. Chief Minister:** Mr Speaker, the Government is not answerable in this House for the decisions of Shell. I can tell the hon. Gentleman that we were notified of the change of shareholder in Gasnor.

2760

**Mr Speaker:** Next question.



**Q165/2023**

**Mask wearing at the Hospital –  
Reason for reintroduction and where purchased**

**Clerk:** Question 165/2023. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Why has the GHA reintroduced masks on entering the hospital facilities, and where have these masks been purchased?

**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, mask wearing was reintroduced for all areas at the GHA due to the increases in multiple respiratory infections, including COVID-19, seasonal influenza and RSV. This adds an extra preventative and precautionary layer of protection during the surge of infections.

As per my answer to Question 583/2022 to my hon. Friend Mr Phillips, the GHA have advised that the masks being used are from the existing stock purchased in July 2020 pertaining to the consignments which were not compliant with FFP3 standards for clinical use.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, a couple of follow-ups. I noticed that the masks had been introduced myself when I went into the Hospital, but I would like to ask the Minister why they have been moved, because I have since been to the Hospital and they are no longer at the entrance, so has this policy changed? Or they were not last time I went, which was about a week or 10 days ago.

**Hon. A J Isola:** Mr Speaker, I have been to the Hospital today, this morning, and as you walk in, on the right hand side there is a big box full of masks for public use, so they continue to be there.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, can I ask the Hon. Minister if there is more equipment from the faulty COVID consignment that is waiting to be used?

**Hon. A J Isola:** Not that I am aware, Mr Speaker. What we are doing is using the masks that cannot be used clinically for use by the public. I am not aware of any other equipment that is not being used.

**Mr Speaker:** Next question.

**Q166-67/2023**

**GHA Director General role –  
Proposed interim arrangements; selection process**

**Clerk:** Question 166/2023. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Given the recent announcement that Prof. Geoghegan will be stepping back from his role as Director General, can Government confirm how the management team will be organising itself in the interim to provide leadership to 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, I will answer this question together with Question 167/2023.

**Clerk:** Question 167/2023. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Given that Prof. Geoghegan has indicated that he will be involved in selection process of his successor, can Government confirm what the selection process will entail and who else will be involved in the process?

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

**Hon. A J Isola:** Mr Speaker, the Director General works closely with his senior executive team, whereby each executive director has a portfolio of responsibilities. These responsibilities will not change and the Director General will continue to communicate with his team to continue to monitor, advise and support them at all times. Sandie Gracia, Director of Nursing Services, who is a very experienced member of the executive team, will take on the day-to-day co-ordinating role.

The GHA has contracted a UK recruitment specialist, GatenbySanderson, who are experienced in public healthcare recruitment, to ensure that they have access to an appropriate pool of highly qualified candidates. The Chair of the GHA Board and the Director General will drive the selection process. The composition of the panel has yet to be decided. The vacancy will be advertised this month both locally and overseas and the GHA expects to conclude the recruitment process by mid-April 2023.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for his answer. Is he saying that the recruitment process will finish, or that we will have an announcement by mid-May?

**Hon. A J Isola:** Mr Speaker, I said the GHA expects to conclude the recruitment process by mid-April 2023.

**Hon. Ms M D Hassan Nahon:** So does this mean that we will have an announcement by that time, or will they finish their process but we will not ...? Is everything going to be completed and by mid-April we should be having a new Director General?

**Hon. A J Isola:** That is the intention and that is what we would like to see happen.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, if I can just ask one final supplementary. The question that gets asked a lot by people who speak to me is the concern of bias in this process. Can the Minister give us any assurances that the composition of the board or the general process will be very well guarded from any potential bias?

**Hon. A J Isola:** Mr Speaker, I am not sure what the hon. Lady is referring to. I do not know how there can be bias in respect of a process that has not even started.

As I have already said in my answer, the Chair of the GHA Board, Prof. Ian Cumming, will be in charge of the process, the Director General will be supporting and assisting him, and the rest of the selection panel has yet to be picked. If the hon. Lady is asking whether I will be on it, the answer is no, I will not be. It will be a board that will have one objective and that is to find the best possible person to drive the GHA forward after April 2023.

**Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker, just one last question. Does the Minister mean that Prof. Geoghegan will stay in post until mid-April? There will not be a gap where he is not actually working for the system and we still do not have a new director general? Just to check.

**Hon. A J Isola:** Mr Speaker, so long as his health permits, Prof. Geoghegan will be working closely with us to April 2023 and, if possible, thereafter in potentially a different role. He is developing a strategy which I have been promising hon. Members for some time and which he will deliver, and I would very much hope that, if his process with dealing with the cancer that he has enables him to, I will be keeping very close contact with him and he will continue to work with all of his colleagues at the GHA.

We have not yet agreed with him a termination date in respect of his employment, and the longer we can keep that going, frankly, the better for the GHA and for all of us. So I am working closely with him in the hope that we will continue to work together to deliver the changes and the programme that he has set out for us.

**Hon. Ms M D Hassan Nahon:** Thank you for that answer.

Just because the hon. Member spoke about a possible different role for the current Director General, maybe I have missed it, but can he give us any more details, if he has not already, on what potential role the current Director General would have in the future, health permitting, of course?

**Hon. A J Isola:** Mr Speaker, the Director General has built up a huge amount of knowledge and expertise in respect of how we run the Hospital. He is very acquainted with what we do well and what we do not so well, and he has developed and devised a plan in respect of most of these areas as to how we can improve that. So if we are able to retain him in whatever capacity ... I am not saying there is even an agreement to this extent. It is something that I have talked to him about, but I have not agreed anything with him, so I feel it is a bit premature having this discussion across the floor of this House, but for as long as we can have access to his incredible knowledge in respect of St Bernard's and the care services we provide, I would like to keep that.

I am not able to say anything more at this stage. I wish him very well in his treatment and I hope that we will continue to be able to work with him for some time yet.

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, can I join the Hon. Minister in wishing Patrick Geoghegan well? I know that he is going to go through a difficult process, like all those who go through prostate cancer diagnosis and treatment, and I know the whole House will want to wish him well, and indeed all of Gibraltar.

Mr Speaker, I propose that the House should now adjourn until tomorrow at 3 p.m.

**Mr Speaker:** I now propose a question, which is that this House do now adjourn to Tuesday, 14th February at 3 p.m.

I now put the question, which is that this House do now adjourn to Tuesday, 14th February at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

This House will now adjourn to Tuesday, 14th February at 3 p.m.

*The House adjourned at 7.27 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3 p.m. – 7.00 p.m.**

**Gibraltar, Tuesday, 14th February 2023**

## **Contents**

Supplementary questions – Reminder of ruling by Speaker Canepa .....	3
<b>Questions for Oral Answer .....</b>	<b>4</b>
Chief Minister .....	4
Q198/2023 Financial statements 2016-17 and 2017-18 – Principal Auditor’s changes .....	4
Q199/2023 Business Improvement District – Amount spent.....	5
Q200/2023 Eastern Beach – Location of CCTV cameras .....	6
Q201/2023 Eastern Beach – Whether CCTV cameras continuously functioning.....	6
Q202/2023 Eastern Beach – Whether number of CCTV cameras sufficient .....	7
Q203/2023 British Gibraltar Territorial Waters – Early warning systems to detect incursions .....	8
Q204/2023 Pursuit of suspects in waters around Gibraltar – Co-operation between Spanish and British Gibraltar law enforcement .....	9
Q205/2023 Co-operation between law enforcement agencies – Conventions and international standards .....	10
Q206/2023 BGTW – Incursions by Spanish law enforcement agencies.....	12
Q207/2023 BGTW incursions by Spanish law enforcement agencies – Number involving requests for assistance .....	15
Q208/2023 BGTW incursions by Spanish law enforcement agencies – Number not involving requests for assistance .....	18
Q209/2023 Spanish territorial waters – Incursions by Gibraltar law enforcement agencies	19
Q210/2023 Incursions into Spanish territorial waters by Gibraltar law enforcement agencies – Number involving requests for assistance.....	19

Q211/2023 Incident at Eastern Beach – Whether Spanish officers called for assistance .....	20
Q212/2023 Incident at Eastern Beach – Direction from which Spanish customs vessel entered BGTW .....	22
Q213/2023 Beach livestream cameras – Night time availability .....	22
Q214/2023 Beaches – Whether patrolled at night .....	25
Q215/2023 Beaches and waters – Instructions given to RGP and HM Customs re patrols ..	27
Q216/2023 Eastern Beach incident – When Gibraltar authorities became aware of Spanish vessel in Gibraltar waters .....	28
Q217/2023 Eastern Beach incident – When Gibraltar authorities became aware of Spanish RIB landing .....	28
Q218/2023 Eastern Beach incident – Diplomatic action and steps taken .....	29
Q219/2023 Eastern Beach incident – Whether any arrests by RGP .....	30
Q220/2023 Eastern Beach incident – Monitoring, security and enforcement systems .....	30
Q221/2023 Tobacco smuggling – Number of prosecutions in last five years .....	31
Q222/2023 RGP, HM Customs and Borders and Coastguard Agency – Adequacy of resources and support .....	32
Q223/2023 Smuggling – Whether sufficient is being done .....	34
Q224/2023 Trade office in Tangier – Whether yet open .....	35
Q225/2023 Gibtelecom Mount Pleasant site – Plans for construction works .....	36
Q226/2023 Bassadone site at New Harbours – Relocation of government departments ....	36
Q227/2023 Glacis children’s park – Reopening .....	38
Q228-30/2023 New government rental housing stock – Release dates; parking; construction costs .....	39
Q231/2023 Parliament (Amendment No. 2) Bill 2019 – Whether similar Bill to be brought to Parliament .....	44
Q232-33/2023 Blue and green ID cards – Applications filed and granted in 2022 .....	45
Q234/2023 Tunnel operating services – Cost .....	45
Q235/2023 Trade union recognition – Consultation re legislation .....	47
<i>The House recessed at 6.10 p.m. and resumed at 6.20 p.m. ....</i>	<i>51</i>
Business, Tourism and the Port .....	51
Q168/2023 Ministry of Tourism trips in 2023 – Details .....	51
Q169-71/2023 Royal Caribbean – Enquiries and plans to mitigate re non-inclusion of Gibraltar in itinerary; last contact with Department of Tourism .....	52
Q172/2023 Termination of easyJet Edinburgh route – Discussions held with easyJet or other carriers .....	57
<b>Questions for Written Answer .....</b>	<b>57</b>
Adjournment .....	58
<i>The House adjourned at 7.00 p.m. ....</i>	<i>61</i>

# The Gibraltar Parliament

*The Parliament met at 3 p.m.*

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

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

## Supplementary questions – Reminder of ruling by Speaker Canepa

**Mr Speaker:** Before we start with the question and answer session and the questions directed at the Hon. the Chief Minister, I think I would like to read out the extract from a ruling made by Speaker Canepa in September 2016, which I referred to in last month's session. It was mainly to do with preambles, but there is some more information connected with that and I would like to read it out so everybody can take it on board:

... should the questioner make a statement, instead of asking a supplementary question, or make what I consider to be too long a preamble before asking the supplementary question, then, having allowed the Minister to reply, I will move on to the next question on the order paper. As I have previously said, I expect supplementary questions to be, in the main, short, sharp and to the point. Needless to say, however, I will always exercise discretion.

After yesterday's marathon, particularly in the supplementary question parameters, I think we need to focus on keeping the supplementary questions at a reasonable level.

Thank you.

10

**Hon. K Azopardi:** Mr Speaker, can I just rise? Of course, I hear what Mr Speaker says on that, and of course we respect your ruling.

On the short, sharp, to the point issue, it would be helpful sometimes if ... The answers sometimes are extremely long and perhaps not short, sharp and to the point. This is not because I am encouraging them not to give us information, but a lot of the answer is sometimes not information, it is a lot of ... (**A Member:** Gas.) yes, gas around the edges.

15

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is here to give information. Sometimes that information is about gas, as it was yesterday in relation to the LNG facility. But your ruling, rightly, and the rules relate to questions, they do not actually relate to answers. The Government will always seek to provide the information requested, if it is possible to provide it, in the most succinct and politically necessary manner that the Government considers appropriate, and always subject to your ruling, of course.

20

If we answer shortly, hon. Members opposite complain that we do not provide information. If we answer at length, hon. Members opposite complain that we have answered at length. So we shall continue to do our best not to entertain hon. Members' preferences, but to inform the public of the information we believe should be put in the public domain in this Parliament in providing accountability in answer to such questions as hon. Members may put.

25

**Hon. K Azopardi:** Speak, if I may –

30

**Mr Speaker:** I think we are now developing into a debate. I will give you just one opportunity to make a short statement quickly.

35      **Hon. K Azopardi:** If I may, the only point that I wanted to make to Mr Speaker is that I am not discouraging anyone from answering in the way that they want. All I am saying, Mr Speaker, is that you have made a ruling, but of course have said at the same time that it would impact on the number of supplementaries because there were marathon sessions yesterday. But a lot of the length of the session has nothing to do with the questions; the answers make it very long. We  
40 cannot be penalised as the Opposition from asking questions because the answers just make us go into a longer session. We do not have a problem sitting here as long as necessary, and I just wanted to make that point, Mr Speaker, respecting, of course, your authority on the issue. I am not seeking to overturn anything. All I am saying is that looking at it overall, it would be seen that it is not the questions that are prolonging the session, it is the answers – and I do not have an  
45 issue with that, by the way.

**Hon. Chief Minister:** Mr Speaker, if I might respond to that. The answers sometimes are shorter than the questions, and I think that if the hon. Member wants to sit there and pretend otherwise and say from a sedentary position that it is not true, I invite him simply to bring out a ruler and  
50 measure the lines of *Hansard*, which show that in some instances the questions are much longer than the answers, whether he likes it or not.

**Mr Speaker:** We are now going to proceed to the question and answer session. (*Interjection*) We are now going to restart the question and answer session, and we start with the questions to  
55 the Hon. the Chief Minister.

## Questions for Oral Answer

CHIEF MINISTER

Q198/2023

Financial statements 2016-17 and 2017-18 –  
Principal Auditor's changes

**Clerk:** Question 198/2023. The Hon. R M Clinton.

**Hon. R M Clinton:** Can the Government advise, further to Q387/2022, if the Principal Auditor has now completed his work for the financial years 2016-17 and 2017-18 as stated by the end of  
60 December 2022, and what was the nature and quantum of the changes he requested for each of those financial years?

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

65      **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Principal Auditor has advised me that the changes to the 2016-17 and 2017-18 public accounts of Gibraltar are almost complete. The amendments to the financial statements at this stage relate to inaccuracies in the information presented.

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

Can the Chief Minister elaborate as to the nature of the inaccuracies? And I do not believe I have heard anything about the quantum of these inaccuracies.

75 **Hon. Chief Minister:** Mr Speaker, I am told there are a very small number of amendments for the financial statements ended 31st March 2018. He is finalising his report on two sets of the accounts and awaiting responses from a number of heads of department, within a set deadline, to include their explanations and comments on the most significant audit matters.

I do not think I have anything else which is anywhere near being able to give him an answer in respect of amounts. I have not been provided with that information by the Principal Auditor.

80

**Hon. R M Clinton:** Mr Speaker, from what the Chief Minister has said, I get the impression that there is still work ongoing. Would I be correct in that assumption? Would I also be correct that the Principal Auditor, in fact, has not finished his work as he had suggested he would have been able to do by December 2022?

85

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is asking me to surmise based on his interpretation of the answers that I have given. This is not my work, this is somebody else's work. I surmise a little like him, but I do not want to comment because it is not for me to comment. I am presenting the information that has been provided to me in answer to a question the hon. Gentleman has put. I could simply have said no because the Principal Auditor's work is completed when he sends me the accounts for me to table, but I have tried to provide some background – because I have not yet got the accounts – as to why I have not yet got them.

90 **Hon. R M Clinton:** Mr Speaker, my last supplementary on this: has the Principal Auditor given any indication of when he might be in a position to deliver the accounts to you?

95

**Hon. Chief Minister:** No, Mr Speaker.

**Mr Speaker:** Next question.

**Q199/2023**  
**Business Improvement District –**  
**Amount spent**

100 **Clerk:** Question 199/2023. The Hon. R M Clinton.

**Hon. R M Clinton:** Can the Government advise how much money it has spent in supporting the Business Improvement District (BID) project from initial conception to the date of the moratorium?

105

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, legal fees of £37,507.28 have been paid from the initial conception. The BID was paid the annual Government contribution of £250,000 for 2022. We are not yet aware of the exact amount spent as at the date of the moratorium. We have been informed by the directors of the BID, however, that any remaining funding will be refunded to HMGoG once the accounts have been prepared.

110

We expect to meet with the directors of the BID in coming weeks. I would be very happy to provide a fuller breakdown of the part of the £250,000 that may have been spent when we have the information from the BID.

115



**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for his answer. In terms of the £37,000 legal fees, does that include the cost of ... I believe it was somewhere in the region of £14,000 for the actual ballot?

120 **Hon. Chief Minister:** Yes, Mr Speaker.

**Mr Speaker:** Next question.

**Q200/2023**  
**Eastern Beach –**  
**Location of CCTV cameras**

**Clerk:** Question 200/2023. The Hon. D A Feetham.

125 **Hon. D A Feetham:** Mr Speaker, what CCTV cameras, and where, are in place in the Eastern Beach area to assist in the prevention of criminal activity in that area, even if they have not been installed for that specific purpose?

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

130

**Chief Minister (Hon. F R Picardo):** Mr Speaker, there is no CCTV in place in the Eastern Beach area. There is one livestream camera installed on the northern lifeguard post at Eastern Beach, which is operated as part of the beaches.gi website. This is not CCTV as such, since the video signal is broadcast live on a public website, as opposed to a closed – that is to say non-public – surveillance circuit. CCTV, of course, means closed circuit television.

135

Operationally, the Royal Gibraltar Police makes use of cameras maintained by third parties, and I am advised by the RGP that disclosure of their location is not in the public interest.

140 **Hon. D A Feetham:** Mr Speaker, does the Government accept that there are no GDPR issues in CCTV cameras to be put in place in Eastern Beach for the specific purposes of law enforcement?

**Hon. Chief Minister:** Mr Speaker, there are other questions on the Order Paper that relate to that issue. GDPR would not apply to CCTV for law enforcement.

**Q201/2023**  
**Eastern Beach –**  
**Whether CCTV cameras continuously functioning**

**Clerk:** Question 201/2023. The Hon. D A Feetham.

145

**Hon. D A Feetham:** Mr Speaker, can the Government confirm that any CCTV cameras in place in the Eastern Beach area which would assist law enforcement agencies to assist in the prevention of criminal activity in that area have been continuously functioning?

I think he has answered that.

150

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, as set out in answer to the previous question, there is no CCTV in the area of Eastern Beach.

155

**Hon. D A Feetham:** Given that he answered, in relation to his previous supplementary, that nothing prevents the setting up of CCTV cameras for law enforcement purposes, is there any reason why CCTV cameras have not been set up in the Eastern Beach area for law enforcement purposes?

160

**Hon. Chief Minister:** Mr Speaker, I gave him an answer that suggests that there is coverage of that area by other cameras, but I would refer him to his next question because the supplementary is asking, in effect, what his next written question is asking.

### Q202/2023

#### Eastern Beach –

#### Whether number of CCTV cameras sufficient

**Clerk:** Question 202/2023. The Hon. D A Feetham.

165

**Hon. D A Feetham:** Mr Speaker, is the Government satisfied that there are sufficient CCTV cameras in place in the Eastern Beach area to prevent criminal activity in that area?

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

170

**Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir. No law enforcement agency has requested that the Government should fund any CCTV for the area of Eastern Beach.

175

**Hon. D A Feetham:** Does the Government believe, given the recent incident at Eastern Beach involving the Spanish customs vessel and the throwing of stones at that vessel, that there would be benefit in having CCTV cameras in that area in order to prevent criminal activity in that area?

180

**Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to an answer I gave a few moments ago about the fact that the law enforcement agencies, who are the ones responsible for law enforcement, have not suggested that we should be having CCTV in that area. In fact, I believe that there is another question on the Order Paper that deals with ... or may have dealt with already ... that there is coverage maintained by other parties. In fact, it is the first question, I think, I answered from him, Question 200, where I will repeat to him that operationally the Royal Gibraltar Police makes use of cameras maintained by third parties, and I am advised by the RGP that disclosure of their location is not in the public interest but it is in relation to Eastern Beach. So there is a lot of video of the incident in question, Mr Speaker. He might like to reflect on what I have said already.

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190

**Hon. D A Feetham:** And is the Government satisfied that if the allegations that have been made on social media and elsewhere that there is smuggling activity on a continuous basis via Eastern Beach, that activity would be caught by those cameras, which he says he cannot disclose, in or about the Eastern Beach area?

195

**Hon. Chief Minister:** Mr Speaker, although that deals with questions that are to come on the Order Paper, I can tell the hon. Gentleman, as I have just told him, that the RGP relies on such cameras when they bring prosecutions in respect of such activity, if and when it happens. So I believe that if what he is doing is seeking simply to pursue a strand of questioning based on what

has appeared on social media, he needs to listen to the answers that I give him, so that the hon. Gentleman can, having heard what I have said, clear up to those that may be putting it to him that in fact there is a lot of coverage – video coverage, if we can call it that – of the area, and that the Royal Gibraltar Police and HM Customs do not believe that additional CCTV in the area would be necessary in order to curtail any illicit activity or indeed to be used for evidential purposes in respect of the prosecution of such illicit activity.

**Hon. D A Feetham:** With your indulgence, if I may ask a final question in relation to this, has he personally had discussions with the RGP and HM Customs about the quality and indeed whether the CCTV coverage in place is adequate in relation to all those areas that he has just outlined in his last answer to my question?

**Hon. Chief Minister:** Mr Speaker, I have had a number of discussions with a number of different agencies. I am not going to disclose which they are, because by doing so I might disclose where those cameras are placed and the nature of those cameras. But I will tell him this. The cameras are such that I would be able to tell the brand of the button that his shirt enjoys, given where they are placed and given the power of magnification that they enjoy.

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

**Hon. K Azopardi:** In the example he has just given, would they be able to tell the brand of the button on the shirt of the person during the day, but also during the night? Are they as effective during the night?

**Hon. Chief Minister:** Yes, sir.

**Mr Speaker:** Next question.

#### Q203/2023

#### British Gibraltar Territorial Waters – Early warning systems to detect incursions

**Clerk:** Question 203/2023. The Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, what early warning systems are there in place to detect incursions into British Gibraltar Territorial Waters?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, as the hon. Member is aware, tracking and responding to incursions falls under the remit and responsibility of the Ministry of Defence, as per the 2006 Constitution which the Hon. Leader of the Opposition reminds us he is the architect of, although I know the hon. Member asking the question was also a member of the team negotiating that Constitution, alongside the Hon. the Deputy Chief Minister and the Father of the House.

The Royal Gibraltar Police obtains information from the Gibraltar Defence Police, who monitor and co-ordinate the response to incursions into BGTTW with the Royal Navy. Additionally, the Gibraltar Port Authority has three radars and four PTZ camera stations deployed around Gibraltar, together with AIS receivers and other sensors. These systems are optimised for tracking and monitoring commercial shipping movements and operations, and their siting is tailored for this purpose.

**Hon. D A Feetham:** Is the Government satisfied that those systems that are in place are adequate for the purposes of detecting incursions into British Gibraltar Territorial Waters? And in particular, if I may, so that I can cut my supplementaries in relation to this, are there any examples, that he is aware of, of incursions not having been detected by those systems, or are all of them detected?

**Hon. Chief Minister:** Mr Speaker, there is a question on the Order Paper where the hon. Gentleman asks me for the detail of incursions for a period of time. I will be able to give him chapter and verse on every incursion in Gibraltar. We are satisfied that we can spot them all, we are satisfied we see them coming and we are satisfied that we do not need anything else in order to be able to do that. But stopping them, when you are dealing with something happening at sea, in particular on a night which is stormy, where it is advisable not to be at sea, is something completely different, although if we are able to develop Spider Man's web, we might be able to stop them just where BGTW starts. Until then, it is more complicated.

**Hon. D A Feetham:** One question. I could have asked it in some of the others as well, but I think it is probably convenient to ask it here. When the systems detect an incursion into British Gibraltar Territorial Waters, can he give us a flavour of ...? Is there an attempt on the Gibraltar side immediately to make contact? Is that possible at all? I am not technically ... Obviously it is not part of my expertise. Would it be possible for the Gibraltar authorities, in those kinds of situations, to make contact at an early juncture in relation to those vessels that are incurring into British Gibraltar Territorial Waters? And does that happen habitually?

**Hon. Chief Minister:** Mr Speaker, this is a matter that has been debated in this House before and is public. When there is an incursion detected into British Gibraltar Territorial Waters, the Royal Navy engage the vessel, if it is a vessel of another state. They read a warning based on the behaviour of that vessel, warning A. Depending on the subsequent behaviour of that vessel, they may read warning B, and the warnings may increase depending on the activity of that vessel in BGTW.

Gibraltar law enforcement agencies will not read sovereignty warnings in respect of state vessels of other nations because we are not empowered to do so, but Gibraltar law enforcement agencies will communicate with their law enforcement colleagues, if it is one of those law enforcement colleagues' vessels that are in BGTW, to try to ascertain why they are here and to try to ascertain why they have not been in touch before. All of this is publicly available information; we have debated it already in this House.

**Mr Speaker:** Next question.

#### Q204/2023

#### Pursuit of suspects in waters around Gibraltar – Co-operation between Spanish and British Gibraltar law enforcement

**Clerk:** Question 204/2023. The Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, what systems are in place to assist co-operation between Spanish and British Gibraltar law enforcement officers when engaged in the pursuit of suspects in the waters around Gibraltar, including British Gibraltar Territorial Waters, international waters and Spanish waters?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, as the hon. Gentleman is already aware, there are routine communications between Spanish authorities and the Royal Gibraltar Police in the policing of illegal activity. In fact, I am advised that the RGP has an excellent working relationship with its Spanish counterparts, which is demonstrated on a daily basis in their fight to combat drug smuggling across the Straits. We continue to seek further enhanced co-operation.

**Q205/2023**

**Co-operation between law enforcement agencies –  
Conventions and international standards**

**Clerk:** Question 205/2023. The Hon. D A Feetham.

**Hon. D A Feetham:** What conventions or international standards underpinning co-operation between law enforcement agencies do British Gibraltar law enforcement agencies adhere to when pursuing suspects between territorial waters of different countries and between international waters and those territorial waters, or assisting the law enforcement agencies of other countries in the same situation?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Royal Gibraltar Police marine assets continue to abide by standing instructions not to leave British Gibraltar Territorial Waters unless specifically authorised to – for example, in the event of the need to save lives as required under the Safety of Lives At Sea Convention (SOLAS). This is a provision in line with the United Nations Convention on the Law of the Sea.

The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, known as the Hague Convention on Hot Pursuit, has not been extended to Gibraltar.

**Hon. D A Feetham:** Just arising out of that answer, assume that Gibraltar law enforcement agencies are pursuing a suspect in British Gibraltar Territorial Waters – as soon as that suspect goes into international waters, what would happen in that kind of situation?

**Hon. Chief Minister:** The chase can continue.

**Hon. D A Feetham:** Did he say the chase would continue?

**Hon. Chief Minister:** I said the chase *can* continue.

**Hon. D A Feetham:** I thought he said in answer to the previous question that Gibraltar law enforcement agencies have standing instructions not to leave British Gibraltar Territorial Waters. So the exception is there for hot pursuit, essentially. Sorry. Can he perhaps clarify the confusion on this side?

**Hon. Chief Minister:** Mr Speaker, hot pursuit only applies when you are going into the territorial sea of another state, not into an international sea.

**Hon. D A Feetham:** So is he saying that there are standing instructions not to pursue into Spanish territorial waters, for example, but they can pursue if the suspects go into international waters?

**Hon. Chief Minister:** Mr Speaker, different rules would apply to each of those circumstances.

335 **Hon. D A Feetham:** That may be so. I am just interested to test the information in accordance with the answer he has given me, because I am not clear in my own mind.

In answer to the previous question he said there are standing instructions for the RGP or law enforcement agencies not to pursue into ... I thought it was international waters. It appears that it is into Spanish waters. That must be correct, given that he answered in relation to one of my  
340 supplementaries that if the suspect goes into international waters, the law enforcement agencies can pursue into international waters. Is that correct? Is my understanding now correct?

**Hon. Chief Minister:** No, Mr Speaker, I am afraid he is mixing apples with pears, but I am not here to give him legal advice on public international law, all of which is public and the case law of  
345 which he can research. Although it would make for a very interesting debate, this is Question Time.

There are standing instructions that our Royal Gibraltar Police vessels and our Customs vessels should not leave BGTW because their role is to patrol BGTW. There are some instances when they may do so, in keeping with their instructions and in keeping with international law: first of all, for  
350 example, if they are liaising with their Spanish colleagues and they agree that they should go into Spanish waters; second, if they believe it is necessary for them to go into international waters, whether or not they have cleared that with Spanish colleagues who have no role there, although they may be co-operating; and thirdly, if there are issues relating to safety of life at sea or there are other good reasons why they should go out, but they should clear that with their command.  
355 But all of those things are matters of public international law for which I am not answerable in this House. The hon. Gentleman can look up one of the fantastic texts on this subject and soon learn more than I know about the whole subject.

**Hon. D A Feetham:** With respect, it is not entirely about international law. I was asking about  
360 the standing instructions. He mentioned standing instructions to the RGP, and the standing instruction to the RGP was that they should not leave British Gibraltar Territorial Waters. What he is now saying, as I understand it – please correct me if I am wrong; that is my question – is that there are standing instructions not to leave British Gibraltar Territorial Waters, certainly not to go into Spanish Gibraltar territorial waters but not to leave British Gibraltar Territorial Waters except  
365 in a situation where there is a hot pursuit into international waters or where there may be some rescue situation involved in international waters. They can go into Spanish Gibraltar territorial waters if they receive permission from Spanish counterparts and they are perhaps liaising in some form of co-ordinated approach with law enforcement agencies into Spanish Gibraltar territorial waters. Have I got it right?

370 That is not entirely about public international law. It is also about the instructions that they receive from Gibraltar because those instructions may well constrain the position from what the pure international law position may be.

**Hon. Chief Minister:** Mr Speaker, I do not think it is helpful for the length of the proceedings  
375 for the hon. Gentleman to seek to summarise what I have said and ask me to confirm that that is the position I have set out. *Hansard* will show the position I have set out and it remains as set out.

Additionally, I will put it to him again that this is actually just the application of public international law with the interplay of the powers of this House as a legislature known in international law as a colonial legislature and the reach of our jurisdiction and when we can go  
380 beyond it and the circumstances which allow our Gibraltar Police to exercise what would otherwise be known as extraterritorial jurisdiction, which is permitted in some instances but not in most. That also is a matter of public international law which the hon. Gentleman can research.

**Mr Speaker:** Next question.

**Q206/2023**

**BGTW –**

**Incursions by Spanish law enforcement agencies**

**Clerk:** Question 206/2023. The Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, how many incursions have there been in the last five years into BGTW by Spanish law enforcement agencies which have involved (1) innocent passage, and (2) pursuit of suspects involved in criminal activity?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I now hand over a schedule with the information requested. However, it is questionable whether passage can ever be innocent in the context of a sovereignty claim over the waters which is prejudicial to the peace, good order or security of the coastal state.

**Answer to Q205/2023**

	Innocent Passage Record					
	Year					
Month	2018	2019	2020	2021	2022	2023
January	77	80	70	98	42	62
February	97	65	101	129	54	
March	88	105	76	81	70	
April	119	117	100	122	116	
May	130	152	98	147	136	
June	170	101	119	153	129	
July	150	115	126	127	121	
August	142	87	88	140	97	
September	136	102	90	146	189	
October	124	117	114	95	250	
November	87	72	84	69	93	
December	75	42	90	52	28	

**Mr Speaker:** I do not mind waiting a few moments for you to digest the information.

**Hon. K Azopardi:** Sorry, Mr Speaker, I am not sure that that is the answer to the question. That is only the answer to half the question, surely.

**Hon. Chief Minister:** Mr Speaker, this is the schedule I have been given, because I believe that this is the only way that we record incursions as incursions. We do not consider them innocent passage, for the reason I have suggested. The question is about innocent passage, but we do not consider these to be innocent passage, (*Interjection*) and we are not able to give a breakdown as to pursuit of suspects involved in criminal activity.

**Hon. D A Feetham:** But the problem with this schedule, Mr Speaker, is that it is headed 'Innocent Passage Record' at the very top.

**Hon. Chief Minister:** Because the question is about innocent passage.

**Hon. D A Feetham:** No, the question is about innocent passage and pursuit of suspects, so where is the breakdown? This is the –

415 **Hon. Chief Minister:** Mr Speaker, let me see if I can explain it to hon. Members in a way that is more helpful.

We do not believe – and that is what I told him in the answer I was giving him – that there is such a thing as innocent passage through our waters by any state vessel of Spain, so we do not record anything as innocent passage, for a simple reason: there is a maxim of public international law that if a state has a claim on the other state, everything they do around the coastal state is interpreted as being not innocent. Separately, we are unable to give a figure in respect of which incursions relate to any chase that may have been ongoing, because that is not how the figure is maintained by us. And so the only number I can give him is the record of incursions for each year, which is what I am giving him, and that is what the table provides.

425 **Hon. D A Feetham:** Okay. Just for the purposes of *Hansard*, does he therefore accept that the answer to Question 206 has to be amended so that the table does not reflect innocent passage record, but says ‘Incursion Record’?

430 **Hon. Chief Minister:** For the purposes of *Hansard*, Mr Speaker, I have said what I have said, and I have actually said it in the course of the introduction for the handing over of the table.

**Hon. K Azopardi:** Mr Speaker, the Hon. Chief Minister earlier said that there was excellent co-operation between the Police and the Spanish police. When they are following a vessel into Gibraltar waters, pursuing someone who they consider has committed a crime, do they notify the Gibraltar Police? And is that number of vessels included in this table, or is that a separate table?

**Hon. Chief Minister:** Mr Speaker, the answer is sometimes, and I believe that such eventualities would not be recorded on this table.

440 **Hon. K Azopardi:** So if we were to ask for the number of times that that has happened, we would be given a different statistic by year. Is that correct?

**Hon. Chief Minister:** That is the next question on the Order Paper, Mr Speaker, I believe, or the one after that.

**Hon. K Azopardi:** Mr Speaker, I am not going to cut across my learned Friend’s questions because it is his question, but it also uses the word, in the question, ‘incursion’, and what I am trying to establish is in compiling the statistics and giving the explanation that he has given, is he using that explanation under the umbrella word ‘incursion’ to distinguish from a situation where the Spanish authorities have communicated to our authorities that they are following a vessel in hot pursuit; and, if so, whether there is some kind of distinguishing information, table or number as a result of that, which would therefore not come in the answer to the next question.

455 **Hon. Chief Minister:** Mr Speaker, in the circumstances that the hon. Gentleman describes, we should not be dealing with an incursion.

**Hon. K Azopardi:** Precisely. If he does not consider that an incursion, we are not going to get the information in the next question, so I am asking if we were to table a question asking how many times they have had information that they are pursuing a vessel in the same years that my hon. colleague has asked, over the last four years, we would presumably get a different answer. Is that correct?

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is, in effect, asking me a supplementary to Questions 207 and 208 when we are dealing with Question 206. I think that we need to not pre-empt questions on the Order Paper. It is one of the basic rules.



**Hon. K Azopardi:** I give him a final opportunity because I do not think I am trying to do that at all. I am trying to understand the answer he has given. The answer he has given is, 'I cannot distinguish between innocent passage and pursuit of suspects,' for the explanation that he has given. He also talked about the co-operation of the Police. When I have probed him on that he says, 'Sometimes we get told,' and I want to know whether those stats are here or not. He said some of them might be, some of them will not be, and what I am trying to –

**Hon. Chief Minister:** They are not incursions and therefore they are not there is what I said.

**Hon. K Azopardi:** And therefore, if they are not incursions and they are not there, were we to put a question ... I am trying to understand –

**Hon. Chief Minister:** It is one of the next two questions to come.

**Hon. K Azopardi:** With respect to the Hon. Chief Minister, who is answering from a sedentary position, he said the answer to my question is that they are not incursions and therefore would not be in this table, which refers to incursions. But the following questions also refer to incursions, so they would not be there either, so I am trying to clarify whether if we ask a question that does not mention the word 'incursions' we will get the right statistic for the number of times that the Spanish police or authorities have notified our authorities that they are pursuing a vessel.

**Hon. Chief Minister:** And that question, therefore, can only be a supplementary to Questions 207 and 208, and we should not be jumping the Order Paper, Mr Speaker.

**Hon. D A Feetham:** The answers are the answers. However inadequate we feel the answers are, they are the answers and we just plough on.

Mr Speaker, just in relation to this table – which, with respect to the hon. Gentleman, should read 'Record of Incursions' – if we look at September and October 2022, we see that in September there were 189 incursions and in October 250 incursions. That is significantly higher than either in previous months in 2002 or indeed in previous months in any of the previous years, and certainly considerably higher than in September or October of previous years. Does he know or has he inquired as to why there is a spike in the number? Does he have a theory as to why there is a spike in the number of incursions in those two months in 2022?

**Hon. Chief Minister:** Mr Speaker, sometimes I feel as if hon. Members want to pretend that we are operating in a different world to the reality in which we operate. How do I know why Spanish state vessels came into our waters, contrary to our laws and contrary to international law, 250 times in October instead of 124 times in October 2018? I do not know why they came in 42 times in January 2022 instead of 98 times in January 2021. Neither do I know why they came in 28 times in December 2022 instead of 90 times in December 2020, because they should never be coming in, in a way that is an incursion. I do not believe it is acceptable that Spanish state vessels should come in once into British Gibraltar Territorial Waters, into what is undoubtedly British Gibraltar Territorial Waters and what the United Nations Convention on the Law of the Sea leaves no doubt is British Gibraltar Territorial Waters in respect of a convention where they filed a reservation which has absolutely no legal force based on a dry coast argument, which is medieval. I do not know, but it is nonsense that they should try to pretend that they can stop the application of the United Nations Convention on the Law of the Sea and therefore the very existence of BGTW by coming in 250 times or 2,500 times. I am not going to ask them why they are coming in more. I am going to always tell them that they should not come in, but that they will be very welcome if they co-operate with our law enforcement, communicate with them why they need to come through, and we will work with them to ensure that bad guys do not get the advantage of law enforcement agencies not working hand in hand together.

**Mr Speaker:** Next question.

520 **Hon. D A Feetham:** No, Mr Speaker, I have a supplementary in relation to this. (*Interjection*)  
No, I am ... Mr Speaker, may I ...? I have not asked a supplementary.

**Mr Speaker:** I accept that the hon. Member can pose another supplementary.

525 **Hon. D A Feetham:** [*Inaudible*] incursions to a figure of 250? So that I can give an idea to  
listeners, it was 95 in the same month in 2021, 114 in 2020, 117 in 2019, 124 in 2018 in the same  
month, so it is more than double. Does that have anything to do with the Spanish government  
turning the screws at this moment in time?

530 **Hon. Chief Minister:** Mr Speaker, if they are turning the screw, they are turning it on the wrong  
guy and on the wrong government because the screws do not hurt and they do not make us blink.

If the hon. Gentleman wants to give them the opportunity to have that issue highlighted in this  
House, which is a way that *would* put pressure on people in Gibraltar, because nobody was talking  
535 about the figure of 250 incursions until he started talking about it, he had better think carefully  
about how he deploys his politics for the benefit of the people of Gibraltar, because if he cares to  
look at the number of incursions and he were to do the addition across the board, he would find  
that 2022 is not the year when there have been most incursions. It might be a month in October  
where there is, but in 2018 there were 1,395 incursions. So I wonder whether Mr Feetham might  
540 want to think more carefully about what is in the interests of the people of Gibraltar rather than  
what is, in his view, the way of asking the most provocative question in the most provocative way.

In 2021, there were 1,359 incursions, more than in 2022, so it does not seem to me that it is a  
turning of the screw, but what it does seem to me to be is entirely unacceptable. Whether it is not  
innocent passage because we will not recognise it, whether it is pursuit of suspects without the  
545 agreement of Gibraltar authorities, whether it is to come in to see the *OS35* – the hon. Gentleman  
seems to have forgotten that that happened – or whether it is to come in to see what was  
happening with the *Grace 1*, all of those things, whatever the justification, if it is not cleared with  
the relevant Gibraltar authorities or with the Royal Navy, it is just as bad, and I for one will not fall  
into the trap of justifying, for Spain or anybody else, in the way that the hon. Gentleman has  
550 offered me the opportunity to do, any of those incursions or to become an apologist for Spain on  
why she might be pursuing that. I am not Spain's psychologist, Mr Speaker, but I suggest that some  
people should visit theirs.

**Mr Speaker:** Next question.

#### Q207/2023

##### BGTW incursions by Spanish law enforcement agencies – Number involving requests for assistance

555 **Clerk:** Question 207/2023. The Hon. D A Feetham.

**Hon. D A Feetham:** Thankfully, I have never visited a psychologist myself, but there is always a  
first time.

560 How many incursions, in the last five years, into British Gibraltar Territorial Waters by Spanish  
law enforcement agencies have involved a request for assistance from law enforcement agencies  
or authorities in Gibraltar?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, this information is not currently available. To compile it would require a manual exercise going back, day by day, for five years.

**Hon. D A Feetham:** Mr Speaker, I do not understand the rationale behind the answer to the question. He has provided us with all these figures that show incursions into British Gibraltar Territorial Waters, the numbers in detail – although he has not provided the breakdown, but I accept that the numbers are there – and all we are asking is out of these numbers, or, if it is not in this table, what other numbers are there where there has been a call to British Gibraltar Territorial Waters, to put it in a way that everybody understands it ... where there has been a seeking of assistance. I just do not understand it.

Let me see whether at least he can be helpful in relation to this. If, for example, I were –  
*(Interjection by Hon. Chief Minister)* Please do not get upset about the questions.

**Hon. Chief Minister:** I am not upset.

**Hon. D A Feetham:** You are getting upset. *(Interjection by Hon. Chief Minister)* You are getting upset and I am trying to keep calm. You are getting upset and you are then going to get me upset as well. *(Interjection by Hon. Chief Minister)* Okay. All right. *(Interjection by Hon. Chief Minister)* All right. Okay. *(Interjection by Hon. Chief Minister)* All right, the absence of intellect that I put into the question.

**Mr Speaker:** It is now getting personal and that is not acceptable.

**Hon. Chief Minister:** *[Inaudible]* I apologise.

**Mr Speaker:** No ...

**Hon. D A Feetham:** If it was about me, I apologise anyway. I am in an apologetic mood, Mr Speaker.

How long would he need for this information to be compiled? If, for example, I was magnanimous and I offered to ask this question in the future, how long would it take the public servants to compile this information in order that he can provide an answer to this House?

**Hon. Chief Minister:** Mr Speaker, let me be very clear about the answer I have given. I have not relied, as the Hon. the Leader of the Opposition suggested earlier, on the use of the word 'incursion' to not provide an answer to this question, because in fact the question would be improperly phrased, because when a Spanish law enforcement agency makes a request to a Gibraltar law enforcement agency to come into BGTW, then that is not an incursion. It is not an incursion. But despite the fact that this question and the next question refer to incursions and in the next question it *would* be an incursion, I have not relied on that in order to not give an answer to this question.

What I want the hon. Gentleman to realise is that in Question 207 he is asking about situations which are operationally as they should be. In other words, a Spanish law enforcement official chasing somebody gets in touch with Gibraltar law enforcement officials and says, 'I am coming, help me.' That is not recorded anywhere. It is not recorded anywhere as an incursion or as a non-incursion or as a co-operation. Therefore, it is not an instance which is recorded in the table that I have given him before. It is not one of the 1,395 for the earlier years. It is not there, because that is not an incursion.

To go back would require us to check every single record for every single night of operation of HM Customs and of the RGP, to check whether they had a communication from Spanish law enforcement, and therefore it is impossible to do, not just in the time available but impossible to do because we would not be able to check our records going back that time in a way that is a good

use of government resources, and therefore it cannot be done. But it is not an incursion, it is not an improper entry into British Gibraltar Territorial Waters, it is a proper act of co-operation between law enforcement agencies, which would not be recorded as something contrary to either public international law or to our view of how Spanish law enforcement should co-operate with us, or indeed Moroccan law enforcement should co-operate with us.

**Hon. D A Feetham:** Does he not think that, as the leader of the Government, it would be beneficial to the Government to have the statistics available of incursions into British Gibraltar Territorial Waters in pursuit of suspects where there has been no call to the Gibraltar authorities, which he has already answered – he says he has already answered – in the table, and the statistics for the same period showing where there has been a call for assistance, so that he can then demonstrate the difference between the two scenarios? Does he think there would be a benefit to the Government to have those statistics available? He laughs in an exasperated way, but it is a sensible question.

**Hon. Chief Minister:** Mr Speaker, first of all, the first type of example that he refers to is in the next question on the Order Paper, which he is now leading me to. The second answer to his question is that I would ask him to once again think a little more carefully. If we were to have such a statistic and we were to publish it, it would tend to demonstrate that Spanish law enforcement officials are acting in a manner that is in keeping with our view of the application of public international law in respect of British Gibraltar Territorial Waters. What does he think – and I ask him rhetorically – would be the effect of that on the behaviour of Spanish law enforcement and their co-operation with Gibraltar law enforcement, or indeed the instructions that they might receive from higher up the chain politically, given the effect that that statistic might have on a Spanish theory of how they should behave in respect of accessing BGTW? And therefore, what would the effect be on law enforcement officials? I think if he reflects on that, he will understand that it is potentially hugely counterproductive to bandy such a figure about in public, and it could create much greater opportunity for those who are criminals seeking to squirm between these issues of jurisdiction and could create much greater danger to our highly prized law enforcement officers.

**Hon. D A Feetham:** And what would he have to say if I said to him that perhaps the reason for his reticence in providing me with these statistics is that they would show that only in a minority of circumstances do Spanish law enforcement officers actually do things properly when they come into British Gibraltar Territorial Waters in pursuit of suspects?

**Hon. Chief Minister:** I would say, Mr Speaker, that he has once again failed to understand the dynamic that we are dealing with. I have absolutely no doubt that, unfortunately, it is in an absolute minority of cases that Spanish law enforcement officials communicate with their Gibraltar law enforcement officials timeously and that that is a pity because it is politically driven, it is not law enforcement driven, and it would not be happening on my watch more than it was happening on their watch or on Sir Joe's watch or on Sir Joshua's watch. This is, unfortunately, the part of the world in which we operate. We have not been able to see a change to that in any of the periods of political leadership of Gibraltar, not because of the political leadership of Gibraltar, but political leadership elsewhere. So it is not an issue not to publish those statistics. It is regrettable that it is a minority of instances, and I hope that one day common sense will prevail and that will change.

**Mr Speaker:** Next question.

**Q208/2023**

**BGTW incursions by Spanish law enforcement agencies –  
Number not involving requests for assistance**

665 **Clerk:** Question 208/2023. The Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, how many incursions in the last five years into British Gibraltar Territorial Waters by Spanish law enforcement agencies have not involved a request for assistance from law enforcement agencies or authorities in Gibraltar?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, as I have said in relation to the previous answer, this information is not currently available. To compile it would require a manual exercise going back, day to day, for five years.

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**Hon. D A Feetham:** A supplementary in relation to this: if I asked him at the next session to provide the information for just one year, would that be available? Would he have that information available either publicly or privately?

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**Hon. Chief Minister:** Mr Speaker, not in a way that is reliable, and therefore I would not want to give it across the floor of the House, but I am happy to consider giving it to him directly.

**Hon. K Azopardi:** Mr Speaker, for me to understand this answer, he says it is not available for the reasons he has explained in relation to the previous answer, but in relation to Question 206 he has given us this table. Is he saying that someone is recording incursions but the incursions table that we have received under Question 206 is not an all-inclusive log of incursions and that there are other incursions? How are they logged? If you are logging the incursions under Question 206, who is making the decision on not logging other incursions, and why?

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**Hon. Chief Minister:** No, Mr Speaker, I am saying quite the opposite; in fact, the complete opposite. The answer to Question 206 is all incursions. We will not justify the incursion by saying, 'Ah, but in this case the OS35', or 'Ah, but in this case they were doing this, that or the other.' They are all incursions, as far as we are concerned.

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**Hon. K Azopardi:** So I understand it now, the table at Question 206 is all incursions, but the only distinction he has made, at least in answer to me, is that if they are pursuing a suspect it is not considered an incursion?

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**Hon. Chief Minister:** No, Mr Speaker, if they are pursuing a suspect *and* they communicate with us *and* we are working with them in co-operation, then it is not considered an incursion. Or indeed – because we are going down the rabbit hole of chasing suspects – if they communicate with us that they are coming and we are co-operating with them, then it is not an incursion. Whether they are coming to chase a suspect, to come round the Rock to go to the other side of the coast, or whether they are coming to see the OS35 with us or whether they are coming to help us with the OS35, it is not an incursion. But when they come without talking to us and not in co-operation with us, it is an incursion, whatever they may be coming to do. I would have thought it was clear, Mr Speaker.

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**Mr Speaker:** Next question.

**Q209/2023**

**Spanish territorial waters –  
Incursions by Gibraltar law enforcement agencies**

**Clerk:** Question 209/2023. The Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, how many incursions in the last five years into Spanish territorial waters have there been by law enforcement agencies in Gibraltar either (a) because of  
715 innocent passage or (b) in pursuit of suspects?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, this information is highly sensitive. I am asked  
720 not to disclose this information as it is data about operational aspects of the work of our law enforcement agencies. However, I am happy to have a conversation with the hon. Member behind the Speaker's Chair.

**Q210/2023**

**Incursions into Spanish territorial waters by Gibraltar law enforcement agencies –  
Number involving requests for assistance**

**Clerk:** Question 210/2023. The Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, of those incursions in the last five years into Spanish territorial  
725 waters by Gibraltar law enforcement agencies in pursuit of suspects, how many involved a request for assistance from Spanish authorities/law enforcement agencies?

**Clerk:** Answer, the Hon. the Chief Minister.  
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**Chief Minister (Hon. F R Picardo):** Mr Speaker, for the same reasons as referred to in the previous answer, this information is highly sensitive. However, I am happy to have a conversation with the hon. Member behind the Speaker's Chair.

**Hon. D A Feetham:** Mr Speaker, Question 210 is, in fact, the reverse of the questions that I  
735 have been asking about the Spanish coming into Gibraltar territorial waters and seeking assistance. In relation to Spanish vessels coming into Gibraltar, he said it was too difficult to obtain that information for the last five years. That is the answer that he gave. Is this information available to the Hon. the Chief Minister? In other words, in the reverse is it available for the last  
740 five years, or is this also too difficult to obtain? As I understand the answer, it is that it is available but he will have a private conversation with me. Just so that I understand it.

**Hon. Chief Minister:** Mr Speaker, I do object to being asked to stand up to agree or not agree  
745 with the hon. Member's summary of the answers that I have given him, which in this instance is not incorrect, but I do not think it helps us at all that hon. Members should get up, replay the answer I have just given and ask me to give a yes or no answer. It is almost as if we were in comprehension back in school.

**Hon. D A Feetham:** Mr Speaker, does he not agree that it is odd? The reason why I have asked  
750 this is that it is just odd, to me. There may be a reason. Maybe he can elaborate on the reason.

He tells me that he cannot give me the figures for Spanish vessels coming into Gibraltar seeking assistance from authorities in Gibraltar for the last five years, because, as I understood the answer, there is too much data, it is just not available. But now he tells me, in relation to the reverse, that the data is available and he is willing to provide it to me, or at least have a discussion with me privately. Doesn't he see that there is a ... not an inconsistency but a curious difference in the answers he has provided?

**Hon. Chief Minister:** No, Mr Speaker, I do not see that there is an inconsistency or an imbalance. One is man bites dog and the other one is dog bites man.

**Q211/2023**  
**Incident at Eastern Beach –**  
**Whether Spanish officers called for assistance**

**Clerk:** Question 211/2023. The Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, in relation to the recent incident at Eastern Beach, did Spanish officers at any time call for assistance from British Gibraltar counterparts or authorities? I assume he has this information.

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, this forms part of an ongoing investigation. It is not appropriate to comment at this stage on aspects of a live investigation.

**Hon. D A Feetham:** I thought it was my lucky day, but obviously it is not. Does he at least have that information, even if he is unwilling to provide me with the answer at this stage?

**Hon. Chief Minister:** Mr Speaker, I am not unwilling to provide him with the answer. It is just that that is a live investigation. This is a parliament and a parliament should not be commenting on what is a live investigation. I have information which has been provided to me, but it has been provided to me on the basis of confidentiality, and parliaments do not debate live criminal investigations.

**Hon. D A Feetham:** Is he saying that there is a criminal investigation? It is a criminal investigation in relation to which suspects, suspects in this jurisdiction or suspects in Spain? And does it include the Spanish officers as being suspects?

**Hon. Chief Minister:** Mr Speaker, it would be highly unusual for a minister to answer a question in a parliament about an ongoing investigation seeking to identify or not identify who is or is not a suspect. I know that the hon. Gentleman is trying to play to the gallery and I recognise why he is doing it, but I am not going to fall into the trap of permitting *this* Parliament to become a place where live criminal investigations are debated. I believe, indeed, it is probably outside of the Rules, although I cannot put my hand on the rule at the moment whilst I am on my feet.

**Hon. K Azopardi:** Can I just ask? The Hon. Chief Minister is reluctant to comment on the ongoing investigation, yet the question –

**Mr Speaker:** I am not sure whether that is right. He is not reluctant; he has explained the reasons why, and I think the hon. Member should take that on board. I do not agree that the characterisation that he is reluctant is appropriate.

**Hon. K Azopardi:** I thought that I was expressing the kind of tone that he was using without using the word 'reluctant', but I am not going to put words in his mouth, Mr Speaker.

He has said he does not want to comment on that, but on the other hand the question is quite specific about whether there was a call for assistance, and I thought he had commented already, to GBC in the media interviews, on information which is not precisely this answer, but questions that related to whether or not they wanted medical assistance when they were here. It is just a related question. That is as much part of the investigation, surely, as the question that my hon. colleague is asking, but he has not been reluctant to answer those questions.

**Hon. Chief Minister:** I am not reluctant, Mr Speaker. I would be delighted to have a debate about this issue and share my views, which are no doubt in keeping with his and those of all members of our community. But one thing is what I may be able to say in a media interview – indeed, what we can say about each other in a media interview. It is quite another thing what we are able to and what is appropriate for us to say in this place.

When I am talking about whether or not we have tendered medical assistance to individuals who are in Gibraltar, whether they are law enforcement agents or not law enforcement agents, that is not a matter which is subject of a criminal investigation. Did we tender medical assistance? Yes, we did. That is not a criminal investigation. Where did the vessel come from etc. – and there are other questions, which we will come to now – those are part of a criminal investigation. As far as I am concerned, we do not debate live criminal investigations in this House, Mr Speaker.

**Hon. K Azopardi:** There is a distinction, surely, between ... What I thought was the ambit of the question is if, for example, they were in hot pursuit, did you call for assistance? That is a distinction between the quite separate investigation into whatever happened on Eastern Beach that day. Does the Chief Minister see it all as part and parcel of the same thing and is not making a distinction as to whether or not they made a call first to say, 'We are on our way into Gibraltar waters'?

**Hon. Chief Minister:** I am sorry, Mr Speaker, I think I have been abundantly clear about this issue. There are aspects which I am advised are part of a criminal investigation. As a result, I cannot answer questions about that in this House, in order to comply with the conventions and Rules of this House.

**Hon. D A Feetham:** The reason why I asked whether the Spanish officers were suspects is precisely arising out of the question that the Leader of the Opposition has asked. If the Spanish officers are not suspects in any kind of investigation, there cannot be any possible reason why the question 'Did they ask for assistance prior to coming into British Gibraltar Territorial Waters?' cannot be answered. The refusal can only be seen in the context of an investigation in relation to the Spanish officers. I have to say I would doubt that there would be an investigation into the Spanish officers in the circumstances of this case, so we are entitled to ask the question. Does the Hon. the Chief Minister not see that distinction?

**Hon. Chief Minister:** Mr Speaker, I do not think that repeating myself is going to assist the understanding of the hon. Gentleman of the views that the Government is having to take because of the information put to us, but there is another question on the Order Paper which we will come to, about a diplomatic protest. Diplomatic protests would not be made in cases where Spanish law enforcement officials communicate to Gibraltar law enforcement officials that they are coming into Gibraltar and that they are seeking their co-operation. So there is no question of me not



answering or trying to avoid answering for that reason, because, in fact, all of that is already public and there is another question on the Order Paper, which I will answer.

850 **Hon. D A Feetham:** I do not understand his reluctance because following that answer and in the light of the answers that he has already provided to us during the course of this afternoon, if they had requested assistance prior to coming into British Gibraltar Territorial Waters, on the basis of the answers that the Hon. the Chief Minister has provided they would not be classed as incursions, ergo they would not have been doing anything wrong, so I do not understand on what basis ... Does he not agree with me that there is no logical reason why he should not be answering the question that I have posed?  
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**Hon. Chief Minister:** Mr Speaker, I really do not think that my repeating once again the things that I have said is going to persuade the hon. Gentleman that he should not be, for the sake of being able to say that he pursued me on it ... that he should take another course.  
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I am very clear what my views are about this incident. There has been a diplomatic protest already. Indeed, as I will say in answer to another question, a *note verbale* was handed in by the British Ambassador in Madrid. There is, therefore, no question of any of the things that the hon. Gentleman has suggested as my motivation for not answering the question in another way. I have been advised that there is an investigation. Therefore, the information that I have is not  
865 information that I can impart because it has been imparted to me in the context of that investigation.

What I can say in the media to help defend Gibraltar's reputation is different to what I might be able to say in this Parliament, because this Parliament has rules, Mr Speaker.

870 **Mr Speaker:** Next question.

#### Q212/2023

##### Incident at Eastern Beach – Direction from which Spanish customs vessel entered BGTW

**Clerk:** Question 212/2023. The Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, from what direction did the Spanish customs vessel involved in the recent incident at Eastern Beach enter British Gibraltar Territorial Waters?  
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**Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, as I have said in relation to the previous answer, this forms part of an ongoing investigation. It is not appropriate to comment at this stage on aspects of a live investigation.  
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#### Q213/2023

##### Beach livestream cameras – Night time availability

**Clerk:** Question 213/2023. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, does the Government still intend not to make the beach livestream cameras available for online viewing between 11 p.m. and 6 a.m.; and, if so, why?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, as the hon. Gentleman should recall, the Government is acting on legal advice regarding this issue and is therefore unable to extend the live broadcasting of the beach cameras to include the hours he is referring to, due to data protection issues.

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**Hon. K Azopardi:** Mr Speaker, we struggle on this side to understand those issues, given the report that there has been on the GRA views on the subject, and indeed the fact that at night time it would be less easy to identify someone than it would be during the day. Therefore, we do not understand the position or the advice that the Government is receiving in light of what the GRA has said.

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**Hon. Chief Minister:** Mr Speaker, what the GRA has said is that as long as individuals are not identifiable, the processing of the footage will not be caught under the data protection legislation. That is what our lawyers sought from them at the time when we were being told by the GRA that we had to remove the cameras – not that we could play them at night if we wanted to or during the day, actually that we had to remove the cameras. In fact, the hon. Gentleman might recall that at one stage we had to take them down and people were complaining, because once the cameras were up, people wanted to be able to check how the Levante was in *el mal del Levante*.

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We have had to change the angle of the cameras, we have had to change the granular ability of the cameras to zoom in. At night. There are other issues, because the beaches are used at night sometimes by young people for eventualities that do not involve tobacco smuggling, where somebody being identified may not be the issue, but they might also be identified, and for that reason we went through a really difficult process internally where we wanted them on all the time throughout the year, 24 hours a day, and we were being told that that could not be the case because of the GDPR issues and because of the feedback that our officials were getting from the GRA. It is absolutely true that our decisions were not based on a ruling of the GRA because, based on the advice we were getting from our officials because of the things that the GRA was saying to them, we had to change the way that the cameras operated. But that is the reason for this.

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None of that relates to illegal activity on any of the beaches because, as I have said in answer to earlier questions, there are better cameras that provide law enforcement functions in respect of the beaches, but we do not want to disclose where they are because otherwise people might know that they can go to one place to commit offences but not another, or what angle to commit the offence and not others.

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The livestream cameras would not enable law enforcement to have better policing of the beaches. We have already offered the law enforcement agencies the possibility of CCTV cameras where they consider them appropriate through Gibraltar. We have rolled out a programme in that respect. They do not think that they need them at Eastern Beach etc. because there is a *really* powerful camera that shows them everything that is happening, and so they do not need this. This is the camera to show us whether there is Levante or not, not to show us whether Johnny and Jane have finally decided that they are going to get it together or whether or not we can all look at whether there is illegal activity on the beach – because this is not CCTV, this is live stream. This is for everyone in Gibraltar. And it is not as if CCTV is necessary for Eastern Beach, because given the affordable housing programme that we have provided for, Eastern Beach is now one of the beaches and one of the areas of Gibraltar which has the most eyes on it. There are about 500 families there already and there will be another 400 families there in coming months, or at least 200 families in coming months and an extra 300 families in other months.

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935 The hon. Gentleman is obviously trying to create this idea that we are trying to stop the cameras from being on at night so that tobacco smuggling activity can go on, when in fact there are really powerful cameras that catch all that area – and the good ones, the ones which show you the brand of the button of the guy who decides he is going to turn up to smuggle the box of Winston.

940 **Hon. K Azopardi:** Is he saying, then, that the decision to remove the cameras at night time is a government decision or a GRA advice decision?

**Hon. Chief Minister:** A decision made by the Government on the advice of government lawyers after they considered with the GRA the advice of the GRA.

945 **Hon. K Azopardi:** But not that the GRA had advised that they should be removed at night time, but not during the daytime, not specifically?

**Hon. Chief Minister:** No, because as the Government understood it, the GRA were threatening to rule that we had to remove them completely during the day and during the night.

**Hon. K Azopardi:** Was there a specific GRA ruling in relation to the matter? When he says they were threatening to rule, did they actually rule?

955 **Hon. Chief Minister:** Mr Speaker, by working with the GRA and trying to understand their parameters and change the operation of the parameters, we avoided the ruling which everybody would have wanted us to avoid, which was that we had to remove the cameras. So by changing the method of operation of the camera, the ability to zoom, the angle of the camera etc., we were able to avoid a ruling from the GRA to remove the cameras. And so we have the cameras now in  
960 a way that the GRA accepts, because the purpose of the camera – and this is key – which is for people to see the weather conditions at Gibraltar's beaches in order to be able to attend at the beaches during the day, is what the camera has to provide on the livestream. If you do not, and you let it run through the night or you let it focus on a particular individual whose physique might be more attractive to one person or another – and from the control that you have on your  
965 computer you can zoom in – you do not comply with the rulings and therefore you are at threat of having to remove them completely, not just at night but also during the day.

**Hon. K Azopardi:** Does the Government not see that by not having the camera on at night, it looks like simply the Government is trying to avoid the embarrassment that you are going to see fast launch activity more during the night time than during the day?

**Hon. Chief Minister:** Mr Speaker, it is possible that somebody might reach that perverse conclusion, it is possible that somebody might be led to that perverse conclusion, but I wonder who it is that would think that that is logical given that there are 350 families overlooking the beach at the moment and there are going to be 750 families overlooking the beach as from July.

975 It would be a fool's errand to think that the decision in respect of these cameras has been made because of activity that is, in any event, greatly reduced, as we will come to when we look at this in the context of other questions. But of course somebody could reach that perverse and incorrect conclusion if they wanted to and if they did not want to hear what I have said about the reasoning in respect of these cameras, and if they believed that everyone in their home is Gibraltar's law enforcement agent looking through one of the cameras to see if they detect some illicit activity on the beach, when in fact we have two law enforcement agencies who are constantly patrolling our beaches, as I will come to in the context of another question, and we have very powerful, proper law-enforcement-and-beyond cameras, which do the job already of  
980 showing those who need the data and the information – that is to say the security services, the  
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defence services and the law enforcement agencies – all our beaches in all their glory, day or night. Johnny and Jane should beware.

**Mr Speaker:** Next question.

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**Hon. D A Feetham:** But isn't it the case that if the regulator now, as a consequence of the adaptation, has no problems with this livestream being available during the day, it is less likely ...? They have already said that they have no problem at night, yes, but because of the adjustments that have been made you cannot make out people's faces, it is less likely you are going to be able to make out people's faces at night time, so I just do not understand what the problem from the Government's point of view is, switching it off at night when the GRA say there is no problem at night and when people are less likely to be identifiable at night time than during the day.

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**Hon. Chief Minister:** Mr Speaker, the GRA has said a number of things, not just that. The GRA has said that the processing of footage must have a lawful purpose, a clear and justified purpose, with footage limited so that only the necessary personal data is processed for that purpose.

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These are not CCTV cameras, these are livestream cameras. The purpose is not to make every Gibraltarian a detective of what is happening on the beaches at night. The CCTV cameras in other places do not provide for that. The purpose is not to permit one partner to see whether in fact their partner is having an adulterous relationship with another, where they may not have to identify their face but they might identify their car. The purpose is not to enable us to see the full moon reflected on the glorious Mediterranean. The purpose is to see the weather, to see whether you want to go to the beach during the summer. If you go outside that purpose, you have to explain why you are doing it. On what basis would the cameras run at night? This is the issue we were faced with when we were going to run the cameras through the day and the night, innocently, not thinking of Johnny and Jane and the other things that can go on. And so the purpose is to see the weather during the day.

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Mr Speaker, if hon. Members think it is a huge issue I do not mind asking the Hon. Minister to go back again and try to change the purpose, so that if anybody wants to go skinny dipping at night, they can see whether there are olas or there are not olas on Western Beach, Eastern Beach or anywhere else. I do not really give a monkey's, and neither do I think that having the livestream camera is going to enhance or curtail any activity that there may be on the beaches which may be illicit. But the hon. Gentleman has just made me realise that there is one potential advantage of all of this, that maybe somebody from Madrid could tune in to the livestream camera and be reassured that there is no constant illicit activity going on from our beaches. Maybe that would be a huge advantage.

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**Mr Speaker:** Next question.

#### Q214/2023

#### Beaches –

#### Whether patrolled at night

**Clerk:** Question 214/2023. The Hon. the Leader of the Opposition.

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**Hon. K Azopardi:** Mr Speaker, do the Royal Gibraltar Police patrol our beaches overnight to prevent unlawful activity, and/or do other agencies such as HM Customs or Borders and Coastguard have such responsibilities?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Commissioner of Police and the Collector of Customs have informed me that the RGP and HM Customs patrol the whole of Gibraltar, including our beaches and coastline, to ensure Gibraltar's security and curtail illegal activity. They do so regularly and every night.

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**Hon. K Azopardi:** I am certainly glad to hear that, Mr Speaker, but the Chief Minister will have seen the comments of residents of Eastern Beach, like I have seen them, where, to paraphrase what they were saying, not many authorities were seen down there, and the beaches are used for unlawful activity. How can he reconcile that information that he has been provided with those comments? And has he asked the Commissioner of Police and HM Customs, to understand the regularity of those patrols and the nature of them given the comments that have been made by concerned residents?

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**Hon. Chief Minister:** Mr Speaker, there is another question on the Order Paper about whether I have given instructions about the regularity of patrols, or anyone. I do not give instructions about regularity of patrols. I do not believe it is the role of the Government to give instructions about regularity of patrols; I express concerns to the Commissioner and the Collector. I have expressed my concerns and I do not think it is appropriate for us to do more than that.

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**Hon. K Azopardi:** What I was asking was given the concerns that have been expressed by residents and the information that he has received, putting them alongside each other, can he not see that there is obviously some factual disconnection there, and that if the residents' concerns are correct, somehow those patrols are not working the way that they should be, and has that made him have a discussion with the RGP and Customs – knowing that he will not give those specific instructions for the reasons he has just explained, but has he expressed those concerns to the Police and Customs and has he been told that the patrols would be increased?

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**Hon. Chief Minister:** Mr Speaker, I do not accept the premise of the question and therefore I have not had that discussion in that context. The next question on the Order Paper is about instructions.

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**Hon. K Azopardi:** When he says he does not accept the premise of my question, is he saying he thinks the patrolling of our beaches is sufficient?

**Hon. Chief Minister:** Mr Speaker, I am saying that I do not know enough about what frequency of patrolling of our beaches to be sufficient or not be sufficient is appropriate because I am not an expert on security and how it is done, and indeed I leave that to the experts who know how it is done. The fact that we have had one incident in a very long period of time suggests to me that they are getting it right.

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**Hon. K Azopardi:** Mr Speaker, I was not asking about that one incident. What I was relaying to him is the wider concern that it is not just one incident, that there is unlawful activity from that beach and other beaches, and if that concern is also reaching him, as it is reaching me, and it is indeed in the public domain in the comments that people have been making, the residents, shouldn't he be having that discussion with the Police and HM Customs?

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**Hon. Chief Minister:** Mr Speaker, for the reasons he has just said, if something is reaching him and it is reaching me – and it is not our job to be on top of those things; and we do not have intelligence feelers out there, we have supporters and constituents – it will be reaching the Collector of Customs and the Commissioner of Police. One has to be very careful, other than to express concerns in light of particular instances. I have expressed concerns about the incident in

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question, but I am not going to express concerns based on ad hoc information put on social media or referred to me which I am unable to test in the way that law enforcement is able to test.

1085 I know that there have been administrations who have told the Police what to do and how to do it and how to manage their shifts and how to change their shifts. We are not that administration, Mr Speaker.

1090 **Hon. K Azopardi:** Mr Speaker, I am not asking him to just ... Of course he is not an expert, nor am I, but he is the Chief Minister and I assume he has discussions with Customs and the Police, because they have relayed this information to him. All I was saying is that during the course of that, presumably, if he had heard the same concerns that I have heard, he would have mentioned to the RGP and Customs, 'This is the information that is reaching us,' and Customs or the Police would say, 'I am sorry, Chief Minister, that is not true, because we patrol the beaches from 11 o'clock until 6 a.m. – we go every hour, we do it in a patrol car, we do it in this way, we do it in that way,' and he would either be assured or not assured. But it does not seem that he has been having those discussions of detail, and I would invite him to do so. Does he not agree that it would be relevant to do so?

1100 **Hon. Chief Minister:** No, sir.

**Mr Speaker:** We need to move on to the next question.

#### Q215/2023

#### Beaches and waters –

#### Instructions given to RGP and HM Customs re patrols

**Clerk:** Question 215/2023. The Hon. the Leader of the Opposition.

1105 **Hon. K Azopardi:** Mr Speaker, have RGP officers or HM Customs officers been instructed not to patrol our beaches or waters at night or to lessen the frequency of patrols generally or within certain areas at certain hours; and, if so, why?

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

1110 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the security of Gibraltar and its people must surely be one of the highest importance to any Government. In light of this, His Majesty's Government of Gibraltar does not issue any operational instructions to its law enforcement agencies. We have never done so and we never will do so. They determine independently how best to ensure the security of Gibraltar and its people, and that includes the patrolling of our beaches or waters and the frequency of such patrols and all aspects of such patrols, including but not limited to the areas and hours in which such patrols are or are not conducted.

1120 **Hon. K Azopardi:** Mr Speaker, the question asks whether RGP officers or HM Customs officers have been instructed not to patrol our beaches. It does not ask whether the Government has given those instructions. Is the Government aware whether RGP officers or HM Customs officers have been instructed not to patrol beaches or waters at night in particular areas or to lessen the frequency?

1125 **Hon. Chief Minister:** No, Mr Speaker, and in providing this answer, which we answer on behalf of the Government, we have obviously checked with the Commissioner of Police and the Collector of Customs. But it is frankly perverse to think that that would be the case, and to send a signal to

the world that the Opposition have to even ask the Government whether it or any of our law enforcement agencies with the power to give such a direction would give such a direction.

1130 **Mr Speaker:** Next question.

**Q216/2023**

**Eastern Beach incident –**

**When Gibraltar authorities became aware of Spanish vessel in Gibraltar waters**

**Clerk:** Question 216/2023. The Hon. the Leader of the Opposition.

1135 **Hon. K Azopardi:** Mr Speaker, when did the Royal Gibraltar Police and/or any other enforcement agency become aware that a Spanish SVA vessel was within Gibraltar waters and so close to shore before the incident on or about 2nd February 2023?

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

1140 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as I have said in a previous answer, this forms part of an ongoing investigation. It is not appropriate to comment at this stage on aspects of a live investigation.

**Mr Speaker:** Next question.

**Q217/2023**

**Eastern Beach incident –**

**When Gibraltar authorities became aware of Spanish RIB landing**

1145 **Clerk:** Question 217/2023. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, when did the Royal Gibraltar Police and/or any other enforcement agency become aware that a small RIB from a Spanish SVA vessel had landed at Eastern Beach on or about 2nd February 2023?

1150 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, as I have said in a previous answer, this forms part of an ongoing investigation. It is not appropriate to comment at this stage on aspects of a live investigation.

1155 **Hon. K Azopardi:** Mr Speaker, I rise just to ask him this, because again, in his GBC media interview he seemed to be quite relaxed about discussing some of the aspects of the landing and timings of when the RGP had come. There is footage that suggests that the RGP had turned up at the scene somewhere between four and six or eight minutes after the landing, but I was trying to get a more precise timing if the information was had by the Government. Is he still sticking to that original answer, that he is unwilling to do that here but willing to do so outside?

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**Hon. Chief Minister:** Mr Speaker, I am not unwilling; I am advised that I am unable to provide that information in this House.

1165 **Hon. K Azopardi:** To be clear, he has advised that he cannot give information in this House but he is able to talk about it in media interviews outside this House. Is that correct?

1170 **Hon. Chief Minister:** No, Mr Speaker, I am advised that the information I provide outside this House, which is not the level of precision that I can give here, can be in keeping with what is in the public domain and represented for Gibraltar, in Gibraltar and outside of Gibraltar. But I am asked, in particular, in this House about when, and I have the information and it is precise. I am unable to provide it in this House whilst there is a live investigation going on.

**Mr Speaker:** Next question.

**Q218/2023**  
**Eastern Beach incident –**  
**Diplomatic action and steps taken**

1175 **Clerk:** Question 218/2023. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, is Government aware what diplomatic action has been taken in respect of the landing at Eastern Beach of armed Spanish officers and the shooting of firearms at Eastern Beach, and what steps has it taken in relation to the incident?

1180 **Clerk:** Answer, the Hon. the Chief Minister.

1185 **Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir, as has been reported publically, a *note verbale* was issued last week by the United Kingdom government as a formal diplomatic protest to Spain following the incident at Eastern Beach.

1190 **Hon. K Azopardi:** Mr Speaker, is the Government aware of any response – official response, not just a press release and the comments in the press? Has there been an official Spanish response to the *note verbale*, and has the Government been informed of it?

**Hon. Chief Minister:** Mr Speaker, the Government has been informed of all of the exchanges that have taken place between the United Kingdom and Spain in respect of this matter, but not of any formal response by Spain at this stage.

1195 **Hon. K Azopardi:** Mr Speaker, does the Government agree with me that the landing and the firing of arms by the Spanish officers on Gibraltar land was entirely unacceptable?

1200 **Hon. Chief Minister:** Mr Speaker, I am very pleased that the Hon. the Leader of the Opposition agrees with me and with His Excellency the Governor, as we said on 3rd February that this incident was a violation of British sovereignty and it was a grave breach of our sovereignty and jurisdiction.

1205 **Hon. K Azopardi:** Mr Speaker, does the Chief Minister agree with me that it was somewhat incongruous for a Foreign Office source to have been quoted in *The Times* as having apologised to the Spanish officers who had fired arms in Gibraltar, and that was somehow rather inconsistent with the filing of the *note verbale*? And has he asked the Foreign Office whether that represents the official position of the Foreign Office?

**Hon. Chief Minister:** Mr Speaker, that does not represent the official position of the Foreign Office. The official position of the Foreign Office is set out in the press release provided here and



1210 in the *note verbale* that has been given to Spain, and therefore I would caution that the hon. Gentleman should not believe things which are unattributed to individuals in newspapers.

**Mr Speaker:** Next question.

**Q219/2023**  
**Eastern Beach incident –**  
**Whether any arrests by RGP**

**Clerk:** Question 219/2023. The Hon. the Leader of the Opposition.

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**Hon. K Azopardi:** Mr Speaker, have the Royal Gibraltar Police undertaken any arrests in relation to the incident at Eastern Beach on or about Thursday, 2nd February 2023?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, no arrests have yet been undertaken in respect of this matter.

**Q220/2023**  
**Eastern Beach incident –**  
**Monitoring, security and enforcement systems**

**Clerk:** Question 220/2023. The Hon. the Leader of the Opposition.

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**Hon. K Azopardi:** Mr Speaker, does the Government accept that the incident at Eastern Beach on or about 2nd February 2023 exposes flaws in our monitoring, security and enforcement systems; and, if so, how will these be improved?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, the incident at Eastern Beach is hugely concerning. The Government's concerns in respect of this incident go well beyond concerns about monitoring, security and enforcement systems. We are, therefore, already considering how best to address the issues that permitted such an incident to take place.

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**Hon. K Azopardi:** Mr Speaker, we share the view that it is concerning, but my question also asked how will these be improved. Does the Government already have in mind the kind of measures that it will take, or is it early days? I accept that it has only happened relatively recently, but given the severity of the incident, has the Government been able to consider and take it to the stage where it now has a view of the kind of improvements it would want to make?

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**Hon. Chief Minister:** Mr Speaker, the Government has already implemented improvements and will be implementing even more improvements to address all of the issues that concern us, which go beyond the items set out in the hon. Gentleman's question, but of course I cannot go into them and I cannot explain them because then their use would be vitiated.

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**Mr Speaker:** Next question.

**Q221/2023**

**Tobacco smuggling –  
Number of prosecutions in last five years**

**Clerk:** Question 221/2023. The Hon. the Leader of the Opposition.

1250 **Hon. K Azopardi:** How many prosecutions have there been for tobacco smuggling offences in the last five calendar years, namely 2018, 2019, 2020, 2021 and 2022?

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

1255 **Chief Minister (Hon. F R Picardo):** Mr Speaker, law enforcement agencies report a major fall in the instances of tobacco smuggling in recent years. This is likely attributable to the pandemic, which led many to wisely give up smoking, and the tobacco MoU under the withdrawal agreement, which set a maximum 32% differential on tobacco prices with Spain. This differential had been upwards of 50% to 60% before that. Indeed, Altadis, the leading tobacco manufacturer  
1260 in Spain, has recognised publicly the significant and drastic drop of an estimated 76.7% decrease in the illicit and unlawful tobacco trade in Gibraltar since the MoU on tobacco was entered into in 2018.

In terms of prosecutions, in 2018 there were 25, in 2019 there were 6, in 2020 there were 19, in 2021 there were 5, and in 2022 there were 3.

1265 The number of cases dealt with by Customs is as follows. In 2018, there were 25 cases with 48 arrests. The total amount of tobacco seized was 1,499,710, and the total amount of rolling tobacco seized was 198,350 g. Additionally, there were 69 instances of found tobacco, which resulted in 3,329,880 cigarettes and 144,350 g of rolling tobacco being seized.

In 2019, there were 17 cases, 30 arrests, and the total number of cigarettes seized was  
1270 1,303,680. Additionally, there were 38 incidents of found tobacco, which resulted in 1,848,460 cigarettes and 300 g of rolling tobacco being seized.

In 2020, there were 16 cases, 28 arrests, and the total number of cigarettes seized was 820,420. Additionally, there were 27 incidents of found tobacco, which resulted in 2,133,640 cigarettes being seized.

1275 In 2021, there were five cases, 12 arrests, and the total number of cigarettes seized was 329,800. Additionally, there were 28 incidents of found tobacco, which resulted in 1,601,800 cigarettes and 5,000 g of rolling tobacco being seized.

In 2022, there were eight cases and 12 arrests. The total number of cigarettes seized was 515,880 and the total amount of rolling tobacco seized was 1,500 g. Additionally, there were 47  
1280 incidents of found tobacco, which resulted in 1,065,220 cigarettes and 46,600 g of rolling tobacco being seized.

Mr Speaker, therefore the total amount of tobacco seized was 4,829,590 cigarettes and 342,700 g of rolling tobacco in 2018; 3,152,140 cigarettes and 300 g of rolling tobacco in 2019; 2,957,060 cigarettes in 2020; 1,931,600 cigarettes and 5,000 g of rolling tobacco in 2021; and  
1285 1,581,100 cigarettes and 48,100 g of rolling tobacco in 2022.

**Hon. K Azopardi:** Mr Speaker, can I just understand these statistics a bit better? He has given me the number for prosecutions and also gone into some detail on the cases and so on. Do I understand, when he says ...? For example, for 2019, in the second part of his answer he says  
1290 there are 17 cases and 30 arrests. And then, if you look at the number for prosecutions, in 2019 there were six prosecutions. Is it because there are more cases than there are prosecutions? Not every case leads to a prosecution – is that the correlation there?

**Hon. Chief Minister:** Yes, Mr Speaker.

1295 **Hon. K Azopardi:** If that is so, then when we turn to 2020 he says there are 16 cases and 20 arrests, but he has given me the number of 19 prosecutions. How can there be more prosecutions than there were cases in 2020?

1300 **Hon. Chief Minister:** Some of them may date from an earlier year.

**Hon. K Azopardi:** Is he saying that because he has the information in front of him, or is he speculating as to the answer?

1305 **Hon. Chief Minister:** I think it is pretty obvious, Mr Speaker.

**Hon. K Azopardi:** It is obvious that he is speculating, or is it obvious that he has the answer in front of him?

1310 **Hon. Chief Minister:** No, Mr Speaker, it can only be because they come from earlier years, or indeed because they are more than one prosecution resulting from one case.

**Hon. K Azopardi:** Does he think that the number of prosecutions for 2021 and 2022 is quite low?

1315 **Hon. Chief Minister:** Mr Speaker, it seems to be inversely in keeping with the activity and with the revenue. There is much less seizure because there is much less revenue and there is much less activity. So the correlation seems to be exactly correct. When we had the revenue that we had, there was much more activity. Now we have much less revenue, there is much less activity, there is much less illicit activity, there are many fewer prosecutions. It is a really neat curve, Mr Speaker.

1320 **Hon. K Azopardi:** Government's advice and belief is that there is now far less unlawful activity than there has been in the two or three years before the MoU. That is its position, yes?

1325 **Hon. Chief Minister:** And even before, Mr Speaker, and that is borne out and justified by the low levels of revenue, which the hon. Member has seen in the Estimates Book, and with the COVID Fund if we were taking 2019 as the year. If he looks at the years afterwards, there is much less activity in respect of tobacco, licit and illicit. It is obvious, Mr Speaker.

#### Q222/2023

#### RGP, HM Customs and Borders and Coastguard Agency – Adequacy of resources and support

**Clerk:** Question 222/2023. The Hon. the Leader of the Opposition.

1330 **Hon. K Azopardi:** Mr Speaker, is the Government satisfied that the RGP, HM Customs and/or Borders and Coastguard have sufficient personnel, equipment, resources and support to monitor and enforce Gibraltar law within Gibraltar waters and at our beaches and curb any smuggling and unlawful activity?

1335 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir. When we were elected, the RGP had a small launch and RHIBS which were confiscated. We bought the *Sir Adrian Johns* and then even more additional, bespoke RHIBS for the RGP. We then also bought additional, bespoke new assets

1340 for HM Customs. Both the RGP and Customs chose the type of vessels they required. We also  
funded jet skis for the RGP. Obtaining, manning and operating these vessels to give our law  
enforcement agencies the resources necessary to monitor and enforce Gibraltar law within  
Gibraltar waters and at our beaches and thereby curb any illicit activity increased departmental  
1345 increases in spending.

Customs now have six vessels, three in use and three for training, one of them acquired just  
last year from Damen Shipyard.

Having undertaken a strategic demand assessment arising from the recent HMICFRS inspection  
on our marine capability, the RGP sold the *Sir Adrian Johns* and committed to engage with the  
1350 Government to ensure that the policing capability and capacity of the RGP continued to be well  
resourced. The RGP currently has three operational vessels, one of which is undergoing a refit to  
ensure that she can remain in service for another five years. One of the other vessels will then  
undergo a similar refit. Additional vessels may be purchased in future. Additionally, we have  
developed a new and bespoke facility for the RGP Marine Section and for Customs.

1355 The number of police officers has increased from 253 when we were elected in 2011 to 301  
now, an almost 20%, or one fifth, increase in the RGP manning level. Their budget has gone from  
£10,566,000 to £17,549,000. The number of customs officers has increased from 113 when we  
were elected to 171 now, an increase of 51.3%. That is an increase by half again of customs  
officers. Never have such increases in manpower in law enforcement been delivered by any  
1360 administration. The Customs budget has gone from £4,724,000 to £11,002,000.

So, having increased customs officers by 58 and police officers by 48, and Customs' budget  
going up by £6,278,000 – that is to say approximately 133% – and the Police budget by £6,983,000,  
or approximately 66%, the Government is entirely satisfied with both the physical and human  
resources available to our law enforcement agencies, which have increased substantially in every  
1365 respect since we were elected into government in 2011.

**Hon. K Azopardi:** Are the Police and Customs telling the Government that they consider they  
have sufficient resources, equipment and support?

1370 **Hon. Chief Minister:** Mr Speaker, I do not believe there has ever been a Commissioner of Police  
or a Collector of Customs so treacherous as to say to the Government that they do not want any  
more. Of course every head of department, whether he is Commissioner or Collector, whether he  
is the head of ITLD or the head of the tax department, always wants more resources, but I know  
that in the negotiations that we have for budgetary resources the Commissioner and the Collector  
1375 are amongst those who leave most satisfied and assured that the Government will fund whatever  
resources they need. And indeed, as the hon. Gentleman will know, there are lines in their budgets  
which they are able to exceed in respect of investigatory overtime etc., where they are given a  
£1,000 provision so that they can exceed those amounts. I have not given the forecast outturns,  
which would include those amounts of additional resources, but I have given the amounts of the  
1380 estimates, which only provide those £1,000 lines.

Genuinely, the relationship between the Government, the Police and Customs in all budgetary  
matters is very strong. We work very closely with them. We ensure that they have what they need  
and we will always seek to ensure that they have what they want and not just what they need.

1385 **Hon. K Azopardi:** And given that the answer to the question that I asked a few minutes ago as  
to whether the Government is satisfied that the Eastern Beach incident exposed flaws in  
monitoring etc. was yes and the Government agreed that that was so and that it was reviewing  
certain issues and so on, would that review – without pressing into the operational issues, which  
of course I do not want to do – lead possibly to further resources, equipment and support  
1390 personnel to the RGP and Customs?

**Hon. Chief Minister:** Neither Customs nor the RGP who have been advising the Government have suggested that the lacuna is in any of those areas.

**Q223/2023**  
**Smuggling –**  
**Whether sufficient is being done**

**Clerk:** Question 223/2023. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Does the Government believe it is doing enough to curb illicit smuggling?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, since we were elected into Government in 2011, we have increased the price of tobacco very substantially. Additionally, the Government entered into a Memorandum of Understanding with the Kingdom of Spain in 2018 which, amongst other things, limited the difference between the retail price of tobacco in Spain and Gibraltar as well as providing for exchange of information mechanisms concerning tobacco importation and sales. In fact, although the MoU on tobacco is no longer in effect, HM Government of Gibraltar remains fully compliant with it and has continued to honour and give effect to the 32% differential in retail price from Spain agreed in the MoU. Previously, the differential could be upwards of 50% to 60%.

Additionally, in 2017 the Government introduced tobacco special zones which restricts the sale and possession of significant quantities of tobacco in these areas and further enhances the RGP's and HM Customs' ability to clamp down on any illicit activity that may occur. This has eliminated *matuteras* that blighted the frontier area and the anti-social behaviour related to tobacco that blighted some estates.

Finally, the Government believes HM Customs and the RGP are actively enforcing anti-smuggling legislation in Gibraltar, with arrests and seizures being effected regularly. I have already provided considerable statistical data in this respect and I refer, once again, to the comments from Altadis referring to a 76% decrease in tobacco originating from Gibraltar.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Chief Minister for that answer. I was more interested, actually, on the side of things of the agencies, how he responded to the Leader of the Opposition. What would the Chief Minister say about the perception that many in local authorities or agencies and bodies such as those do not necessarily feel so supported to carry out their duties effectively in order to curb such illicit activity? Could it be that despite the hike in financial support in resources and equipment, these bodies are not being instructed to focus as much as may be required on the smuggling side, but perhaps on other maritime endeavours or chores?

**Hon. Chief Minister:** Mr Speaker, any such perception would be utterly nonsensical because a lot of the measures are designed to deal exclusively with tobacco. The tobacco special zones are an idea of a former Collector of Customs with the agreement of a Royal Gibraltar Police Commissioner. The whole structure is designed to ensure that the RGP and Customs can deal with illicit tobacco activity, removing shops from estates where people could scurry away into blocks and putting them in places where they are concentrated and therefore the RGP and Customs have direct eyes on them is part of that operation. Restricting the amount of tobacco that an individual can be in possession of in a particular area is part of that. Giving Customs and the Police the more nimble RHIBS that they have sought and are exactly designed for that purpose ...

We could not be doing more. We could not be more supportive. We could not say more that is supportive in public and in private. Every customs officer and every police officer knows that what we want is for Gibraltar to be known only for licit activity and not for illicit activity. We have demonstrated that, and indeed, if the hon. Lady does not want to believe what I am saying to her, I once again refer her to what the Spanish tobacco major, Altadis, has said about the reduction of tobacco originating in Gibraltar being detected in Spain – a 76% fall. I think that speaks for itself. It is remarkable. It is not our statistic, it is their statistic.

But as I have also referred to the House, the amount of money that comes into our coffers from the sale of tobacco is greatly reduced, as we debate in the context of import duty when we have our budgets, and, as I have said to the Leader of the Opposition, the number of prosecutions is down but the activity is also greatly down and the reduction in prosecutions is obviously directly related to the reduction in activity. So in fact, anybody who has the sort of perception that the hon. Lady is referring to could not be one of the law enforcement officials in any of the agencies involved in the sterling work that they have done which has seen the reduction, because that speaks for itself as being a fact contrary to the alleged perception.

**Mr Speaker:** Next question.

**Q224/2023**  
**Trade office in Tangier –**  
**Whether yet open**

**Clerk:** Question 224/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Which was that? *(Interjection and laughter)* Thank you!

**Chief Minister (Hon. F R Picardo):** Isn't that sinister?

**Hon. D J Bossino:** Sinister? No, it is quite nice.  
Mr Speaker, has the planned trade office opened in Tangier?

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

**Hon. Chief Minister:** Mr Speaker, was that Zeffirelli's *Jesus of Nazareth*? *(Laughter)*  
The Government has no current plans to open a trade office in Tangier, although this remains under consideration.

**Hon. D J Bossino:** I did not catch the answer because I made a comment and I should not have.  
Did he say that the Government has plans to open an office in Tangier?

**Hon. Chief Minister:** No, Mr Speaker, I said the Government has no current plans to open a office in Tangier, although of course this always remains under consideration.

**Hon. D J Bossino:** The question was whether the planned office ... It was not necessarily a plan of the Government. I am referring to a press report, if I can help the hon. Member, back in August 2019. The Hon. the Deputy Chief Minister was quoted heavily in a *Gibraltar Chronicle* article. It was a proposal not from the Government but the Gibraltar and Morocco Business Association for the opening of an office in Tangier, but the Government was very much in favour of it and welcomed it. That is the office that I was talking about. I think the Government then was saying that it was interested in developing and exploring new commercial markets in Morocco and

elsewhere, so it would be of governmental interest that an office is open there. Now that I have explained where this comes from, can he give us some further information?

1485 **Hon. Chief Minister:** Mr Speaker, the position remains exactly as I said to him. I have the report of August 2019. I have the press release that we issued at the time welcoming a private sector initiative. It was a private sector initiative. It does not mean that the Government had any such plans, and therefore the answer I have given him is the answer that the Government stands by.

1490 **Clerk:** Next question.

**Q225/2023**

**Gibtelecom Mount Pleasant site –  
Plans for construction works**

**Clerk:** Question 225/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** As with the question I posed yesterday in relation to the former GBC plot, I also wish to express an interest because I live very close to this area.

1495 The question is, Mr Speaker: please state whether Gibtelecom has any intention of carrying out construction works at its Mount Pleasant site; and, if so, please provide details in relation to this, to include what the company intends to do with the site it currently occupies at John Mackintosh Square.

1500 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, there are no plans at present to carry out any construction works at the Mount Pleasant site. Gibtelecom has no plans to leave its John Mackintosh Square site and will continue for the foreseeable future with that as its head office location.

1505

**Q226/2023**

**Bassadone site at New Harbours –  
Relocation of government departments**

**Clerk:** Question 226/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Please state if there are plans by government departments to occupy office space at the Bassadone site at New Harbours; and, if so, which departments, when they intend to move and at what rent.

1510

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, plans for relocations of some government departments are ongoing. No decisions have yet been made and no leases signed or fully agreed. Negotiations and indeed logistical analysis are ongoing. An announcement will be made publicly if agreements can be finalised.

1515

**Hon. D J Bossino:** Just to be clear, we are talking about relocations to the Bassadone building at New Harbours, because he did not specify that in his answer.

1520

**Hon. Chief Minister:** I did not, but that is what the question was about and that is what I was talking about, but there are also other sites.

1525 **Mr R M Clinton:** Mr Speaker, as the Chief Minister will be aware, I have asked questions about the continued rental of office space by the Government from the private sector. Can the Chief Minister advise how this makes any economic sense, given that the Government has existing stock of office space, albeit it may need refurbishment?

1530 **Hon. Chief Minister:** Mr Speaker, I cannot at the moment because we have not finished the negotiations, but if we get the negotiations to where we want them to be and we get the rates that we want, then it could be very advantageous indeed for the Government.

The Government of course has stock, which the Government finds very difficult to maintain. We have it in areas where we would require nonetheless to move people out to do very deep refurbishments, and even then, within a few years we might find that we have damp coming again, if not within a few months. And so we are making a decision, in the interests of the modernity of the office space that we offer to our civil servants, to explore this possibility, and if the conclusion of the negotiation is a positive one we think it will be the right result for the modern public service that we believe we should have with the new and modern facilities that we want them to have. Alternatively, we will have to consider refurbishing, which will not necessarily be any cheaper.

1540

**Hon. D J Bossino:** At what stage does he think he will be able to provide further details to this House? He is saying that he is in negotiations. I just wanted to enquire about a timeline.

1545 **Hon. Chief Minister:** Mr Speaker, exactly at the stage that the Hon. Mr Clinton has asked me to make announcements: when the ink is dry on the paper.

**Hon. D J Bossino:** Does he have any indication as to when the ink is likely to be dry on the paper?

1550 **Hon. Chief Minister:** No, Mr Speaker.

1555 **Hon. R M Clinton:** Mr Speaker, I am grateful for the indulgence. I can ask the Chief Minister ... I am not quite sure which Bassadone site we are talking about. Is this a new build? Obviously the current office space – at least the one I saw when they opened it – is occupied. Is this a new build that Bassadone is working on at the moment; and, if so, where is it? I am probably not sighted on – (*Interjection*) No, because the current one is fully occupied. I did have a tour of the building when they opened it – very nice building. I could not see any space available for government offices, so is this a new location or something yet to be built?

1560 **Hon. Chief Minister:** No, Mr Speaker, the hon. Gentleman is wrong. There is space in that new building.

1565 **Hon. D J Bossino:** Is he aware of how much space is available, so we can perhaps, in the answer to that question, have an idea as to how many government offices may move there and which offices may move there? I know he is not willing to provide that answer until the ink is dry on the paper, but is he aware of how much space is available?

**Hon. Chief Minister:** Mr Speaker, that also is a subject of negotiation.

1570 **Mr Speaker:** Next question.



**Q227/2023**  
**Glacis children's park –**  
**Reopening**

**Clerk:** Question 227/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Please provide an update as to when the children's park at Glacis Estate will be ready for use.

1575

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the children's park at Glacis is not presently expected to reopen.

1580

**Hon. D J Bossino:** Are alternatives being made available?

**Hon. Chief Minister:** Yes, Mr Speaker.

1585

**Hon. D J Bossino:** Which?

**Hon. Chief Minister:** The adventure playground, Mr Speaker.

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**Hon. D J Bossino:** That is an existing site, so is the Hon. the Chief Minister saying that there will not be a particular bespoke playground for Glacis Estate children and they will have to go to the adventure playground?

**Hon. Chief Minister:** Yes, Mr Speaker.

1595

**Hon. D J Bossino:** Does the Government have any intentions in relation to the site where the playground used to be?

**Hon. Chief Minister:** The Government is considering many potential uses for that site.

1600

**Hon. D J Bossino:** Does that potential usage include the construction of a building on that site?

**Hon. Chief Minister:** Yes, Mr Speaker.

1605

**Hon. D J Bossino:** And is he able to provide the House with any further particulars in relation to that, or is it simply one of the things that the Government is considering?

**Hon. Chief Minister:** It is simply one of the things the Government is considering. We have asked for plans to add additional housing there, and all of this, Mr Speaker, at the request of the tenants of the area, who have asked us to close the park and use the area for the provision of additional housing.

1610

**Hon. D J Bossino:** And –

**Mr Speaker:** One final one. This is the final one.

1615

**Hon. D J Bossino:** Mr Speaker, I am really trying my best to make my questions as short as possible and follow the Speaker's ruling.

1620 **Mr Speaker:** I fully appreciate that, but how many questions have you asked already? Quite a substantial number, so let's leave it at just one more and then ...

**Hon. D J Bossino:** The replies are coming through and I think it is very interesting, Mr Speaker. I refer the Hon. the Chief Minister to the question and answer session that we had, I think on the last occasion or two occasions ago, in relation to government housing. Is the intention to build government rented accommodation there? And if that is the case, does he have a number of flats that he is considering?

1630 **Hon. Chief Minister:** No, Mr Speaker, I have told the hon. Gentleman I have just asked for plans, so I do not yet have anything. I do not know how many we could have. I have asked for plans and when the plans come we will have an idea of whether you can fit three flats in or you can fit six flats in.

1635 **Hon. D A Feetham:** Mr Speaker, this is not another question, in the sense that I am asking for clarification to the question I think he has answered. Is it government rented accommodation that is being mooted and considered?

**Hon. Chief Minister:** It is at this stage, yes.

**Mr Speaker:** Next question.

#### Q228-30/2023

#### New government rental housing stock – Release dates; parking; construction costs

1640 **Clerk:** Question 228/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Please state when the 161 flats in the government rental stock will be released following the affordable housing flats becoming available, broken down by each development and phase.

1645 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** I will answer with Questions 229 and 230.

1650 **Clerk:** Question 229/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Please state if there will be sufficient parking for all residents in the first phase of Hassan Centenary Terraces when the flats are first expected to be delivered in July this year.

1655 **Clerk:** Question 230/2023. The Hon. the Leader of the Opposition.

1660 **Hon. K Azopardi:** Mr Speaker, what is the current estimated projected construction cost of each of Hassan Centenary Terraces, Bob Peliza Mews and Chatham Views, and how does the current projected construction cost compare with the original contracted construction cost and the original tendered construction cost, if different?

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

**Hon. Chief Minister:** Mr Speaker, in respect of Hassan Centenary Terraces there are 49 government flats being released; 22 units in phase 1 and 27 in phase 2. The numbers of flats due to be released back to housing stock on allocation of Chatham Views and Bob Peliza Mews are 56 and 54 respectively.

The first phase of Hassan Centenary Terraces will deliver 380 apartments and there will be 236 parking spaces available within the footprint of this first phase. This represents an interim shortfall of 144 parking spaces. This will be resolved by the interim allocation of parking spaces in the area.

The tender processes for Bob Peliza Mews and Chatham Views are still active and it is therefore not possible to provide figures for the construction costs for these at this moment. It is anticipated that the Chatham Views process will be completed by the end of this month and that for Bob Peliza Mews next month. The projected construction cost for Hassan Centenary Terraces is of the order of £30 million higher than the original tendered construction cost.

**Hon. K Azopardi:** Mr Speaker, I will ask the Chief Minister, but also, with you leave ... The reason for this question was that when I asked for this before, he said, 'Ask me in February and I will be able to tell you.' I understand what he says, that he is not yet ready, but he is going to get, hopefully, the end of that construction contracting process this month and possibly next month. I would be happy to file a question next month, subject to the six-month rule and Mr Speaker's leave, if the Chief Minister is happy to indicate to me that he would answer that question.

**Hon. Chief Minister:** Mr Speaker, I have been saying consistently that it is expected around February/March. He has wanted to ask me now. I have no difficulty with him asking next month. I have said that there is, as yet, no contract, so I have no answer to give.

**Mr Speaker:** I will allow the lodging of a question in March.

**Hon. K Azopardi:** I am grateful, Mr Speaker. To be clear, the reason I asked this month is precisely because he asked me to ask him in February; it is not a whim of mine.

The estimated projected construction cost of Hassan Centenary is £30 million higher than envisaged, and the reason for that is presumably the increased general construction costs. Is that the reason why? Is the reason that the construction cost was not fixed for all the phases? Why is any impact, which is in the public domain, of the construction costs in today's market increasing? Why wasn't it locked in?

**Hon. Chief Minister:** Mr Speaker, we have had this debate in the House already on a number of occasions. The advice I have is if we had locked it in, the amounts we would have suffered of penalties because of our inability to comply with obligations etc. would far exceed the amount that we are having to pay because of inflation in building costs. The Hon. Mr Bossino says *comme ci, comme ça* from a sedentary position. The advice I have is "Q.S 'd" In other words, the advice I have has been worked out to the pound and we are confident that this is a better result than the losses we would have suffered if we had entered into contracts, which we would not have been able to comply with because of the many eventualities that have occurred since we signed the first Hassan Centenary Terraces contract. If you look at the inflation that there has been in that period, in particular in the building trade but just general inflation, this is in keeping with those costs of inflation.

**Hon. K Azopardi:** Does this mean, because it is going to cost £30 million more, that the Hassan Centenary Terraces estate is now being constructed at a loss? And will this result in extra financing having to be obtained by the Government?

**Hon. Chief Minister:** Mr Speaker, affordable housing is always constructed at a loss. There has been no project of affordable housing which has not been constructed at a loss, not least because

we lose the value of the land, because we contribute it at no cost to those who are purchasing property there.

Additionally, most of the estates that we have been involved in – *all* of the Governments have been involved in – have not factored the cost of infrastructure into the cost of the affordable homes. When provided, that has been subsidised by the taxpayer. As I previously announced in the context of these estates, we have factored the cost of the infrastructure in, in a way that was not done before, so we had an element of a cushion. Therefore, to work out the absolute loss when compared to the estates that they developed or that the GSLP first developed is not a straight calculation of saying this is £30 million more.

That is the situation that we are in, and I have debated with the Hon. Mr Bossino before how any properties that are likely to come into the market now, if they are handed back in, will be recalculated on a cost per metre, which is in keeping with the cost of the Government per metre now and not as it was at the time when we sold it.

**Hon. K Azopardi:** I am sure he has not answered the part of the question where I asked is it going to result in extra financing.

**Hon. Chief Minister:** No, Mr Speaker.

**Hon. K Azopardi:** But presumably, given the explanation he has given, the £30 million extra cost would not have been incurred had the project originally kept to the timescale.

**Hon. Chief Minister:** Mr Speaker, if the projects had originally kept to the timescale, it would have been because none of the, as we call them in the law, *novus actus interveniens* would have occurred. That is to say none of the acts that occurred which prevented us from being able to proceed would have occurred, and therefore the question is entirely hypothetical, and I do not think it is appropriate for us to get into hypotheses.

**Mr Speaker:** The Hon. Damon Bossino, who lodged the question.

**Hon. D J Bossino:** Yes ... [*Inaudible*]

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

**Hon. R M Clinton:** Mr Speaker, thank you very much. If I could ask the Chief Minister ... £30 million is not loose change. He will forgive me if my memory is a bit sketchy on this because it was a while back. When we discussed the Eruca structure ... I believe he has raised something like £165 million, which is meant to be, effectively, earmarked for this project development, and maybe whatever is left for others. How has this impacted on that structure in the sense that it now has £30 million less available to it, which I believe – again, my memory may be sketchy on this – was going to be used for some of the other projects, Chatham and Bob Peliza? With the benefit of hindsight, if he had known of this £30 million extra cost, would he have priced the apartments any differently?

**Hon. Chief Minister:** Mr Speaker, we do not have the benefit of hindsight in politics. That is to ask me to hypothesise.

I cannot speak to the Eruca structure on my feet, other than from memory, like he is doing. As he knows, a lot of money comes back into the structure as people complete on the 50%, because they pay into the structure and the structure once again has cash. If we had done all of the projects at the same time, the project outlay at one moment would have been higher and all of the money would have come back at the same time. Here, by doing it in phases, we have at least the advantage that some of the money from the purchases comes back – that is to say the 50%

1770 completions come back – in respect of phase 1 before you reach the highest part of spending on phase 2. So it is swings and roundabouts. The structure is funded earlier, with 50% completions for part of HCT, than it would have been if we had completed all of HCT at the same time, because we would have had to push a lot more money out before getting half of the money back in.

**Mr Speaker:** The Hon. Damon Bossino.

1775 **Hon. D J Bossino:** Grateful, Mr Speaker. In relation to that last question, the £30 million excess amount by way of the price tag, unless the information that I have received is doubtful in relation to this point, does that include a reclamation which needs to be done in relation to one of the blocks, the final block, in phase 2?

1780 **Hon. Chief Minister:** No, Mr Speaker.

**Hon. D J Bossino:** Is he able to confirm the premise of my question that there will require further reclamation to be done in order to complete the final block of phase 2? And if that is the case, how much is that going to cost?

1785 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the agreement in respect of the East Side, where we have already announced publicly that as part of the East Side deal that is being done by the purchaser of the East Side, that reclamation has already been done and the work has already commenced for all of the blocks.

1790 **Hon. D J Bossino:** Is he saying that the purchaser of the East Side is paying for the reclamation on which the fourth block of phase 2 of Hassan Centenary is going to be built? Is that the case?

1795 **Hon. Chief Minister:** Mr Speaker, I would have thought that he reads government press releases, especially on something as important as that, especially when he then comes here to say 'If the information that I have been given ...' The information has been given publicly by the Government in a government press release and I refer him to it so that he reads it, understands it and asks me questions in this House which are not in respect of already publicly available information.

1800 **Hon. D J Bossino:** Mr Speaker, in relation to Question 229, where he has said in answer to the question that in effect there is a 144 shortfall in parking spaces in respect of the first phase of Hassan Centenary, the keys in respect of which are going to be delivered to purchasers in July of this year, does he not accept that there has been a failure to properly plan in relation to that and it is a case of significant mismanagement?

1810 **Hon. Chief Minister:** Yes, Mr Speaker, of course this Government has failed to manage things properly. We are a complete and utter failure. We should not be allowed to continue in office and hon. Members should be ushered in, in great fanfare and with the playing of the *Gloria*, so that they can come back here to do what they did for eight years between 1996 and 2003, which was to build absolutely no affordable houses.

1815 What we have done is deliver more affordable houses in 12 years than they were able to deliver in 16 years. What we have done is to plan properly, and what we have had to do is deal with a pandemic and with leaving the European Union. But despite that, we are delivering. The shortfall is only an interim shortfall and the reason for the shortfall has nothing to do with planning or failing to manage; it is because of design, because the estate is designed as a whole. If it had not been designed as a whole we would be accused of designing an estate that does not hang together as a whole. Because you are still building a second phase, some of the parking is in an area which is common to the first phase and the second phase, and for that reason you will not be able to

1820 have them on the first day. But in order to have them and to have them properly, we will provide for them in the appropriate way, and nonetheless already have a plan to ensure that those who are purchasers in phase 1 and who might not have parking exactly where it was designated that they should have it will have parking that might even be closer to their homes than the one they will eventually have.

1825 I call that excellent planning. I say it is the right way to deal with the contingency and I say that not everything is a great party political point. Some things are just logistically difficult and it is sometimes logistically difficult to deliver in a timeline when you are dealing with reality and not with the Potemkin village that hon. Members appear to want to be dealing with.

1830 **Hon. D J Bossino:** Mr Speaker, I will continue to ask questions and hopefully elicit responses. He has said, not only now but I think in the previous session, that the extra floor at the Eastern Beach car park is designed in part to provide for the shortfall. Is he able to confirm here and now that those 144 spaces will be available when the keys are delivered to residents in July of this year?

1835 **Hon. Chief Minister:** To the first part of the question, no. To the second part of the question, yes.

**Mr Speaker:** Next question.

1840 **Hon. D J Bossino:** I have a supplementary in relation to Question 228 which I would like to ask, which related to the 161 flats that are going to be made available. The Hon. the Chief Minister answered the question very quickly. I think and I hope that I have taken an accurate note of his replies. He has stated which affordable housing developments are going to be releasing which number of government flats. If you do the addition, is it the case that it is in fact slightly higher than the 161, and it is, in fact, 186? Have I taken a wrong note, or is my maths wrong?

1845 **Hon. Chief Minister:** What number did he say he got – 189? Mr Speaker, I cannot get to that number however I calculate these. I am sorry.

1850 **Hon. D J Bossino:** Does the hon. Member get to 161, then?

**Hon. Chief Minister:** In fact, I get to 159, Mr Speaker. I think that may be because of reallocations etc., but it is 159, 161. Those are the numbers we get. I do not know how on earth he gets to 186.

1855 **Mr Speaker:** If I may interject, I think he added the ... said 49 government flats ... released 22 units in phase 1 and 27 in phase 2. Those two together are 49, so he added 49, and 49 plus ... The hon. Member came up with the higher figure.

1860 **Hon. D J Bossino:** Mr Speaker, maybe the Hon. the Chief Minister could repeat the reply. I get 49, 27, 56 and 54, so I have probably got a number wrong.

**Hon. Chief Minister:** I see what he has done, because with the numbers you gave I got to 202 ... 208, sorry. So 49 is the composite of 22 and 27: 22, 27, 54, 56, yes.

**Hon. D J Bossino:** And then it is 49, 56, 54?

**Hon. Chief Minister:** Forty nine, 56, 54, yes, if he wants it that way. Yes.

1870 **Hon. D J Bossino:** And the number slightly lower than the 161 that the Government in previous replies to this House had given would be the direct release of Government's rented accommodation, which would happen once the affordable flats are made available. So then the question is why is there an, albeit slight, discrepancy.

1875 **Hon. Chief Minister:** Mr Speaker, because people may have pulled out for some reason. I think that is probably what I have seen. I think that there are two who were going to hand over flats, who are the ones who have pulled out.

**Mr Speaker:** Next question.

1880

**Hon. Chief Minister:** Mr Speaker, that could lead to having five more flats available because the people who take over might release two or three flats rather than just one, because that is what we give priority to. So that is why everything is an estimation until it is finalised.

1885 **Hon. D J Bossino:** *[Inaudible]*

**Hon. Chief Minister:** Yes.

**Q231/2023**  
**Parliament (Amendment No. 2) Bill 2019 –**  
**Whether similar Bill to be brought to Parliament**

**Clerk:** Question 231/2023. The Hon. the Leader of the Opposition.

1890 **Hon. K Azopardi:** Mr Speaker, does Government intend to bring a Bill to Parliament in the form of or along the lines of the Parliament (Amendment No. 2) Bill 2019?

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

1895 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has no intention of introducing a Bill to increase the number of Members of the Gibraltar Parliament without a further, detailed public consultation process. The question was left to a Select Committee of the Gibraltar Parliament, which has been unable to meet due to the high demands on government time and resources posed by the COVID-19 pandemic and our departure from the European Union, which have logically taken priority. The matter has not been raised by the Leader of the Opposition with me at any time since 2019.

1900

**Hon. K Azopardi:** I have raised before the issue of the meetings of the Select Committee on Parliamentary Reform. Presumably he accepts that.

1905

**Hon. Chief Minister:** Yes, Mr Speaker, we had a discussion about it last month where I said I was surprised that he had not pressed me about it before.

1910 **Hon. K Azopardi:** Mr Speaker, the Government has from time to time said that there were going to be meetings. Indeed, as far as I can recollect, it was said, just after the COVID Unlock the Rock document, that there were going to be meetings, and they did not take place. It is up to the Government to convene the meetings, is it not?

1915 **Hon. Chief Minister:** Yes, Mr Speaker. We got a majority, we can convene the meetings. We did Unlock the Rock and three months after Unlock the Rock we locked down the Rock again because we had something called a second wave. That was 2020, and in December 2021 we had to lock down again and close down every restaurant in Gibraltar. So despite having a majority, what we have not got is a magic wand.

1920 **Mr Speaker:** Next question.

**Q232-33/2023**  
**Blue and green ID cards –**  
**Applications filed and granted in 2022**

**Clerk:** Question 232/2023. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** How many applications for blue ID cards have been filed and granted in 2022?

1925 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 233.

**Clerk:** Question 233/2023. The Hon. the Leader of the Opposition.

1930 **Hon. K Azopardi:** Mr Speaker, how many applications for green ID cards have been filed and granted in 2022?

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

1935 **Hon. Chief Minister:** Mr Speaker, a total of 1,786 applications for blue civilian registration cards and 1,025 applications for green civilian registration cards have been filed in 2022.

**Hon. K Azopardi:** And granted – is that right?

1940 **Hon. Chief Minister:** Yes, Mr Speaker, that is the figure I have been given as filed and granted.

**Q234/2023**  
**Tunnel operating services –**  
**Cost**

**Clerk:** Question 234/2023. The Hon. the Leader of the Opposition.

1945 **Hon. K Azopardi:** Mr Speaker, is the tender award of 20th January 2023 to Jebel Tarik Security Ltd in the sum of £1,041,912 for tunnel operating services a fixed per annum cost, and what is the reason for the high cost of the contract?

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

1950 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the sum of £1,014,912 represents the total value of the award for a *three-year* contract and equates to £347,304 per annum. This represented



the most economically advantageous tender in relation to the award criteria published in the tender notice.

1955 **Hon. K Azopardi:** Oh, I see, it is £347,000 per year, not £1 million a year. I see. All right. As I understand the award, this is a contract to run the control room of the tunnel, and the personnel will be concentrated in the control room. Is that correct?

1960 **Hon. Chief Minister:** Yes, Mr Speaker, and the tunnel control room will be manned on a 24/7, 365-days-a-year basis, with two operators manning the control room at all times. They will require extensive specialist training to undertake their role.

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

1965 **Hon. R M Clinton:** Mr Speaker, I would be grateful if the Chief Minister could advise the House why this tunnel requires this level of supervision, whereas obviously we have other tunnels, perhaps a lot longer than this one and a lot older, and they have no supervision at all. What is so special about this particular – we call it a tunnel in a loose sense of the word – construction, as opposed to the much longer other tunnels we have in the Rock?

1970 **Hon. Chief Minister:** Mr Speaker, it is almost as if the hon. Gentleman were hearing me making the same point to my officials.

1975 Rules as to how tunnels operate have changed and safety standards have changed, and we are required to be able to demonstrate in respect of a new facility – one that is not grandfathered – that we have in place all of the facilities to be able to remove smoke from the tunnel in the event that it is there.

1980 This particular tunnel is also exposed to wave elements and could be flooded at any time. None of our other tunnels could be flooded at any time. The design of this tunnel, which we inherited, is a tunnel by the sea and therefore wave action could overtop and could flood the tunnel completely. The tunnel then has systems and cisterns underneath to be able to take that water.

If it is filled with petrol because there is an escape of a large amount of petrol or fuel inside the tunnel, then there is another cistern that will take petrol and another cistern that will take water. If there is a fire, there are fire retardant cisterns that will operate.

1985 All of those things require to be monitored, not least because the tunnel is under a live, active runway. All of that criteria means that the tunnel cannot be operated in a way that will be deemed to be safe and in keeping with the Government's obligation to operate a safe system unless it is opened with the tunnel control systems manned in this way.

1990 **Hon. R M Clinton:** Excuse my ignorance, but under what regulations does he refer ...? Are these European regulations or international regulations? What regulations are they?

**Hon. Chief Minister:** United Kingdom rules which we have adopted in Gibraltar as well, Mr Speaker.

1995 **Hon. R M Clinton:** So these are UK rules or UK standards –?

**Hon. Chief Minister:** *[Inaudible]*

2000 **Hon. R M Clinton:** But if it is EU rules, presumably it is in our discretion as to whether we want to adopt them or not, if we are no longer in the EU.

**Hon. Chief Minister:** Mr Speaker, these are health and safety rules, and we can disregard them if we wish. We can simply consider that because it is going to cost £300,000-odd a year, we do not

- 2005 give a hoot about health and safety and the highest standards and we will put money ahead of people perishing in a barbecue in a tunnel under a runway. However, that is not a serious way to do government, and therefore, having taken advice on the subject, we felt that there was no alternative but to continue to comply with the highest modern UK and European standards of health and safety in respect of the operation of such a tunnel, although we operate much larger tunnels which have opened in previous times when this was not required.
- 2010 This is not something that we imagined or thought of. When we were elected and we inherited what the Hon. Mr Bossino has called the golden legacy of the GSD, which included the litigation in respect of this tunnel, the litigation in respect of Mid Harbours and the liabilities in respect of the £7 million bond etc., we found a tunnel under construction which included a tunnel control building for exactly this purpose, to be manned in exactly this way, even then priced at a higher
- 2015 per-year amount than the one that we have been able to achieve. So this is what we had. Should we have decided to make a change to the tunnel contract to exclude the tunnel building, we would have suffered a penalty, and so we had no alternative but to progress. Once you have the tunnel building and you have the tunnel control room and you do not operate it, you are exposing yourself to a completely different kettle of liability because you have decided, despite having the
- 2020 safety systems, not to man them if something goes wrong. That would potentially even put the permission that we have obtained from the RAF to go under their runway at risk, because of course we have obtained the permission on the basis that we are going to be able to control a fire in that runway tunnel, if it happens, which protects the integrity of the runway, and that if it floods we are going to be able to deal with it in a particular way, etc. So all of those things are in play and
- 2025 they lead to this part of the golden legacy, Mr Speaker.

**Mr Speaker:** Next question.

**Q235/2023**

**Trade union recognition –  
Consultation re legislation**

**Clerk:** Question 235/2023. The Hon. Ms M D Hassan Nahon.

- 2030 **Hon. Ms M D Hassan Nahon:** What consultation has there been with stakeholders and interested parties regarding the legislation on trade union recognition?

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

- 2035 **Chief Minister (Hon. F R Picardo):** Mr Speaker, firstly, we consulted the public and got popular support for the introduction of trade union recognition legislation at two successive general elections.

- 2040 Secondly, as I told GBC in an interview on *GBC News* on Thursday, 2nd February, the Government published a Command Paper on 18th June 2020 in respect of recognition of trade unions, namely the Employment (Trade Union) Regulations 2020, which was Command Paper 2/2020. This is a public document on consultation published in the lifetime of this Parliament, which the hon. Lady should have notice of.

- 2045 A press release accompanying the publication of the Command Paper invited interested stakeholders to comment on the legislation. To this effect, the Government received multiple comprehensive written submissions highlighting amendments that were subsequently considered by the Government. Submissions were received from Unite the Union; the Gibraltar Chamber of Commerce; the Gibraltar Federation of Small Businesses; the Gibraltar Finance Centre Council, consisting of individual written submissions from the Law Council, the Gibraltar Funds and

Investment Association, the Association of Trust and Company Managers, the Gibraltar Society of Accountants and the Gibraltar Association of Pension Fund Administrators. Furthermore, the Gibraltar Finance Centre Council obtained verbal feedback from the Gibraltar E-Money Association, the Gibraltar Insurance Association, the Society of Trust and Estate Practitioners and the Gibraltar Association of New Technologies. I also met with Unite and with the Chamber on various occasions to discuss this matter as part of our regular engagement.

So there has been very considerable engagement and extensive consultation with stakeholders and interested parties.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, despite all the examples that the Chief Minister cites, there are two very unequivocal press statements, as he will know, from the Gibraltar Chamber of Commerce and the GFSB, where they accuse the Government of no consultation, no reasonable notice, no mention of implementation for three years, no fair notice of legislative change, correcting the Hon. Minister Linares regarding detailed consultation, saying it is highly regrettable.

These are things that these two very substantial bodies in the private sector have highlighted and are black upon white, so my question would be whether the Chief Minister accepts this disconnect, at best, that he may have right now with these two bodies and whether he is keen to repair this broken relationship for the sake of future constructivism and consensus.

**Hon. Chief Minister:** Mr Speaker, I do not recognise any of what the hon. Lady has suggested. There is no disconnect between the Government and the Chamber simply because we have a disagreement as to how much consultation they wanted on this particular thing. We are working with the Chamber on many other things. There is no disconnect between the Government and the Federation of Small Businesses because they say that they wanted more consultation than we have done.

Consultation is something that happens, not something that is necessarily ongoing, and in the context of the way that we have done this – which is to produce a Command Paper and to have the written submissions and then discuss the written submissions, and then go away and produce a new Bill, publish a new Bill, which permits at least six weeks, if we do not certify it as urgent, for consultation, and explain that the new Bill is going to lead to the regulations – I think we have done more, probably, than any other Government has done in respect of most pieces of legislation ever passed by this House.

I recognise, of course, that when you take into consideration only part of what you are told by a particular organisation they want in a Bill, they are not happy that you have only taken into consideration part and that they want you to take into consideration everything that they are putting to you. The union feels the same way. The union says it is very pleased with the legislation, but there are things that they wanted which we have not taken into consideration and things which they put to us in the consultation that we have not taken into consideration. I also do not think that the Government's relationship with the union is broken and needs fixing. It is just that we all have different obligations and we have to push the issues which are relevant either to our members in the context of a union or the context of an employer representative organisation like the Chamber or the Federation, and we have to do what is sometimes a Solomonic exercise of doing what we think is in the right balance between those two entities to deliver the best legislation for our community. We think we have done that. We think it is appropriate. We have put it to the people in a general election that we will do trade union legislation for the recognition of trade unions in the private sector, and that is what we have done.

Our relationship with the Chamber is a very strong one, with the Federation it is a very strong one and with the union it is a very strong one, but as hon. Members would find if they were ever in government, in government you have to decide. You have to decide between competing interests and you have to decide in a way that is balanced, and that is what we have done. Of course I recognise that people have the right to challenge that and to dispute that we have got the right balance, but we think we have got the right balance.

As I said also in my interview on GBC, in the United Kingdom this type of legislation was actually done by a Conservative government, a government which therefore is usually the type of government that would be closer to the thinking of a federation of small businesses or a chamber of commerce. In the context of what we are doing in Gibraltar, the union have criticised us because our legislation is sometimes not as generous to them as the UK legislation done by a Conservative government might be, so I think that is a demonstration of us having got the balance right.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Chief Minister for his reply, but I just wish to remind him that this has nothing to do with me. I am not even actually advocating for any of these bodies. I am just taking the press statements word for word and asking the Chief Minister how he plans to take forward these accusations, which are quite substantial.

Is he saying that he is going to let them subside, instead of facing the issue head on? Is his strategy to just leave it until it is forgotten? Or will he actually engage these bodies in a meaningful way? This is about a breakdown in communication, as I can see, and just trying to repair that relationship with relevant bodies – not that I am actually debating with him the policy angle of it, but just how he will repair this situation.

**Hon. Chief Minister:** Mr Speaker, I just go back to what I have told her. I do not agree with the premise. I do not agree with the way that she thinks that the relationship between the Government, the Chamber and the Federation and the union is at the moment. All of that is entirely wrong. From where I am sitting, we are working very closely with the Chamber and the Federation on other issues and with Unite on other issues, so there is not a breakdown in communication. There is certainly no breakdown of the relationship. Those things are, frankly, fiction and based on *her* reading of the public statements that have been made on one particular issue, the detail of which I have already explained, when in fact the reality of the relationships is completely different.

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

**Hon. R M Clinton:** Thank you, Mr Speaker. I do not want to dwell on the subject matter that the hon. Lady to my left has raised about the discontent from various representative bodies, but would the Chief Minister consider the manner in which the amendment was brought through to the House, in that when he stands up and says the Bill was published and there was six weeks' notice, does he not accept that the notice he gave was for a simple amendment to the employment regulations, if I recall, a one-liner in which the various interested parties and stakeholders, whether it is the unions, the Chamber or the Federation, would not have had the benefit of seeing what the ultimate regulations would look like, whereas of course the Command Paper envisaged the Bill that would be doing exactly what the regulations did? If those regulations had been put in the Bill, it would have allowed all the various stakeholders to peruse it, as he suggests they should have done. I know he is shaking his head from a sedentary position, but wouldn't that have been a better procedure, and therefore, if there was any tweaking to be done, it could have been done before the Bill is read at the final stage, whereas by publishing by way of regulation there is no opportunity for this House even to have had sight of it beforehand?

**Hon. Chief Minister:** Mr Speaker, I am going to assume that the hon. Gentleman has just not understood the procedure that we followed. I will explain it again.

We published a Command Paper. The Command Paper was for a Bill. That Bill became regulations, but it was that Bill, which went to consultation, which people gave us feedback on, which resulted in changes proposed by the Chamber, changes proposed by the Federation and changes proposed by the union to the regulations which we then made.

One of the submissions that we had from one of the parties was that it should be regulations, not a Bill, so that if it required amendment we would be able to provide amendment without

having to bring a Bill to the House to further amend a new Act, and it would be possible for a Government to make amendments to those parts of the regulations which needed to be changed in the future without having to go through the legislative process. So the feedback, the consultation, actually led us to the change in the legislative architecture. And then, when we published the Bill, which, as he says, was a one-line Bill, we published it saying this is to make regulations in the form of the Command Paper that we published and was going to be a Bill – we did not hide away from it – so it was all entirely in keeping with the desire to exchange views with the Chamber, the Federation and the unions, to have their feedback. Part of that feedback was the change in the legislative process.

Nobody was surprised by what was in the regulations because it was the Command Paper with the changes that we had discussed with the parties and we told them we were prepared to make, and then they saw the regulations. Nobody will be surprised, because if they do a document compare between the regulations and the Bill they will see that they are almost identical, except for the changes that have been made as a result of the consultation.

So we think this was a process well done. It was a process in keeping with delivering a manifesto commitment. The manifesto commitment talks about legislation. It does not talk about principal legislation or secondary legislation. We are delivering on a manifesto commitment, and I am just put in mind of the words of the Father of the House, who may or may not be watching us, to say that this is the only place in the world where one gets criticised in Parliament for delivering one's manifesto commitments during a general election campaign.

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

**Hon. R M Clinton:** Mr Speaker, I am grateful again.

Just a final point. This may be a question of procedure, I guess, for the House in the future, but if there is a Command Paper and people have a legitimate expectation to see a Command Paper to produce a Bill, they would have a legitimate expectation to see a Bill, and then if they are happy or not happy with what is in the Bill, they are able to make representations. What the Chief Minister is telling us is that representations were made and taken into account. But that is not ordinarily the way, in my humble view, that a Command Paper should be driven. You should then produce the Bill, and people then have a final opportunity, where we in this House can debate the merits of the Bill as to whether it does what it says on the tin. Again, I am not getting into the merits of what it would have said.

The other point he makes is that by doing it by way of regulation it means we can tweak it later on. We get many Bills in this House where there is a little clause at the end that says the Minister may, by regulation, amend this as he pleases, and that is not unusual, so I cannot see how one representation caused the Chief Minister to change the way in which we legislate in this House. What stakeholder has such influence over the Chief Minister such that he changes the way we legislate?

**Hon. Chief Minister:** Mr Speaker, if I may say so, with the greatest of respect to the hon. Gentleman, everything he has said is complete and utter poppycock. Nonsense. A Command Paper can be published in respect of any legislative instrument. Indeed, it could be published about a policy rather than a piece of legislation. A Command Paper is a consultation. It is something published by command of His Majesty in order to take the views of the general public. So, when we published a Command Paper for a Bill, it did not have to lead to a Bill being published or indeed that Bill. That Bill could have been published with many changes to it, and here the Bill is published with fewer changes to it but simply not as a Bill.

When we debated the one line and we explained that it was for the purpose of making the Command Paper through legislation, through regulations, something which was clear from the notice that appeared on the Bill, none of the hon. Members opposite said, 'Now that you are about to make this legislation, I would like to talk about what it is that you are going to do with it,

2205 and I would like to know how the regulations you are going to make are different to the Bill that you published in the Command Paper.' None of that. They had the opportunity to do it because we had a debate in this House on that one-line Bill and none of them raised the issue.

And then, of course, the idea that they would happily support a clause in a piece of primary legislation that said that the Minister can change any part of the legislation when he wants is also for the birds, because we have all said to each other that we all believe that that is very bad legislation, that legislation to amend primary legislation through secondary legislation must be maintained within very tight tramlines. It must be used only for very particular purposes. We have only given wide powers on one occasion, and that is the Henry VIII powers that the Deputy Chief Minister and I sought in respect of amendments arising from our departure from the European Union, where we accepted in correspondence and in undertakings to this House that we would only use that regulation-making power to amend primary legislation in very defined circumstances.

And so I think everything the hon. Gentleman has said completely misunderstands the legislative process in its entirety. He is wrong, wrong, wrong.

2220 With that, Mr Speaker, I move that the House should now recess for 15 minutes until 20 past six, when we will take the final set of questions and perhaps move on to other matters on the Order Paper.

**Mr Speaker:** The House will now recess for 15 minutes and return at 6.20.

*The House recessed at 6.10 p.m. and resumed at 6.20 p.m.*

## **BUSINESS, TOURISM AND THE PORT**

### **Q168/2023**

#### **Ministry of Tourism trips in 2023 – Details**

2225 **Clerk:** We continue with answers to questions.  
Question 168/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Please provide details of the recent trips conducted by the Ministry of Tourism in 2023, to include the destination, who attended, the cost and the purpose of the visit.

2230 **Clerk:** Answer, the Minister for Business and Tourism.

**Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, trip 1: destination – United Kingdom; attendees – myself, CEO of Gibraltar Tourist Board Mr Kevin Bossino, and Mr John Reyes for the Ministry of Tourism, who was there for two days of the four-day trip; cost – flights £783.87, and hotel £3,136.50; purpose of the visit – tourism-related meetings and meetings with potential investors.

2235 Trip 2: destination – Italy; attendees – myself and CEO of Gibraltar Tourist Board Mr Kevin Bossino; cost – flights £629.54, and hotel £315; purpose of the visit – cruise related.

2240 **Hon. D J Bossino:** In relation to, as he puts it, trip 2, and he says it is cruise related, is he able to give further information in relation to that? It may be related to the other questions I have on the Order Paper. That is possible because it is related to Royal Caribbean and what the Minister has done in respect of that. Is he able to provide that reply?

2245 **Hon. V Daryanani:** Mr Speaker, the hon. Member is absolutely right, it is related to the next question.

**Hon. D J Bossino:** Is he able to provide further information in respect of trip 1, where he said that basically he was ...? I think it had to do with potential investments or potential new business.  
2250 Is he able to state who he met – he is shaking his head; it is probably commercially sensitive – and whether anything has resulted from that?

**Hon. V Daryanani:** Yes, Mr Speaker. As the hon. Member will understand, we are always having meetings with potential investors. It is difficult to mention names across the floor ... tourism-related meetings related to marketing and also to introductions with the new CEO. We are still  
2255 introducing him to people and our contacts in the industry, so a lot of the meetings are also to do with that and also with the work that he is doing in bringing new contacts to us.

**Hon. D J Bossino:** Did he provide the House with the dates of those trips? I do not think he did.  
2260 That is just a small matter of detail, but is he able to provide to this House any information as to any future visits, or is that not information he would be able to share?

**Hon. V Daryanani:** Mr Speaker, when it comes to future visits, sometimes they are planned a couple of weeks in advance, and sometimes ... This trip to Italy was planned 24 hours before I  
2265 actually left, so it is difficult to ...

**Hon. D J Bossino:** Just one final matter of detail. I am not sure he has the information as to the precise dates, but does he have the precise destinations? He says UK and Italy, but I am not too  
2270 sure that he has provided the exact cities in those countries.

**Hon. V Daryanani:** Mr Speaker, in the question there is no request for dates. I am happy to provide them, of course, if he wishes.

Insofar as the United Kingdom is concerned, it was London, and Italy was Venice.

#### **Q169-71/2023**

#### **Royal Caribbean –**

#### **Enquiries and plans to mitigate re non-inclusion of Gibraltar in itinerary; last contact with Department of Tourism**

**Clerk:** Question 169/2023. The Hon. D J Bossino.  
2275

**Hon. D J Bossino:** What enquiries has the Government made of Royal Caribbean in respect of its decision not to include Gibraltar in any of its itineraries for 2024?

**Clerk:** Answer, the Minister for Business and Tourism.  
2280

**Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, I will answer this question together with Questions 170 and 171.

**Clerk:** Question 170/2023. The Hon. J. Bossino.  
2285

**Hon. D J Bossino:** When was the last time that the Minister for Tourism or anyone in his Department had contact with Royal Caribbean before January 2023?

**Clerk:** Question 171/2023. The Hon. Miss M D Hassan Nahon.

2290

**Hon. Ms M D Hassan Nahon:** Does government have a plan to mitigate the departure of Royal Caribbean cruise liner stops in Gibraltar?

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

2295

**Hon. V Daryanani:** Mr Speaker, the last time I met with Royal Caribbean officials before January 2023 was three months earlier, in October 2022. Approximately two weeks ago, CEO Mr Bossino and I met with Royal Caribbean to discuss their 2024 itinerary.

2300 In answer to the hon. Lady, there is no departure of Royal Caribbean, as she puts it. What we have seen is one brand of the Royal Caribbean Group taking the decision not to stop in Gibraltar during 2024 due to operational reasons. This means that Royal Caribbean will not be operating as they used to in the Western Mediterranean. It is not that Gibraltar has been dropped, it is that this brand of the Royal Caribbean family will be elsewhere in the world for that season. Four of the other brands from Royal Caribbean will continue to visit Gibraltar in 2024.

2305 The Government will continue engaging with all cruise companies to increase calls to Gibraltar, as we have done.

**Mr Speaker:** The Hon. Damon Bossino.

2310 **Hon. D J Bossino:** Mr Speaker, there is quite a lot in that reply which I think is deserving of specific supplementary questions.

2315 When he says that he last visited officials within Royal Caribbean in October 2022, and given what I took as his surprise when I put it to him during the course of the last question and answer session that Royal Caribbean was not coming in 2024, did they not advise him then what their intentions were in relation to the 2024 itinerary?

2320 **Hon. V Daryanani:** Mr Speaker, I have answered the hon. Member's and the hon. Lady's three questions. Having consulted with Cabinet colleagues and with the CEO of the Tourist Board, the Government would ask hon. Members not to seek to further address this matter across the floor of the House in further supplementary exchanges.

2325 The company in question is a publicly listed company. Any reference to it in our Parliament is scrutinised by shareholders etc. and those advising the company. Understandably, a large multinational corporation such as this prefers not to involve itself in politics, especially when the decision to reposition away from the southern Western Mediterranean has nothing to do with politics, the excellent tourist offering in Gibraltar or anything else Gibraltar specific. A lot of the matters which are the subject of discreet discussion at the moment are, moreover, commercially sensitive. Many people abroad are aware and are listening to statements being made in this House. The Government is clear that such remarks are now prejudicing Gibraltar's opportunities and position.

2330 I am happy to brief the hon. Member and the hon. Lady on a confidential basis in my office tomorrow at 12 noon and answer any questions they may have. Indeed, I believe that we can even work together in some ways that would benefit Gibraltar, and I will not be shy to give them credit if we are able to do so when we see the fruits for Main Street, our transport sector and the whole of Gibraltar.

2335 Thank you, Mr Speaker.

**Hon. D J Bossino:** Mr Speaker, there is a lot there that I do not accept the premise of, but I hear what the hon. Member says.

2340 As to a specific time tomorrow – he says 12 p.m. – I am not sure that I will be available, for example, but it is not necessarily a general invitation that I would necessarily shy away from. I am



not saying no to a possible meeting with him to be briefed in relation to this, but I think this is a matter of public interest. It is a matter of public concern.

Just to press him further, is he telling us that the question I posed, which is what elicited that response – I will not describe the response; if we say it was a response ... is he not able to provide that information? I simply said was he not advised in October 2022 of Royal Caribbean's decision not to come to Gibraltar in 2024? That is the only question I asked. Is he saying that is a veil we cannot pierce because it falls under all the things he has just said, that it is not possible to provide that level of detail? He was surprised when I put it to him in the last question and answer session, so I am assuming and I think he can say that he was not advised in October 2022 of Royal Caribbean's decision in relation to the 2024 itinerary.

**Hon. V Daryanani:** Mr Speaker, the hon. Member was asking me what I was told in a private meeting with a commercial entity discussing Gibraltar, and as I said, this is something that not only is Royal Caribbean listening to, but all cruising companies are listening to – our competitors are listening to. He does not expect me to discuss here, across the floor, what I am discussing with cruise companies so that our competitors can also be aware of that. That is why I am telling him I am happy to give him all the information that he wants on a confidential basis, so he knows the work I am doing. I am happy to talk to him whenever he wants.

**Hon. D J Bossino:** Mr Speaker, this is a matter of public interest. It does impact heavily in respect of one of our main economic sectors, tourism, and it has elicited a lot of public interest. It is my duty to point out to him these things, but he needs to provide us with the answer, in my view. He has provided some information and I would ask him to perhaps develop that a bit further.

He said, during the course of his answer – I am paraphrasing, and if I am wrong he needs to correct me, but I am paraphrasing – that the decision by Royal Caribbean, and I think I took an accurate note, has nothing to do with Gibraltar's excellent tourism offering. Is he able to discard that as a possibility? In other words, it is not that Royal Caribbean is not coming to Gibraltar because of anything in respect of our tourism offering? Is that what he is saying?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, what the Minister has said is that it is not in the public interest of Gibraltar that we continue these exchanges, that he will tell the hon. Gentleman and the hon. Lady why, that there is a way that we might be able to turn this around for Gibraltar but that it has to be relatively discreet at this stage. He has consulted with me and with other Cabinet colleagues. We have agreed that position. It is a position of the Government. It is not a position that we have taken lightly.

Of course there is interest in people knowing what these issues are. The hon. Gentleman has then asked the Minister to disclose what was said to him in a private meeting with this company. He has then, when the answer has been the same, said, 'Well, can you tell me whether it is this reason or that reason?'

Mr Speaker, I think that we should be very clear with the hon. Gentleman. We have wanted to be very constructive. We think that there are issues in which governments and oppositions can work together. We think this is one of them. We think there is an opportunity of actually producing something very positive for Gibraltar. We are extending an opportunity for him to come and form part of that discussion. The meeting can be tomorrow at 12, or no doubt we can reschedule it for when his diary permits him to be able to discharge his functions as a public elected official and come and meet with the Minister. No problem. If he has other things to do which are more important than discharging his functions as an elected official, it is up to him, but that is our position. So I put it to the hon. Gentleman that he should consider the Government's position as being a position of good faith and of seeking to take the matter forward together for the benefit of Gibraltar, which is really the public interest of Gibraltar, and that any other interests that he may wish to pursue, any other curiosity, any other answers that he may wish to have at this stage are of interest but not in public interest, because in public interest we all know what it would be.

2395 Any other questions that will be asked, Mr Speaker, will be politely met with the similar invitation to come and work with us and hear the information that we are willing to impart to him and to the hon. Lady discreetly. If he does not want to come and she does, she will be very welcome, as usual, and we will continue to try to work in the interests of Gibraltar and not fall for partisan traps on issues such as this.

2400 **Hon. D J Bossino:** Mr Speaker, I have to characterise what the hon. Members are doing as nothing but a brick wall response, and I must say I am very surprised because they very often – very often indeed – pray in aid the public interest issue. But this is a matter which is of public interest. It affects and impacts. It is a very serious decision which has been taken by, as he puts it, a very important commercial entity in this sphere, Royal Caribbean, and I think it is proper that this should be fully ventilated in public.

2405 I will continue to ask the questions, which I hope, bearing in mind what the hon. Members have said ... I do not accept their position, but that is the answer that we have had, so I am going to pursue a line of questioning which hopefully will elicit some response. I thought that my previous supplementary question was fair enough and specific. Now I will ask this. I think he said that the Italy visit to Royal Caribbean was to discuss their 2024 itinerary. We know what Royal  
2410 Caribbean's position is in relation to 2024, there will be zero visits to Gibraltar, but is he able to provide any information at this stage as to whether Royal Caribbean will change its mind, will change its position in relation to Gibraltar and have visits beyond 2024, which would be something which would be very welcome, certainly by me and on this side of the House?

2415 **Hon. Chief Minister:** Mr Speaker, the Government does not pray in aid the public interest when it is not in the public interest that we should do so. The Government is very careful before praying in aid the public interest. Nothing could make me happier, given what I know and the hon. Gentleman has told me, to see the Hon. Minister deploy the information that we have and batter the hon. Member around this House, but we believe that it is in everybody's interest, the public  
2420 interest, the public interest of our tourist sector, the public interest of our tour operators, of our shore excursion agents, of our Main Street, that we share information that we have – some of it may be what the hon. Gentleman is asking us, but discreetly at this stage for the reasons that the hon. Gentleman has already set out.

2425 The hon. Gentleman, in getting up and insisting, despite what he has been told, is, in my view, demonstrating that he does not care about whether something is in Gibraltar's interest or not, and therefore the Government's answer will remain the answer that I and the Hon. Minister gave a few moments ago. However many times we are asked, however many questions we are asked, all of the information we will impart to the hon. Gentleman tomorrow at midday, or at such other time as he is able to make himself available to discharge his obligations as a public elected official,  
2430 in an attempt to work with the Opposition to deliver a better result for Gibraltar, which at the end of the day is why we are here in this House.

**Hon. D J Bossino:** Mr Speaker, it is very obvious and clear what the Government is doing. It is as old as the hills. We have seen it before, indeed, in previous administrations when these  
2435 gentlemen are ... when the hon. Members – excuse me – are in office, but it is very clear what they are doing.

Let me pursue this line of questioning. Is he able to ...? Let me just take umbrage at the characterisation of the intentions, as far as I am concerned. I am not doing this for political reasons. *(Laughter and interjections)* I am doing this because it is an important matter of public  
2440 policy and it does have an impact on our economic well-being.

Can I ask the Hon. the Minister for Tourism, who I would assume is the one who had allowed his spokesman from his Department to say that, at the moment – and I am quoting from the *Gibraltar Chronicle* article on the matter – the ports of Malaga and Cadiz will only receive one call

from the brand in 2024 ...? Will he accept that that is, in fact, incorrect, and that Malaga will be receiving five calls in 2024 and Cadiz three?

**Hon. Chief Minister:** Mr Speaker, the hills are alive with the sound of selfishness. I refer the hon. Gentleman to the answer I gave a few moments ago.

**Hon. D J Bossino:** By that, do I take it, Mr Speaker, that the Government is not even willing to accept that it was incorrect and imprecise when it said that only one call had been received in Malaga and in Cadiz, which is totally wrong, and that they are not willing to provide that information by way of confirmation that they were wrong because it is contrary to Gibraltar's public interest. Is that really the position?

**Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

**Mr Speaker:** We are not making much headway here. Just ask a further question and then we will move on to –

**Hon. D J Bossino:** Mr Speaker, I –

**Mr Speaker:** I think we need to do things ... I understand, but let's do things as I would like to see them being done. Okay, one final ... and then we will go on to the hon. Lady.

**Hon. D H Bossino:** Mr Speaker, I agree with the Chair's description that we are certainly making very little headway, but it is what it is.

This is an aspect which, as I have said during the course of my supplementaries, is going to have, I think, an impact in terms of our economic activity in this area. Is he able to confirm across the floor of the House that in fact another commercial entity, Cunard, is not coming to Gibraltar in 2023?

**Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer we gave a few moments ago.

**Hon. D J Bossino:** I have another question, but ...

**Mr Speaker:** As I said before, I do not think we are going to be moving forward in any practical way, so we will now ask the hon. Lady to ask her supplementary.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, regarding the dimension that I have about a supplementary, it is not actually about Royal Caribbean. They have left, they have taken those slots and it is happened already, but the fact of the matter is that this actually represents a gap for our businesses because they have stopped coming, so my question was moving away from that, actually. Does the Government hold a vision on a strategy to fill this gap at home, be it another tourist product completely?

I am happy to accept an answer now, or I am available to meet the Minister tomorrow.  
Thank you.

**Hon. V Daryanani:** Mr Speaker, I thank the hon. Lady for wanting to meet me tomorrow and discuss this further.

**Mr Speaker:** That completes the oral question and answer session. (*Interjection*) I beg your pardon, it is my mistake. There is still one, which is Question 172. I beg your pardon.

**Q172/2023**

**Termination of easyJet Edinburgh route –  
Discussions held with easyJet or other carriers**

**Clerk:** Question 172/2023. The Hon. Ms M D Hassan Nahon.

2500 **Hon. Ms M D Hassan Nahon:** What discussions have there been, if any, with easyJet or any other air carriers since the Edinburgh route pulled out, in order to mitigate or replace the loss of travellers from this cancelled route?

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

2505 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, easyJet took the decision to no longer fly the Edinburgh route because it was not financially viable. They have said they will keep the route under review for the future. No discussions have yet taken place with other airlines about this route.

2510 **Hon. Ms M D Hassan Nahon:** Mr Speaker, does the hon. Member have any data as to how much tourism – not people from our community, how much tourism – we may have lost? Again, I am happy to discuss this at another time if he considers it something that could be counterproductive to be discussed now, but this is the data that I am after in order to understand how this actually impacts our tourist product.

2515 **Hon. V Daryanani:** I will have to check on the exact date for that, but obviously the fact that easyJet have stopped the route is because the route was not popular enough and they actually made a loss on the route.

## Questions for Written Answer

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Question W8/2023.

2520 Written Questions W9/2023 to W14/2023 were questions from Mr Clinton to the Hon. Mr Bossano. Those are not yet ready and Mr Bossano is not available to answer questions in this House which are oral questions, so I wonder whether we might have a discussion about how we deal with those within the five-day window for decision, and indeed even the written questions that would usually have been available for distribution at this stage.

2525

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

**Hon. R M Clinton:** Mr Speaker, I obviously wish Sir Joe well and that he recovers as soon as possible.

2530 I am happy to take the oral questions that I had tabled for Sir Joe as written, and if I can have those as soon as they are available I would be grateful if I would be allowed leave to ask supplementary questions on those in due course.

2535 **Mr Speaker:** Absolutely. At the next meeting of the House, in March, any supplementary questions arising from the questions which have been converted into written questions will be allowed in the form of questions.

**Hon. K Azopardi:** Mr Speaker, can I just get clarity? There were a couple of questions of mine that have not arisen, but one of them in particular I would not have thought would ordinarily have been answered by Sir Joe, so I just want some clarity from the Government as to whether they are taken by Sir Joe, because one of them in particular ... There are two questions. One is on changes to the pension rates for married and unmarried couples. That might be a Sir Joe question, I accept that, and might be on his list. But there is another one, where I was asking Government to consider introducing regulations on the registration of personal details of reload or burner phones. I do not know whether that would be taken by Sir Joe.

**Hon. Chief Minister:** Communications.

**Hon. D A Feetham:** I would opt to defer the questions to the next session of Parliament.

**Mr Speaker:** Does any other hon. Member in the Opposition wish to defer their questions? They can be asked at the next meeting of the House.

**Hon. K Azopardi:** For clarification before I make my decision, Mr Speaker, if we ask for a written answer, will we be able to ask supplementaries on it next time?

**Mr Speaker:** Absolutely. That is the ruling we did in the past, yes.

**Hon. K Azopardi:** For clarity, on the basis that we file fresh questions or on the basis that we can get up and ask questions?

**Mr Speaker:** Fresh questions.

**Hon. K Azopardi:** Well, then, Mr Speaker, I will ask for answers to be supplied to my questions.

**Mr Speaker:** Written answers? This is for the Hon. Damon Bossino also? You want it in written ...?

**Hon. D J Bossino:** *[Inaudible]*

**Mr Speaker:** Right. And I think in respect of Roy Clinton, yes, the same.  
The only change in that is the Hon. Daniel Feetham, who will want to ask the questions at the next meeting of the House.

### Adjournment

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn until tomorrow at 5.30 in the afternoon.

**Mr Speaker:** I now propose the question, which is that this House do now adjourn to Wednesday, 15th February at 5.30 p.m.

I now put the question, which is that this House do now adjourn to Wednesday, 15th February at 5.30 p.m. Those in favour?

**Hon. K Azopardi:** Mr Speaker, can I just —?

**Several Members:** Aye.

2585 **Hon. K Azopardi:** Sorry, can I just clarify on a point of order because I thought last time when we had spoken there was quite an explanation given about supplying the business Agenda of the House so that people can plan their diaries. Yesterday we were given the business Agenda, which said that we would take some business today and some business tomorrow, and then about 15 minutes before today's session we were served with a new agenda, which told us that we were taking all the business today. It was only 15 minutes' notice, but if that is the reorganisation on the basis that we had time to do it ... we thought that we were going to take the whole Agenda. But suddenly we are now back tomorrow without any advance notice. It is not what I thought the break and new rules were going to do. I thought that we were going to organise ourselves properly and I do not understand why it is necessary to give us such short notice of it.

2595 **Hon. Chief Minister:** Mr Speaker, there is nothing I can do. They took three hours to ask me questions. Looking at the number of questions and the subjects and the answers I had, I thought we could deal with them in an hour to an hour and a half, and therefore we would have an extra hour and a half to deal with questions. We also have said that we do not want to sit very late if we can avoid it, because that is also not conducive to being able to have the best business practices. People need to be able to go to their families etc. We feel that if we start now with the motion etc., we are going to be here until nine or 10 at night, and that is not conducive. Unfortunately, Mr Speaker, they did not give us any notice that they were going to keep me for three hours instead of one, and so ... I do not mind, I enjoy it, I answer for three hours, but that means that we are three hours closer to the late evening. That is why the timetable says it is published in order to assist the public but parliamentary business may have to change at short notice or may be delayed by the length of debates, and as a result we have to come back tomorrow. I am sorry to impinge on their Wednesday.

2610 **Mr Speaker:** If I may comment on that, I would like to see the system that has recently been introduced, which has been working fairly well, continue.

**Hon. D J Bossino:** Just insofar as diary management is concerned for tomorrow, if the Government might indicate what their position is on the motion and we can ... It might be helpful.

2615 **Hon. Chief Minister:** We look forward to the debate is our position, Mr Speaker.

**Mr Speaker:** We are going to continue with the procedure for the adjournment. I believe the hon. Lady wishes to say something.

2620 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I would just like to put on *Hansard* that, to me, this new arrangement gives us no more clarity than it did before. In fact, it is more confusing, I would have thought. We had three days, then we were told two, now it is three. From where I am at, from seeing that yesterday as an example, I thought I had the evening to prepare for the motion tomorrow. Then I came in, I started rushing, I wrote it, and then we were told otherwise from the paper, and then we are back. To me, if anything, it seems a little disrespectful to this side of the House because we keep catching up ... We are supposed to have enhanced communications with this, and it is actually more confusing.

2630 **Hon. Chief Minister:** Mr Speaker, the Government is trying to give hon. Members more notice than we have to of the business of the House, to enable them to plan their lives better. We are also trying not to sit very late, to enable them to have a family life, which is also something that is important. Instead of keeping them here for three days, we tried to keep them here for two days because we thought the business could all be resolved in two days. We are down one Member of the Government, so there is one set of questions less.

2635 I am very sorry that, for what they earn, they feel it is terrible that they have to come three times a month to the House. *(Interjections)* I am very sorry. We will continue to do our best to provide as much advance notice as we can, but if the questions take longer than is reasonable, then the session takes longer than is reasonable and we cannot finish in the time allotted, and that affects their timetable.

2640 The disrespect comes from people who, from a sedentary position, make remarks across the floor of the House designed simply to try to drown out *(Interjections)* why the Government is explaining we cannot keep the standards –

**Hon. K Azopardi:** [Inaudible] to this House and to the Members of the House.

2645

**Hon. Chief Minister:** Mr Speaker, the Hon. the Leader of the Opposition is behaving like a bar room lawyer. He is shouting from a sedentary position simply because he thinks that coming tomorrow is too much of an effort. *(Interjection by Hon. K Azopardi)* Well, I move that the House adjourn to tomorrow, that we come for three days this month and that they earn their keep for once – that they earn their keep, that they realise that this Parliament is the place where we debate, that we debate properly and that we have a consideration of all of the issues that are relevant, and let us consider what are the issues that are in the public interest of Gibraltar and not what the hon. Member wants to do. *(Interjection by Hon. K Azopardi)*

2650

I put it to him that the best thing he could do is to calm down and settle down and not continue to shout *(Interjection by Hon. K Azopardi)* from the position where he is standing up when another Member is already speaking and on their feet, which is contrary to the Rules of the House, *(Interjection by Hon. K Azopardi)* because in this House, when a Member is on their feet, nobody should be trying to make them [inaudible]. *(Interjection by Hon. K Azopardi)* One Member standing up should be respected and the other Member should sit down. That is exactly what the Rules of the House provide for and what we are not seeing from a Leader of the Opposition who has behaved really like no other Member of this House has behaved in all of the time I have been here, in a boorish and improper fashion.

2655

This is the sort of thing that gives politics a bad name. It gives all of us a bad name out there. We should behave with respect to each other. We are trying to bring a new system to this House so that people know when they have to be prepared, people know when they are going to be facing a Bill. What we are being asked to do by the manner of behaviour of Members opposite is to go back to the way that *they* used to run the House, which was to surprise everyone with the Agenda when they wanted to. We will not behave like that. We will try to continue to act in keeping with your ruling, Mr Speaker, and try to stick to an agenda. But where we cannot, we cannot, in particular where we cannot because they have kept us longer on some subjects, of which we make no complaint – they are entitled to. We make no complaint, but we then cannot stick to the Agenda. If we say something is going to happen at four o'clock and they are still asking us questions at five o'clock, then it cannot happen, and the hon. Gentleman should not be so upset about that. He should realise that there are exigencies that apply to the way the timetable is planned and delivered against and we should really not be giving this sort of show to the public, because that is what turns them off all politicians.

2660

**Hon. K Azopardi:** Mr Speaker, I am not giving a show to any –

2680

**Mr Speaker:** Hold –

**Hon. K Azopardi:** I am not cross on the issue.

**Mr Speaker:** Please resume your seat. If the Hon. the Leader of the Opposition wishes to speak, then he seeks my authority to rise and say a few words.

2685

**Hon. K Azopardi:** I thought I had.

**Mr Speaker:** Well, you had not, but anyway, you are asking now – fine.

2690

**Hon. K Azopardi:** Mr Speaker, I am not cross and I understand when things need to be shifted. The reason for my reaction is because the hon. Member goes beyond making the point that he did, that the Agenda needed to change for a legitimate reason. He made a big song and dance about the rules changing to help everybody, but then he mucks the Members on this side of the House around by moving the Agenda around in the way that has been discussed. That is the issue.

2695

The more fundamental issue is that the reason I reacted in the way that I did is because he disrespects Members on this side of the House by raising the issue of our salaries and what we earn and all of that. We never make that point. We never say that they earn double or triple what we earn, and for that reason they should be doing this, that and the other. We never raise that because *that* is what gives politics a bad name, when people talk about the salaries of the Members on this side or that side. He does that for effect and he knows it. He knows he does that, and he overextends himself deliberately. So he is the one who is giving politics a bad name sometimes – not always, but sometimes he does, and he does it deliberately, Mr Speaker.

2700

2705

**Hon. Chief Minister:** Mr Speaker, in rounding up on –

**Mr Speaker:** A final word.

2710

**Hon. Chief Minister:** Mr Speaker, I am rounding up on the adjournment. I think that the Government's desire to bring a structured timetable to this process is one that is entirely laudable. I think that the Opposition have understood, at least in the way that the Hon. the Leader of the Opposition has now presented it, that where we are unable to keep to the timetable it is not because we want to muck them about, although he has also said that we muck them about. I do not know how it is that we muck them about by continuing to answer their questions, which is what puts us off the timetable that we try to provide for them. The reality is that this is chaff. What matters is that we are going to be dealing with legislation and motions tomorrow, that we want to be able to do that in a way that is efficient.

2715

And yes, Mr Speaker, frankly, I do not think that it is unfair to refer to the fact that hon. Members earn a salary to be Members of this House and that they come for three days a month. It is not true that our salaries are not referred to. We have had our salaries referred to by hon. Members opposite on a number of occasions, as *Hansard* will disclose. Frankly, I am one of the ones who believes that every Member of this House is entitled to draw a remuneration for being a Member of this House, but they are also entitled to be asked by their constituents and by their fellow parliamentarians to understand that they draw a salary to be Members of this House and therefore, when they are asked to be in this House, they should not be complaining that they are being asked to be in this House.

2720

2725

With that, Mr Speaker, I move that the House should now adjourn to tomorrow at 5.30.

2730

**Mr Speaker:** I now propose the question, which is that this House do now adjourn to Wednesday, 15th February at 5.30.

I now put the question, which is that this House do now adjourn to Wednesday, 15th February at 5.30. Those in favour? (**Members:** Aye.) Those against? Carried.

This House will now adjourn to Wednesday, 15th February at 5.30.

*The House adjourned at 7.00 p.m.*





# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 5.31 p.m. – 6.46 p.m.**

**Gibraltar, Wednesday, 15th February 2023**

## Contents

<b>Order of the Day .....</b>	<b>3</b>
<b>Bills .....</b>	<b>3</b>
<b>First and Second Reading .....</b>	<b>3</b>
Medical (Group Practice Scheme) (Amendment) Bill 2022 – First Reading approved.....	3
Medical (Group Practice Scheme) (Amendment) Bill 2022 – Second Reading approved .....	3
Medical (Group Practice Scheme) (Amendment) Bill 2022 – Committee Stage and Third Reading to be taken at this sitting .....	5
Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 – First Reading approved	5
Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 – Second Reading approved.....	6
Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 – Committee Stage and Third Reading to be taken at this sitting.....	7
Gibraltar Port Authority (Amendment) Bill 2020 – First Reading approved .....	7
Gibraltar Port Authority (Amendment) Bill 2020 – Second Reading approved .....	8
Gibraltar Port Authority (Amendment) Bill 2020 – Committee Stage and Third Reading to be taken at this sitting .....	8
<b>Committee Stage and Third Reading.....</b>	<b>8</b>
Medical (Group Practice Scheme) (Amendment) Bill 2022 – Clauses considered and approved.....	9
Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 – Clauses considered and approved.....	9

Gibraltar Port Authority (Amendment) Bill 2020 – Clauses considered and approved.....	10
Medical (Group Practice Scheme) (Amendment) Bill 2022 – Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 – Gibraltar Port Authority (Amendment) Bill 2020 – Third Reading approved: Bill passed.....	10
Private Member’s Motion.....	11
Miscarriage, ectopic and molar pregnancies – Amended motion carried.....	11
Adjournment .....	20
<i>The House adjourned at 6.46 p.m.</i> .....	21

# The Gibraltar Parliament

*The Parliament met at 5.31 p.m.*

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

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

## Order of the Day

### BILLS

#### FIRST AND SECOND READING

#### **Medical (Group Practice Scheme) (Amendment) Bill 2022 – First Reading approved**

**Clerk:** Meeting of Parliament, Wednesday, 15th February 2023.

(ix) Bills – First and Second Reading.

5 A Bill for an Act to amend the Medical (Group Practice Scheme) Act to ensure that the dependants of persons registered on the Group Practice Medical Scheme by virtue of undertaking a full-time academic course at the University of Gibraltar will not be considered dependants under the Medical (Group Practice Scheme) Act.

The Hon. the Minister for Digital, Financial Services, the Health Authority and Public Utilities.

10 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**  
Mr Speaker, I have the honour to move that a Bill for an Act to amend the Medical (Group Practice Scheme) Act to ensure that the dependants of persons registered on the Group Practice Medical Scheme by virtue of undertaking a full-time academic course at the University of Gibraltar will not be considered dependants under the Medical (Group Practice Scheme) Act be read a first time.

15 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Medical (Group Practice Scheme) Act to ensure that the dependants of persons registered on the Group Practice Medical Scheme by virtue of undertaking a full-time academic course at the University of Gibraltar will not be considered dependants under the Medical (Group Practice Scheme) Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

20

**Clerk:** The Medical (Group Practice Scheme) (Amendment) Act 2022.

#### **Medical (Group Practice Scheme) (Amendment) Bill 2022 – Second Reading approved**

25 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**  
Mr Speaker, I beg to move that the Bill for the Medical Group Practice Scheme (Amendment) Act 2022 be read a second time.

This short Bill introduces a change that is required in order to establish that a person will not be able to register on a medical group practice scheme established under the Medical Group Scheme Act by virtue of being the dependent of a student enrolled on a full-time academic course at the University of Gibraltar.

30 The Bill, in conjunction with supporting amendments to its subsidiary legislation, as well as the Bill for an Immigration, Asylum and Refugee (Amendment) Act 2022, will put the University of Gibraltar on a competitive financial footing with its counterparts in the UK by offering those on a full-time academic course at the University who also require private medical insurance the option to pay for access to our own medical scheme.

35 These changes are beneficial to all parties involved and are a clear sign of Government's continued commitment to Gibraltar and its educational institutions.

Mr Speaker, I commend this Bill to the House.

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

**Hon. E J Phillips:** Mr Speaker, I thank the Hon. Minister in relation to his explanation. He did kindly explain the rationale yesterday and this Bill will enjoy the support of the Opposition.

45 **Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Daniel Feetham.

50 **Hon. D A Feetham:** Mr Speaker, I have not understood this and I would appreciate it if the Hon. the Minister might explain by reference to an example that I am just going to put to him. Honestly, I just have not understood the purpose of the Bill. For example, if one of our children at university, God forbid, contracts cancer or something like that, would they be able to be treated through the GHA in the normal way – in other words, at public expense in Gibraltar – or would they, because they are in full-time education at university, have to go through the NHS in the UK, which, God forbid, is in a worse state than the GHA here in Gibraltar?

55 **Mr Speaker:** The Hon. Gilbert Licudi.

**Hon. G H Licudi:** Mr Speaker, thank you.

60 The explanatory memorandum talks of somebody not being a dependent for the purposes of the Medical Group Practice Scheme Act by virtue of being a dependent of a person enrolled at the University of Gibraltar on a full-time academic course. The actual amendment that is being made refers to someone who is enrolled at the University of Gibraltar on a full-time academic course who has been charged and paid the student health surcharge to the University of Gibraltar. Could I ask the Minister simply to confirm that the reference to persons on a full-time academic course in Gibraltar does not include those Gibraltar residents who are already part of the scheme, notwithstanding that they are enjoying a full-time academic course at the University? In other words, there may be circumstances where there may be foreign students who come and undertake a full-time academic course at the University of Gibraltar. They are charged the student health surcharge and therefore their dependents are not entitled to be treated as dependents for the purposes of the scheme. So it is not the case – and I would just ask the Minister to clarify that it is not the case – that this applies to any person carrying out a full-time academic course, for example the children of Mr Feetham or anybody else who is enrolled under the scheme, but only those who come from abroad and are charged this particular surcharge.

75 **Mr Speaker:** Does the mover of the Bill wish to respond?

**Hon. A J Isola:** Yes, Mr Speaker, I will respond. I will confirm to my hon. Friend and colleague Mr Licudi that that is indeed the case. The Bill solely strikes at those who are not already members of the GPMS scheme and who come from outside, and therefore are not otherwise eligible for membership of the scheme, to become members of the scheme if they make the contribution and if they are in full-time education at the University of Gibraltar. That is the sole purpose of the Bill and those are the only people affected by it.

I am not sure I quite understood the hon. Member's question. This has no impact on any of our students outside. It is simply –

**Hon. A J Isola:** Yes, it simply applies here in Gibraltar in respect of those coming into the jurisdiction, not members of the scheme who wish to be members of the scheme. They will have to pay both full-time education and the contribution. I hope that –

**Hon. A J Isola:** Thank you.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Medical (Group Practice Scheme) Act to ensure that the dependants of persons registered on the Group Practice Medical Scheme by virtue of undertaking a full-time academic course at the University of Gibraltar will not be considered dependants under the Medical (Group Practice Scheme) Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Medical (Group Practice Scheme) (Amendment) Act 2022.

**Medical (Group Practice Scheme) (Amendment) Bill 2022 –  
Committee Stage and Third Reading to be taken at this sitting**

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

**Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Gibraltar Merchant Shipping (Safety, etc.) Act 1995 in order to extend the functions of the Maritime Administrator for the purposes of compliance with instruments of the International Maritime Organisation, and in particular, the IMO Instrument Implementation Code (III Code, Resolution A.1070(28)).

The Hon. the Minister for Business, Tourism and the Port.

**Minister for Business, Tourism and the Port (Hon. V Daryanani):** I have the honour to move that a Bill for an Act to amend the Gibraltar Merchant Shipping (Safety, etc.) Act 1995 in order to extend the functions of the Maritime Administrator for the purposes of compliance with instruments of the International Maritime Organisation, and in particular, the IMO Instrument Implementation Code (III Code, Resolution A.1070(28)) be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Gibraltar Merchant Shipping (Safety, etc.) Act 1995 in order to extend the functions of the Maritime Administrator for the purposes of compliance with instruments of the International Maritime Organisation, and in particular, the IMO Instrument Implementation Code (III Code, Resolution A.1070(28)) be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Act 2020.

**Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 –  
Second Reading approved**

**Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Gibraltar Merchant Shipping Act 1995 be read a second time.

The Bill, together with the next Bill on the Order Paper to amend the Gibraltar Port Authority Act 2005, introduces obligations on the Gibraltar Maritime Administrator and Gibraltar Port Authority respectively to (a) assign responsibilities to monitor, update and revise policy in order to comply with International Maritime Organisation obligations and (b) to advise the Government on the legislation, guidance and procedures required to ensure the consistent implementation and verification of the IMO obligations.

In short, this Bill and the Bill to amend the Gibraltar Port Authority Act 2005 impose duties on the Gibraltar Maritime Administrator and Gibraltar Port Authority to ensure that laws and policies are implemented as required by the IMO. The reason why the amendment is required in both Acts is because each Act deals with different areas of responsibility which broadly align with the different responsibilities held by the Gibraltar Maritime Administrator and the Gibraltar Port Authority.

The Gibraltar Merchant Shipping (Safety, etc.) Act imposes obligations on the Maritime Administrator, a statutory post which heads the Gibraltar Maritime Administration. The GMA is responsible for what are described in the maritime industry as flag state and port state matters. The term 'flag state' refers to matters of vessel registration and compliance with standards required in order to be registered under the Gibraltar flag and to maintain that flag. The term 'port state' addresses the responsibility to exercise prospective enforcement action over foreign vessels within the Gibraltar port. The amendment to the Gibraltar Merchant Shipping (Safety, etc.) Act therefore imposes on the GMA the obligation to ensure the implementation of laws and policies in relation to flag state and port state matters.

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. Elliott Phillips.

**Hon. E J Phillips:** Mr Speaker, again, in relation to this Bill the Hon. the Minister has consulted with us on a number of occasions now, given the certain complexities in relation to this Bill, and I am happy that the Opposition will support the Bill.

**Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits of the Bill?

I call on the mover to respond.

**Hon. V Daryanani:** Mr Speaker, I would like to thank the Hon. Mr Phillips, who has been very helpful. We spoke a couple of times and I am happy for the support of the Opposition.

Thank you.

165 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Gibraltar Merchant Shipping (Safety, etc.) Act 1995 in order to extend the functions of the Maritime Administrator for the purposes of compliance with instruments of the International Maritime Organisation, and in particular, the IMO Instrument Implementation Code (III Code, Resolution A.1070(28)) be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

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**Clerk:** The Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Act 2020.

**Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Business, Tourism and the Port (Hon. V Daryanani):** I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Gibraltar Port Authority (Amendment) Bill 2020 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Gibraltar Port Authority Act 2005 in order to extend the functions of the Gibraltar Port Authority for the purposes of compliance with instruments of the International Maritime Organisation, and in particular, the IMO Instrument Implementation Code (III Code, Resolution A.1070(28)).

180

The Hon. the Minister for Business, Tourism and the Port

**Minister for Business, Tourism and the Port (Hon. V Daryanani):** I have the honour to move that a Bill for an Act to amend the Gibraltar Port Authority Act 2005 in order to extend the functions of the Gibraltar Port Authority for the purposes of compliance with instruments of the International Maritime Organisation, and in particular, the IMO Instrument Implementation Code (III Code, Resolution A.1070(28)) be read a first time.

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**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Gibraltar Port Authority Act 2005 in order to extend the functions of the Gibraltar Port Authority for the purposes of compliance with instruments of the International Maritime Organisation, and in particular, the IMO Instrument Implementation Code (III Code, Resolution A.1070(28)) be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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**Clerk:** The Gibraltar Port Authority (Amendment) Act 2020.

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**Gibraltar Port Authority (Amendment) Bill 2020 –  
Second Reading approved**

**Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Gibraltar Port Authority Act 2005 be read a second time.

The Gibraltar Port Authority Act 2005 establishes the Gibraltar Port Authority and details the duties and responsibilities to be undertaken by it. The nature of the responsibilities carried out by the Gibraltar Port Authority are described in the maritime industry as coastal state matters. This term incorporates areas such as ensuring the safety of navigation to protect the environment, guarding against maritime pollution, and protection of the security of coastal populations. The amendment to the Gibraltar Port Authority Act 2005 therefore imposes on the GPA the obligation to ensure the implementation of laws and policies in relation to coastal state matters.

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. Elliott Phillips.

**Hon. E J Phillips:** Mr Speaker, briefly, the Opposition will support the Bill.

**Mr Speaker:** Does the hon. Member wish to respond?

**Hon. V Daryanani:** Mr Speaker, once again, I am grateful to the Hon. Mr Phillips. We discussed this yesterday and on a few occasions before that.

Thank you very much.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Gibraltar Port Authority Act 2005 in order to extend the functions of the Gibraltar Port Authority for the purposes of compliance with instruments of the International Maritime Organisation, and in particular, the IMO Instrument Implementation Code (III Code, Resolution A.1070(28)) be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Gibraltar Port Authority (Amendment) Act 2020.

**Gibraltar Port Authority (Amendment) Bill 2020 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Business, Tourism and the Port (Hon. V Daryanani):** I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**COMMITTEE STAGE AND THIRD READING**

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



**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause: the Medical (Group Practice Scheme) (Amendment) Bill 2022, the Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 and the Gibraltar Port Authority (Amendment) Bill 2020.

*In Committee of the whole House*

**Medical (Group Practice Scheme) (Amendment) Bill 2022 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Medical (Group Practice Scheme) Act to ensure that the dependants of persons registered on the Group Practice Medical Scheme by virtue of undertaking a full-time academic course at the University of Gibraltar will not be considered dependants under the Medical (Group Practice Scheme) Act.

Clauses 1 to 3.

**Hon. E J Phillips:** Mr Chairman, I assume they get picked up in 2023 and I have no need to make reference to them.

**Mr Chairman:** I am grateful that you have brought it up. The title of the Act is shown as 2022 and the hon. Gentleman is saying that that should be amended to read 2023.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, we have this discussion on a number of occasions. The Bill has the date of publication. The Act, when it is passed, is published with the date of publication of passing of the Act. It is not a point that we need to make. I am grateful that it is made, but we do not need to make it.

**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.

**Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Merchant Shipping Act and the Gibraltar Merchant Shipping (Safety, etc.) Act 1993.

Clauses 1 to 4.

**Mr Chairman:** Clauses 1 to 4 stand part of the Bill.

**Hon. G H Licudi:** Mr Chairman, are we dealing with the Gibraltar Merchant Shipping (Safety, etc.) Act?

**Mr Chairman:** Yes.

270 **Hon. G H Licudi:** Just one point. In relation to clause 4, I would propose a very minor amendment. At the very end it says:

for the purposes of this sub-section, the Maritime Administrator may arrange for the discharge of any of its functions ...

and it seems to me that it should say 'any of his functions'. The Maritime Administrator is an individual. In fact, the Gibraltar Merchant Shipping Registration Act provides that the Minister 'shall appoint and may remove an officer to be styled the Maritime Administrator and confer upon him powers', and therefore this should say any of 'his' functions' rather than 'its' functions.

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**Mr Chairman:** The hon. Lady.

**Hon. Ms M D Hassan Nahon:** Instead of 'his' ... It could well be a female or a male.

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**Hon. G H Licudi:** Mr Chairman, as I understand it, the Interpretation and General Clauses Act deals with that, and in fact the legislation that we have in relation to the Maritime Administrator deals with 'his' functions and anything that is conferred upon 'him'. Clearly, when we say 'he' in legislation, 'he' includes 'she' or 'them'.

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**Mr Chairman:** Hon. Elliott Phillips, do you have a ...? No. Clause 4, as amended, stands part of the Bill.

**Clerk:** The long title.

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

#### **Gibraltar Port Authority (Amendment) Bill 2020 – Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Gibraltar Port Authority Act 2005 in order to extend the functions of the Gibraltar Port Authority for the purposes of compliance with instruments of the International Maritime Organisation, and in particular, the IMO Instrument Implementation Code (III Code, Resolution A.1070(28)).

295

Clauses 1 to 4.

**Mr Chairman:** Clauses 1 to 4 stand part of the Bill.

**Clerk:** The long title.

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

#### **Medical (Group Practice Scheme) (Amendment) Bill 2022 – Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 – Gibraltar Port Authority (Amendment) Bill 2020 – Third Reading approved: Bill passed**

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Medical (Group Practice Scheme) (Amendment) Bill 2022, the Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 and the Gibraltar Port Authority (Amendment) Bill 2020 have been considered in Committee and agreed to with some amendments, and I now move that they be read a third time and passed.

**Mr Speaker:** I now put the question, which is that the Medical (Group Practice Scheme) (Amendment) Bill 2022, the Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020 as amended, and the Gibraltar Port Authority (Amendment) Bill 2020 be read a third time and passed.

Those in favour of the Medical (Group Practice Scheme) (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

Those in favour of the Gibraltar Merchant Shipping (Safety, etc.) (Amendment) Bill 2020? (**Members:** Aye.) Those against? Carried.

Those in favour of the Gibraltar Port Authority (Amendment) Bill 2020? (**Members:** Aye.) Those against? Carried.

#### PRIVATE MEMBER'S MOTION

##### Miscarriage, ectopic and molar pregnancies – Amended motion carried

**Clerk:** Private Member's motion. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

*THIS HOUSE:*

*NOTES that Gibraltar legislation does not currently provide for a legal right to paid leave for parents who are grieving the loss of a pregnancy before 24 weeks.*

*NOTES that His Majesty's Government previously introduced a legal entitlement to two weeks paid leave for working parents in respect to the loss of a child of any age or those who suffer a stillbirth from 24 weeks of pregnancy commonly referred as 'Jack's Law'.*

*NOTES the introduction of groundbreaking legislation in New Zealand to provide workers with three days' paid leave in the event of miscarriage.*

*NOTES that a Bill for the provision of miscarriage leave has been presented by Angela Crawley Member of Parliament for Lanark and Hamilton East before the British Parliament.*

*NOTES that the loss of a baby by miscarriage is a devastating experience for families and for some in our community miscarriage is tragically not a singular event.*

*NOTES that whilst employers and organisations in Gibraltar are sensitive to the grief and loss associated with miscarriage and may have made provision in the context of their employment policies and practices, it is important that support by way of paid leave be enshrined in Gibraltar law for those persons who have suffered the devastating loss of a pregnancy before 24 weeks.*

*AND CALLS on His Majesty's Government to present either: (1) a Bill before the House to make provision by way of: (i) the introduction of new legislation; or (ii) amendment to employment and/or benefits legislation for paid leave for people who have experienced miscarriage, ectopic pregnancy or molar pregnancy; or in the alternative (2) to amend secondary legislation such as for example, the Employment (Maternity and Parental Leave and Health & Safety) Regulations 1996, amongst others, pursuant to powers provided to the Minister responsible under any*

*Act(s) to widen the scope of the same to make provision for paid miscarriage leave.*

**Mr Speaker:** At this stage, you simply speak on the motion.

325 **Hon. E J Phillips:** I know, Mr Speaker. *[Inaudible]* motion, of course, because obviously I filed  
an amendment to the motion to extend miscarriage leave insofar as those pregnancies where it  
was recognised by a medical practitioner and advised by a medical practitioner that they were not  
viable. I have spoken with the learned Leader of the Opposition and he will introduce that  
amendment at the relevant time, but I certainly can make my main contribution now.

330 **Mr Speaker:** Please proceed.

335 **Hon. E J Phillips:** It is important for us to reflect on the route that this motion has taken. On  
Monday, 6th February 2023, some 10 days ago, I filed a motion in the terms I have set out and I  
emailed both the Chief Minister and the hon. Lady, copying in the Leader of the Opposition, to  
ensure that we secure cross-party agreement to the motion standing in my name. I remain  
confident that the motion can and indeed should enjoy cross-party support because it ensures  
that those who suffer the devastating effects of pregnancy loss up to 24 weeks can be provided  
with support in the form of paid bereavement leave. There can, in my view, be no justification, on  
340 any objective analysis, for the Government not joining with the Opposition and the hon. Lady on  
this issue, and any disagreement on the principle is simply playing party politics.

Mr Speaker, by way of background, I filed a motion on this subject because it is the right thing  
to do and I have been previously encouraged by the Chief Minister himself to use this  
parliamentary process as a more efficient way than utilising a Private Member's Bill. In the past,  
345 the Chief Minister has attempted to dissuade me from using a Private Member's Bill given the  
Opposition do not have at their disposal a drafting team, which is of course readily available to  
the Government. On that occasion I agreed and proceeded by way of motion. I have sought to  
repeat the same process, allowing the Government to lead on the legislative process. It now seems  
likely that I am about to be criticised for introducing a motion and doing my job for my community.

350 It was suggested by the Hon. the Chief Minister yesterday that he was not happy that I did not  
obtain his consent to file a motion. That comment yesterday from him, the Chief Minister, was  
disappointing and I expected better, particularly given that we were talking about bereavement  
loss. It has never, thankfully, been the custom or practice of this House for a Member of this House  
to seek the Chief Minister's consent to file a motion, and therefore the Chief Minister's emotional  
355 response from a sedentary position should be of deep regret to anyone who purports to have the  
democratic interests of this community at their core. Whilst I do not seek the Chief Minister's  
consent, which I am in any event not required to do, I did extend him the courtesy of now 10 days  
to reflect on the Government's position and provide the hon. Members opposite the opportunity  
to support my motion, which, in light of yesterday's skirmishes in this House on timetabling, is, as  
360 I am sure Mr Speaker will agree, more than reasonable.

I am pleased to report to this House that my motion enjoys the support of the hon. Lady, who  
has constructively engaged with me on this subject. I thank her for her collaboration and look  
forward to her contribution this evening. I also look forward to further collaborating with the hon.  
Lady on areas which are of collective good for our community.

365 Pregnancy loss at any stage of a pregnancy can have a devastating effect on any couple  
expecting the birth of a child. Statistically, one in eight pregnancies result in miscarriage, one in  
90 are ectopic and one in every 20 is a stillbirth. Tragically, some people have experienced all  
three. For a number of families, pregnancy loss or miscarriage before 24 weeks is sadly not a one-  
off occurrence, doubling the pain and suffering for those who have gone through that experience.  
370 It is right that we, as a community, recognise that parents in these circumstances may need  
additional support, and I have no doubt that workplaces and organisations around Gibraltar

understand the trauma and the need to allow parents the time and space to grieve the loss of a pregnancy.

375 As this House has recognised previously, the Government committed to the introduction of bereavement loss for pregnancies beyond 24 weeks. The Government went beyond that provision that was provided for in the United Kingdom and they recognised that bereavement should apply irrespective of the age of the child, be it 25 weeks, 18 years or 37 months, and I congratulate the hon. Members opposite for extending that beyond the 24-week period.

380 As the law currently stands, there is no legal entitlement to any leave or pay in circumstances where the pregnancy loss occurs before 24 weeks. What my motion seeks to do today is simply to encourage the Government to recognise that the trauma associated with pregnancy loss can happen at any stage of pregnancy and therefore it is right that this House promotes primary or secondary legislation that introduces an entitlement to paid bereavement leave before 24 weeks. What I am essentially asking is for the Government to close the gap. As the position currently  
385 stands, we are leaving employers and organisations to add pregnancy loss to their policies and to make reasonable adjustments where necessary.

As a community we have not tackled this question, but it has been and is being addressed in other countries, including the United Kingdom, where the Bill is going through the various stages in the Westminster Parliament. Thus far, those countries that have not introduced a provision for  
390 statutory paid bereavement leave have, as I have just said, left the matter to individual companies to extend pregnancy loss bereavement as an employee benefit. In my view, providing employers with the choice or discretion as to whether they wish to create or extend their own benefit schemes and employment policies to make provision for bereavement leave before 24 weeks can create a two-tier system where larger and more competitive industries are likely to offer more  
395 enhanced benefits as opposed to smaller employers, who may wish, for whatever reason, not to make the provision. We cannot allow for a two-tier system to be created and we must make provision for a level playing field in respect of this. We cannot leave it to the discretion of employers as to whether they will support working parents who suffer loss in this way, and it is right that statute and/or regulation intervene in this way, as I have suggested.

400 Lastly, I would like to publicly acknowledge the hard work of Baby Steps Gibraltar, who have campaigned on this issue in the past, and to express my deep sympathy to all parents who have suffered and are suffering the loss of pregnancy in our community. It is hoped that this small but very important provision will go some way in supporting grieving parents in the workplace.

I commend my motion to the House, Mr Speaker.

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**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. E J Phillips.

The Hon. the Leader of the Opposition. We are going to deal with the amendment first.

410 **Hon. K Azopardi:** Mr Speaker, as my hon. colleague to my right indicated, after further reflection – and I believe a draft of this has been circulated to hon. Members in the House with the tracked change – we are moving an amendment to the motion that stands in my colleague's name:

*To add the words 'or where a pregnancy is determined by a medical practitioner to be unviable before 24 weeks'*

in the last paragraph and striking out the 'or' before 'molar'.

415 I think the hon. Members have a copy of this letter dated 14th February in front of them – they should have a copy of it – and the reasons are as explained by my hon. colleague.

**Mr Speaker:** I now propose the question in terms of the amendment moved by the Leader of the Opposition.

420 I put the question in terms of the amendment moved by the Leader of the Opposition. Those in favour? (**Members:** Aye.) Those against? Carried.

What the House now has before it is the original motion as amended. Does any hon. Member wish to speak on the motion – the original and the amendment? The Hon. the Chief Minister.

425 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this motion comes before the House with the Government having been given notice of it but not having been consulted on whether or not we would support it if it was brought. I think it is important that I deal with that issue because I have never asked any Member of this House – indeed, even on this side of the House – that they should seek my consent before they do any of the things that they are empowered and indeed required  
430 to do by their membership of the House. There is a difference between seeking consent for something and seeking support for something.

When a Member of the Government wants to move a Bill, they come to the Cabinet and discuss with others whether or not it is in keeping with the policies that we believe in. We have a good feel for what we are defending and we are usually on the same page on these subjects, and if we  
435 are not, we consider them and find a consensus position. When Members are on the opposite side of the House and they represent – or should represent – different principles and ideologies to us, if they want to come to the House with a measure, be it legislative or a motion, they know that it will prosper and succeed only if there is support from the Government benches. Indeed, that support does not have to be from us as a Government, it can be from individual Members on  
440 issues where Members may be free to vote as they wish, as they always are.

So I have never suggested that the Hon. Mr Phillips or anyone else should seek my consent before they move a motion. I have asked that they should consider seeking the Government's support before moving a motion, because it may be possible that a motion moved with some amendment that does not affect the underlying substrata of principle may move with full support  
445 of the Government – that is to say the nine votes on this side and, indeed, potentially the vote of the hon. the backbencher also – if it is something that we have discussed and our support has been sought for. If our support is not forthcoming, hon. Members can still put the motion and we will have a debate on the floor of the House on why we do not support it or seek to amend it in a way that it is supportable. That is not consent. It is erroneous entirely for the hon. Member to  
450 have suggested to this House that I have sought that he seek my consent for anything. I would ask him to reflect on that and to withdraw that when the time comes, because nothing that I have said in this House – and we have had this debate on a number of occasions – and nothing I have said outside of the House can ever be interpreted as me saying that my consent is necessary for a motion to be moved. If the hon. Member does not want to withdraw that, I have no difficulty with  
455 him not doing so because the record shows what I have said.

Mr Speaker, this motion, which deals with an issue on which there can be support from this side of the House, was moved by the hon. Member giving me notice that he had moved it but not asking me whether we would support it. Indeed, he did not ask the Minister for Justice whether it was a measure that would enjoy her support or the Minister for Industrial Relations and  
460 Employment whether it is a measure that would enjoy our support in respect of an area of his policy, but that is a matter entirely for him. I therefore do not believe it is fair either to suggest that I had an emotional response or reaction to the hon. Gentleman's reference across the floor of the House yesterday, with microphones off, as to whether or not I would be supporting the motion. Indeed, my support is not relevant. The support that is relevant is the support of my hon.  
465 colleagues and the Government. I was not in tears, I did not show any other emotional affliction, and so I put it to the hon. Gentleman that it is unfair for him to refer to what he says was my factual reaction as an emotional one, when it was not. For all of those reasons, the part of the hon. Gentleman's speech which he has devoted to denigrating my approach to this particular parliamentary procedure I think is not just unfair, I think it is factually entirely wrong and I do hope  
470 that we do not have to spend more of this debate dealing with that issue.

I am delighted to hear that the hon. Lady is going to be constructively involved in this debate and that she is going to be supporting this motion. I am also hoping to demonstrate that the Government would have given support, if the hon. Gentleman had called me before he had put the motion, to a motion that I would have asked him to amend in some ways, which would have  
475 been then a motion, given his track record in other matters in this House, that we could have moved with full Government support.

In any event, I do believe that the hon. Gentleman has said something which is absolutely true, important, relevant, and of which we must take notice: that there is a gap in our law for those who lose a child before 24 weeks of gestation. It is true that other countries are now turning their  
480 attention to that and we have not yet done so because we have an eye to what is happening in the United Kingdom and has not yet happened. It is also true that we have done very positive work with those who run Baby Steps, and the fruit of that work is already in our legislation and in the approach that we take within the government service to those who may find themselves losing a child before 24 weeks' gestation and after 24 weeks' gestation.

So the position of the Government is going to be to propose to amend the motion in a way that I hope hon. Members will see is not designed to do anything other than address the issue that the Hon. Mr Phillips has himself referred to, which is to close the gap, but to close the gap fully, not to close the gap and leave another gaping hole.

First of all, in the second paragraph – and I will give hon. Members written notice of this in a  
490 minute – I will propose that the second 'NOTES' should say 'NOTES AND WELCOMES that His Majesty's Government', and not 'previously' but 'in 2022', to set that in its proper chronological context.

In respect of that amendment that I am going to propose, I refer the House to Press Releases 44/2020 and 75/2020. Press Release 44/2020, issued by the Government, was headed  
495 'Bereaved parents to be entitled to two weeks of paid leave from work' and said this:

Her Majesty's Government of Gibraltar

– as we then happily were –

is set to introduce 'Jack's Law,' under which bereaved parents will be entitled to two weeks of paid leave from work. In the UK, this initiative became known as 'Jack's Law' in memory of Jack Herd whose mother, Lucy Herd, campaigned relentlessly on the issue.

Under 'Jack's law,' working parents who suffer the devastating loss of a child under the age of 18, or who suffer a stillbirth from 24 weeks of pregnancy, will be entitled to two weeks statutory leave.

Parents will be able to take the leave as either a single block of 2 weeks, or as 2 separate blocks of one week each taken at different times across the first year after their child's death. This means they can match their leave to the times they need it most, which could be in the early days or over the first anniversary.

This proposed initiative follows the UK's Parental Bereavement Leave and Pay Regulations which are planned to come into effect on 6 April 2020. However, the implementation date for Gibraltar is 1 February 2020.

And then I said something in that press release.

On 11th February, we had considered the matter further and we said as follows in Press Release 75:

'Jack's Law' To Apply To All 'Children,' Regardless Of Age.

500 So this is going in the other direction, not under 24 months:

Last month, Her Majesty's Government of Gibraltar announced that it was set to introduce 'Jack's Law' under which bereaved parents would be entitled to two weeks of paid leave from work. This legislation had become known as 'Jack's Law' in UK, in memory of Jack Herd.

In its original announcement, the Government of Gibraltar specified that, under 'Jack's law,' working parents who suffered the devastating loss of a child under the age of 18, or who suffered a stillbirth from 24 weeks of pregnancy, would be entitled to two weeks statutory leave. Parents would be able to take the leave as either a single block of

2 weeks or as 2 separate blocks of one week each which could be taken at different times across the first year after their child's death. This meant that parents could match their leave to the times they needed it most, which might be in the early days or around the first anniversary.

However, the Government feels that the parents' pain and suffering are the same whether the 'child' is 17 or 37 and so it has now decided to remove the threshold of 18 years of age. 'Jack's Law' will apply, no matter what the age of the 'child' and, as a result, bereaved parents of adult children will also be entitled to the two weeks of statutory leave.

The amended regulations will take effect from April.

So, in 2020 we moved to change our law so that anybody who lost a child over 24 weeks' gestation, whatever the age of that child, 18, 38 or 68 – at 68 the person probably would not be working, but it is possible – would be entitled to leave. The period in question, therefore, is the period now, below 24 weeks. But it is important that when we are welcoming that change in respect of the period over 24 weeks, we reflect in the motion when it was done, in 2020.

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Then I would propose after the second paragraph to introduce a new paragraph:

*NOTES that His Majesty's Government of Gibraltar had provided for this to be the case in the public sector from 2016 as a matter of policy.*

In that respect, I refer the House to a circular to all heads of department which was circulated by the Human Resources Department on 27th July 2016. That dealt with issues relating to maternity and adoption leave and sickness absence during pregnancy. In relation to maternity and adoption leave, the reference that this note to all heads of department includes is as follows, under the heading 'Definition of confinement':

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The definition of confinement under General Order 4.1.11 is amended to reflect the birth of a living child or the birth of a child, whether living or not, after 24 weeks of pregnancy. Heads of department must ensure that all these provisions are applied to employees who commence their leave on or after 1st April 2016.

So that which we made law for all employers in Gibraltar in 2020 we had made a provision internally for us in 2016. I think it is important that that is reflected in the motion. I am sure it will not be controversial that that should be the case.

515

The next paragraph, on the introduction of groundbreaking legislation in New Zealand should remain as it is.

Then I propose a further new paragraph, which will say as follows:

*FURTHER NOTES that His Majesty's Government of Gibraltar already provides for paid leave in the event of miscarriage for its public sector workers*

because that is the position generally in the public sector. That does not affect the position that the motion is seeking to address, but I think it does put in context that the Government is applying to itself that which it is seeking to apply to third parties. It is important that the Government has taken this step already, although not in respect of the period below 24 weeks.

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The next three paragraphs remain the same, Mr Speaker.

I then propose that we do the thing that Mr Phillips has said he seeks to do but I believe his motion as drafted does not do, and we then introduce a further paragraph that says this ... So after the paragraph that says, 'NOTES that whilst employers and organisations ...' a new penultimate paragraph which would read as follows:

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*FURTHER DEFINES the 'devastating loss of a pregnancy before 24 weeks' as being inclusive of any pregnancy loss as a result of an abortion, as provided by Gibraltar law.*

Mr Speaker, this House debated how we should take to our people the vote on the amendment to section 163A of the Crimes Act and that that should be put to a referendum. That law was



530 passed by this House and its implementation was a matter the commencement of which was put  
in the hands of the people of Gibraltar. A referendum was held, delayed as it was by the pandemic,  
and the result of that referendum was that what I can only describe as by an overwhelming  
majority the people of Gibraltar chose that that law should come into effect, and therefore now  
535 section 163A of the Crimes Act is the Law of Gibraltar and a pregnancy may be terminated under  
our law in the period below 24 weeks. In that instance I am sure that no one in this House will  
argue that the loss of that pregnancy is not potentially as devastating as a loss that occurs by other  
means.

Mr Speaker, therefore as a result of those amendments I would also move that after the  
amendment that the Hon. the Leader of the Opposition has moved for Mr Phillips we should add  
540 a further limb, obviously deleting the 'or' and putting a comma, that would say, at the end of  
'unviable before 24 weeks', which the Hon. the Leader of the Opposition has just moved, 'or have  
undergone a medical termination'. I think that 'before 24 weeks' can stay where the Hon. the  
Leader of the Opposition has put it, or it can move to the end of this part of the sentence.

And then, at the end of the whole of the motion as it stands, I would add the words:

*For all of the abovementioned instances of the loss of a child or for any of the above reasons.*

545 I will circulate to hon. Members now a notice in writing of those amendments.

Mr Speaker, I am moving that amendment. I think perhaps before I do, it would be helpful to  
say that in relation to the words 'a Bill' in paragraph (i) of the final paragraph of the motion, we  
may have to consider whether that Bill is attached to a Command Paper initially to give the  
Chamber of Commerce and the Federation of Small Businesses and others the opportunity to  
550 engage in consultation constructively with the Government. That is a comment which is general.

I would now move that the amendment I have spoken to is put to hon. Members and I would  
circulate to them this, which does not contain the words which were moved by the Leader of the  
Opposition, so that will have to be read into this. There is one for this side as well.

Mr Speaker, I therefore now formally move that amendment and await discussion of it.

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**Mr Speaker:** I now propose the question in terms of the amendments moved by the Hon. the  
Chief Minister. The amendments are going to be circulated and I will give all Members an  
opportunity to read through them, digest and then come back. We will be considering right now  
the amendments. If anybody wishes to speak, it will be on the amendments at this stage.

560 Does any hon. Member wish to speak on the amendments as proposed by the Chief Minister?  
The hon. Lady.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, this is why I am glad that the Chief Minister indulged  
me in going before I did, because I really did want to understand where the Government was going  
565 with their response to this motion, so I thank him.

In the main address of my motion I was going to suggest that although the motion and the  
amendment to the motion as set by Mr Phillips did encompass all medically induced terminations  
or miscarriages, active consideration should also be given to the type of doctor-certified severe  
psychological distress or related or medically recommended terminations, because this is a  
570 relevant demographic of sufferers that should have recourse to similar benefits that serious  
support intends to provide.

As long as abortions in Gibraltar continue to be allowed in cases outside the physically medical,  
as stated in the motion, we cannot ignore the plight and aftereffects on women who terminate  
their pregnancies. Some of these women terminate not because of a simple desire not to be  
575 pregnant, but because their socio-economic situation does not allow for more children, or  
because that future child would be born into a life of uncertainty, scarcity and strife. Some  
pregnancies are a result of sexual violence and are born out of toxic, abusive relationships. Some  
women become pregnant through rape. Doctors often recommend abortions based on these

circumstances of severe psychological distress, and these women deserve no less time off than those who end their pregnancies or have their pregnancies ended for physical or foetal non-viable reasons.

I do understand that some may take issue with the fact that the choice of having an abortion is different to the serendipitous loss that happens in the event of a miscarriage, and it is a point I have thought about deeply, but as long as we, as a society, require that women suffer from severe psychological distress to be granted permission to have a termination, then we have the responsibility to respond to that severe psychological distress humanely. I am pleased that the Chief Minister has recognised this and incorporated it in the motion; I think it is in the last paragraph. Obviously, needless to say, I am grateful for this and will be supporting it.

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

**Hon. K Azopardi:** Mr Speaker, speaking as someone who has been in the regrettable position of having lost several children before 24 weeks, I am very happy that in this House we are able to coalesce around a motion that will deliver a recognition of the devastating consequences of the loss of pregnancy, which are devastating, of course, under any circumstance. I am happy to confirm the Opposition's support for these amendments for that reason.

**Mr Speaker:** I call on the Hon. the Chief Minister, as the mover of the amendments, to reply.

**Hon. Chief Minister:** Mr Speaker, I am very grateful that hon. Members have indicated so fulsomely their support for the Government's amendments. I think it is demonstration that the Government would have engaged positively if it had been communicated to us what the terms of the motion were before it was published and that we might have been able to see the Hon. Mr Phillips publish the motion from the word go in a way that enjoyed the benefit of these changes and could have been expressed to have been moved with the support of the Government.

I think it is hugely important that when we are making provision in our law for something as life changing and devastating as the loss of a child we should be one of the first places in the world that, given the changes I have reflected in the amendments to the first paragraphs, which were implemented by us in 2020 and in the Government from 2016, and the changes that we will make now, we will be one of the few places in the world that will have in our law provision for consideration to be given to those who suffer such loss, whatever the age of their child. As I have said, we uncapped it already – it does not matter whether you are 17, 18 or any age – and now we are opening also the bottom age range, not just to those lost to miscarriage in 24 weeks, but those lost below 24 weeks, even where the termination occurs under the provisions of section 163 of the Crimes Act.

The hon. Lady, in her intervention, has referred to pregnancies that might arise out of violence and might therefore have to be ended, and other circumstances in which terminations may occur. I think it is beholden upon all of us not to seek to set out exhaustively the circumstances that can give rise to a termination under section 163 of our law and not to prejudge the devastating effect that that can have on the parent who suffers that termination. I think, therefore, it is fundamental that we have all been able to agree that terminations under section 163 of our Crimes Act should also be within the scope of this provision and I am very grateful to the House for that.

And so now, Mr Speaker, speaking to the motion as amended ... Well, I think we have to take a vote.

**Mr Speaker:** I now put the question in terms of the amendments moved by the Hon. the Chief Minister. Those in favour?

**Hon. Chief Minister:** Mr Speaker, I call a division.

**A Member:** *[Inaudible]*

**Hon. Chief Minister:** I do not need to seek anyone's consent to seek a division. The Rules say any Member can seek a division at any time before a vote is taken.

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**Mr Speaker:** The Hon. the Chief Minister has called for a division.

*Voting resulted as follows:*

**FOR**

Hon. K Azopardi  
Hon. P J Balban  
Hon. D J Bossino  
Hon. R M Clinton  
Hon. Prof. J E Cortes  
Hon. V Daryanani  
Hon. D A Feetham  
Hon. Dr J J Garcia  
Hon. Ms M D Hassan Nahon  
Hon. G H Licudi  
Hon. S E Linares  
Hon. E J Phillips  
Hon. F R Picardo  
Hon. E J Reyes  
Hon. Miss S J Sacramento

**AGAINST**

None

**ABSENT**

Hon. Sir J J Bossano  
Hon. A J Isola

**Mr Speaker:** The result of the division is as follows. There are 15 Members in favour of the motion and there are two Members absent, in which case the motion is carried. The motion containing the amendments ... We are talking about the amendments, not the motion. We are talking about the amendments which have been moved by the Hon. the Chief Minister. Those have been carried.

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**Hon. Chief Minister:** Thank you, Mr Speaker. I am –

**Hon. K Azopardi:** *[Inaudible]* in the form of how the Chief Minister has ... But he also asked for the wording that I had moved to be written in, so as long as that is reflected, because it is not in the –

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**Mr Speaker:** It will be reflected at the next stage. What we have before us in the House is the original motion as amended initially by the Leader of the Opposition, followed by the amendments moved by the Hon. Chief Minister.

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**Hon. Chief Minister:** So now, Mr Speaker, the motion has been put to a vote. I have replied on it and the motion I am speaking to now is the motion as amended. I am not going to say very much. I have moved the amendment.

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**Mr Speaker:** I know, but I do not think you are –

**Hon. Chief Minister:** Can I just ...?

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**Mr Speaker:** Yes, go on.

**Hon. Chief Minister:** I think this will be common ground between us. When I stand up, the motion is as it was. I then say I want to amend the motion before I carry on speaking to it. The amendment is put and it is replied to, and then the motion is amended. So I am still speaking now

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with the motion as amended, and that is how I have always understood it and how it has always been. *(Interjections)* In other words, now it is passed like this, and having moved that amendment, I am still speaking to the motion as amended.

670 All I would wish to say – and just to develop, so the hon. Members know what my thinking is – is that in respect of this part, which says ‘a Bill before the House to make provision of’ ... I think that this is a relatively easy Bill to draft, or indeed that we can do it in another way. It may not be, because sometimes when we look at these things, parliamentary counsel find that there are many other references in our law than just the ones that we think there are. That can have other consequential amendments, and therefore the Bill may first appear as a Command Paper. I want  
675 to make that clear, so that it is understood that there may have to be an element of consultation on this in order to get it right and to ensure that it does what we want it to do and we do not cause other difficulties.

Other than that, Mr Speaker, I am very pleased that we have now before the House a motion which includes all the elements that I have put and for all the reasons that I have put them and  
680 the House will be able to find itself unanimously supporting the motion as amended.

**Mr Speaker:** As the original mover of the motion, the Hon. Elliott Phillips has a right of reply. The Hon. Elliott Phillips.

685 **Hon. E J Phillips:** Mr Speaker, I am grateful and I thank all hon. Members who have contributed to the debate on this motion. I am very grateful for those contributions, that they have ended in a motion that enjoys the unanimous support of everyone in this House.

Just to address a couple of the points that have been made by the Chief Minister in his contribution about consultation, I think it ultimately comes down to this. It is bereavement loss. I  
690 take the view that I have, by emailing him directly and asking him the question ‘Would this enjoy Government support?’ ... That, for me, should be sufficient insofar as the consultation. I am sure he will take it to his Cabinet and take a view thereafter. Insofar as whether it should prosper and succeed, I think it is, as the Chief Minister alluded to, a plain and simple but important amendment to our law, which might have some nuances or some wrinkles that might need to be ironed out  
695 with the drafts people tasked with this.

Mr Speaker, the amendments that have been proposed by the Leader of the Opposition and the Chief Minister are ones that enjoy my fullest support and I am grateful that that we have managed to coalesce, as the Leader of the Opposition has said, around this particular issue so those affected by tragic pregnancy loss can at least have recourse to a provision in the law which  
700 allows them at least two or three days – that is reference to other jurisdictions; it may be more, depending on what the Bill looks like as it comes before this House – and I am very grateful to all hon. Members who have managed to support this Bill today.

**A Member:** *[Inaudible]*  
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**Mr Speaker:** Yes, you would have had the right to speak, but because the mover of the motion has already responded, I am afraid, with regret, you are unable to speak.

I now put the question in terms of the motion proposed by the Hon. E J Phillips, as amended initially by the Leader of the Opposition, followed by the amendments moved by the Hon. the  
710 Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

### Adjournment

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

**Hon. Chief Minister:** Mr Speaker, I move that the House should now adjourn *sine die*.

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**Mr Speaker:** I now propose a question, which is that this House do now adjourn *sine die*.

I now put the question, which is that this House do now adjourn *sine die*. Those in favour?

(**Members:** Aye.) Those against? Passed.

This House will now adjourn *sine die*.

*The House adjourned at 6.46 p.m.*