



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.05 p.m. – 8.43 p.m.**

**Gibraltar, Wednesday, 18th January 2023**

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# The Gibraltar Parliament

*The Parliament met at 3.05 p.m.*

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

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

## PRAYER

*Mr Speaker*

## CONFIRMATION OF MINUTES

**Clerk:** Meeting of Parliament, Wednesday, 18th January 2023.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 21st and 22nd December 2022.

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

**Members:** Aye.

10

*Mr Speaker signed the Minutes.*

## COMMUNICATIONS FROM THE CHAIR

### Rulings and decisions of the Speaker – Statement by Mr Speaker

**Clerk:** (iii) Communications from the Chair.

15

**Mr Speaker:** It is my considered view that some Members of Parliament are disregarding the Speaker's rulings and decisions and often challenge his authority. Standing Orders are also being flouted. I cannot allow this state of affairs to continue.

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Some hon. Members engage in rather lengthy preambles when asking a supplementary question. In this respect, I should like to draw the attention of hon. Members to Standing Order 16(5)(i), which says, *inter alia*, that supplementary questions are also subject to the same admissibility rules as are applied to original questions. In dealing with this recurring issue, I intend to proceed along similar lines to that which Speaker Canepa adopted on 15th September 2016. These are contained in the Speakers' Rulings and Statements booklet, which every Member should now have in front of them.

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Hon. Members will know that a point of order is an appeal to the Speaker for clarification or for a ruling on a matter of procedure in the House. It cannot be used to challenge the authority and, in particular, the Speaker's impartiality, or as a means of making a complaint or expressing dissatisfaction about an answer given to a question.

It is the Speaker's responsibility to intervene when words or expressions are uttered which he considers unparliamentary or likely to create disorder in the House.

I now turn to the Hon. Elliott Phillips and his behaviour in this Chamber on 22nd December 2022. The word 'misleading' is unparliamentary and not permitted and requires to be withdrawn immediately. If a Member wishes to pursue accusations of the kind not permitted, the proper course of action is to table a motion about the conduct of another Member. The Hon. Mr Phillips will know that he was given the opportunity of withdrawing the offending word but chose not to do so and angrily and abruptly left the Chamber. A number of weeks have elapsed since the incident and therefore I cannot sanction the hon. Member, but I must warn him that any repetition will lead to speedy and appropriate action.

That ends my Statement.

## ANNOUNCEMENTS

### Changes to parliamentary procedure – Statement by the Chief Minister

**Clerk:** (iv) Petitions; (v) Announcements – the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, may I start by wishing all Members, although it is a little late, a happy New Year and wishing everyone in the House, and indeed beyond the House, all the very best for 2023.

Mr Speaker, thank you for your Statement and for leave to make my own, which deals with matters also relating to parliamentary procedure.

It is no secret that 2023 will be an election year. As a result, the debates we will have in Parliament will be followed perhaps even more assiduously than they are at most times by our many compatriots. In the circumstances, I want to make sure that the Government contributes as much as possible to the smooth running of Parliament.

In many respects, we have already changed Parliament beyond recognition from the manner of operation we inherited and which left a lot to be desired. Although hugely important, the long-overdue introduction of cameras to these proceedings was the most high-profile but perhaps the least seminal of all the changes. Some more in-depth changes on the running of Parliament were necessary and are now, perhaps happily, taken for granted.

Quite unlike the position when I was in Opposition, we have tried to help by publication of a timetable of proceedings for each session. We want to ensure that continues and that it helps hon. Members opposite to plan their work around the Parliament sessions. Already, they know that we meet monthly in the third week of the month, unless we are unable to do so, other than for Easter and the summer recess. That will already help them greatly in planning for the use of their time, but we want to ensure that the public and hon. Members will also know which questions are likely to be dealt with in the session and which Bills are likely to be taken.

The effects of both Brexit and COVID have made continuing some aspects of what we had changed less easy to continue, but as from today, as we are looking at publishing even more information in the timetable so that we can advance matters with the public and all hon. Members are aware of which business we are intending to take and when, I hope to put behind us all the issues that Brexit and COVID had created. In particular, I am happy to confirm these matters, which I know the Opposition are often in contact with us on. First of all, that the Government will introduce a convention in this House, as has been the case in the United Kingdom for some time, to allow the Leader of the Opposition and the relevant shadow Minister, where appropriate, sight of ministerial statements before delivery.

Second, I shall ask the excellent Parliament team at No. 6 Convent Place to advise your team, when we are sure of the order in which questions will be taken, to give notice to all of the public and to the Opposition, to know in advance which Ministers are taking questions on any particular day.

75 Mr Speaker, I already endeavour to advise the Leader of the Opposition informally in advance, in answer to his requests for information, which Bills on the Agenda are intended to be taken, and I shall continue to do so, via your staff, more officially to the Opposition and the public generally, so that any person with an interest in a particular Bill will be able to know more accurately when they may need to attend Parliament or tune into our debates.

80 Finally, where possible, I shall continue to ensure that the Opposition will know in advance when a Bill is certified as being urgent. I shall ask that this should also be reflected in the timetable to be published, so that the public can also see a Bill is to be taken that has not been published for the requisite six weeks.

85 Mr Speaker, I know that these measures will also be helpful in particular to members of the press who report on our proceedings to inform our citizens of our work here. I hope this is helpful and I commend this Statement – which I have provided a copy of to the Leader of the Opposition – to the House.

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

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

Yes, I have received a copy of the hon. Member's Statement – at 2.59, I think it was, accurately, so a minute before the session of Parliament was going to start.

I did note when I was reading it before we actually started the session – within the 60 seconds that I had the Statement for – that it starts with the words 'Mr Speaker, thank you for your Statement and for leave to make my own, which deals with matters also relating to parliamentary procedure.' That was the first time I became aware that Mr Speaker was going to make a Statement. It presupposed the knowledge of the Chief Minister of the Statement that Mr Speaker was going to make, and clearly he had a copy in advance of his own, which is a typed, two-page Statement. I am surprised that that is the way I found out that Mr Speaker was going to make a Statement on matters important to parliamentary business, and I would have hoped that if we are going to start a new beginning, perhaps that would not occur in the future.

**Hon. Chief Minister:** Will the hon. Member give way, Mr Speaker?

105 **Hon. K Azopardi:** If the hon. Member –

**Hon. Chief Minister:** Mr Speaker, I will answer to some of the things the hon. Gentleman has said in a moment in my right of reply, because he is asking me for clarification on my Statement, but he has said that I had a copy in advance of your Statement. I did not have a copy in advance of your Statement. When I rang you today, at lunchtime, to tell you that I intended to make a Statement, you told me that you were going to make a Statement when the Parliament began, and for that reason I have added the sentence to my Statement – which I finished at quarter to three, 14 minutes before I gave a copy to the Hon. the Leader of the Opposition ... that I would be making a Statement myself, and that is why that reference is there. So the hon. Gentleman, for now, will allow me just to give him the information, so that he does not make statements which are factually incorrect, and I am sure he will want to withdraw.

**Hon. K Azopardi:** It is certainly not factually incorrect to say that the Chief Minister was aware that there was going to be a Statement by the Speaker and I certainly was not aware. (*Interjection by Hon. Chief Minister*) I said it presupposed it. He has clarified you did not, but it is –

**Mr Speaker:** Can I interject a second? The Leader of the Opposition should be aware, as the Chief Minister is aware, that I do not provide a statement of what I intend to say, if I intend to say anything, to you or to the Chief Minister. I never have done that in the four years.

**Hon. K Azopardi:** Mr Speaker, I am also grateful for that clarification. I do repeat the point, however, that I made, which has been confirmed by the Hon. the Chief Minister, that in a conversation he became aware that there was going to be a Statement. If that was said, casually or otherwise, to the Chief Minister, it would have been helpful for the Leader of the Opposition to also have been told there would be a Statement by the Speaker today. Of course, on the basis of the practice that Mr Speaker has followed, I would not have known it, nor the Chief Minister, but certainly I would have been aware of the matter.

In any event – and I will ask for clarification on the Statement – I will say this on the Statement. The hon. Member knows that I feel quite strongly about parliamentary reform and we have spoken about it before, several times. I think much more needs to be done than has been done so far and is in this Statement, and without sounding churlish about it, of course I welcome any progress that can be made, however slow. So I do welcome it, but I do think that much more needs to be done than this. It is also the case, for example, that the Parliamentary Reform Subcommittee that was set up with such great aspirations of reform has not met at all in the last three years and certainly had made very little progress before then. So much more needs to be done and much more beyond these issues.

Can I ask, on the specific measures that the Hon. the Chief Minister has announced, for some clarification? He says we know we meet monthly in the third week of the month, unless we are unable to. Of course that is, aspirationally, true. In the last few years, of course, it has not happened in that way. Again, I am not going to suggest that there has been anything other than good reason why that is the case, because we have had the COVID and then the Brexit challenges, but it would be helpful, and I hope the hon. Member agrees with me ... Will he agree that in terms of trying to agree some kind of calendar so that we know precisely when we are going to meet, it would be helpful to do so for diary purposes and for everyone to plan their lives and their business?

Secondly, he says as from today they are looking at publishing even more information in the timetable. With respect, even though he is the Leader of the House, it is a matter for Parliament and for the parliamentary staff, I would say, under the guidance of Mr Speaker, perhaps, to be able to have some control of the publication of not just the timetable but the Agenda of business of the Parliament, and to make it more accessible to the public it would be helpful for that to happen. Mr Speaker knows, because I have privately also discussed some of these issues with him, that I also feel strongly that there should be much more information made available to the public because that will improve public participation and knowledge of the business that, at the end of the day, we are doing on behalf of the people of Gibraltar, who elected us.

He says he will introduce a convention in the House to allow the Leader of the Opposition sight of ministerial statements. I welcome that, of course. He did not need to have announced this in any kind of formal way as a convention. He could have followed that practice before and he has not done so. I repeat that I got notice of this Statement one minute before this session started, so that is not a good beginning, but I am not going to hold that against him. If we can start a practice that I have advance sight of the statements with better time, then that would be helpful to us, but can he clarify what kind of notice he expects to give the Members on this side, the Leader of the Opposition, in relation to the ministerial statements?

He says that he will advise the Parliament team of the order of questions. Again, that would be welcome for Members on this side, so that we can organise ourselves in response. We would like to know a bit more of the kind of notice we get. It does not need to be huge notice, but for example, so that people who are listening to this debate understand what we are talking about when we file questions a week in advance, we are doing so but often get notice of the order of questions minutes before the session is about to happen, and when we are sitting here on this

175 side of the House there is jumping around from question to question without us being aware, even though others are aware, of the order of the questions.

This important. The Chief Minister, *sotto voce*, from a sedentary position, seems to be unhappy that I am making these points, but when you go to any kind of association in Gibraltar, you will have a set agenda. They know what they are talking about and in what order they are talking about it. When you come to this Parliament, sometimes we are sitting here on this side of the House without any kind of awareness of the kind of business we are going to take and in what order we are going to take it, so this side of the House cannot organise themselves when we are responding to important issues that affect people's lives. That is the point.

Mr Speaker, in clarification, when he says also that he is going to endeavour to advise us of the Bills that are going to be taken, of course some Bills are on the Agenda for months without us really being aware when they are going to be taken. Often there are about 20 Bills and he knows that ... Yes, he does answer some of the questions, although I tend to have to chase him on WhatsApp for information, but for example, in this particular meeting today he knows that I also have asked him about which Bills are going to be taken and I still do not know which Bills are going to be taken from among the ones that are on the list.

So while I welcome it, it has to then be seen in the delivery of these commitments, in the notice that we are going to get and in the organisation of the Agenda, and also that that information that is passed on to us is also passed to the public, because the public is sitting at home and wants to know which Bills are going to be taken, which questions and in what order. If someone is interested in Education questions, they do not want to be sitting at home thinking, 'When are the Education questions going to come up?' They want to be told when the Educational questions are going to come up. (*Interjection*)

**Hon. Chief Minister:** Mr Speaker, I am grateful to the Hon. the Leader of the Opposition for his reflections, which reflect an extreme lack of generosity in the way that he has approached the Government's attempt to modernise the way the Parliament works. He has managed to get up and turn every virtue into a sin in the way that he has approached the remarks that I have made.

Mr Speaker, I have been now a Member of this House since 2003, which is 20 years, although I do not feel as if 20 years have passed, but when I first arrived in this place you were then a much younger-looking Clerk of the House and the hon. Member had just left as a Government Minister. In the time that I was here, the practice that I experienced was the practice that had been established when he was a Minister. Nothing changed from 2003 – and I hear the hon. Gentleman say from a sedentary position, which I welcome ... a recognition that the practice under the former GSD administration was not a good one. Not surprising, Mr Speaker, because that is the reality, and he then went on to lead a party that suggested that things should be done in a different way.

But, Mr Speaker, let's be very clear –

**Hon. K Azopardi:** Will the hon. Member give way?

**Hon. Chief Minister:** Of course. If I have made a factually incorrect statement that he did not go on to lead a party, that he was not a Minister, that he did not leave in 2003, I am happy for him to clarify. If he is going to get up to comment, then I am not going to give way. Is he going to correct any factual statement I have made? A factual statement?

**Hon. K Azopardi:** Yes, Mr Speaker, I am going to correct a factual statement, because what I did not say was that the GSD practice was not a good practice, what I said was ... When I was sitting, I said the practice was not a good one, meaning the historic practice of this House was not a good one. Under the previous administration, under the AACR or indeed the GSLP before 1996, it was not a good practice, and when I was a Minister on that side, even though I did not have control of the Agenda because I was not the Leader of the House, I often used to say that I wanted



to have parliamentary reform, but it actually was the Leader of the Opposition on this side of the House who never wanted to engage on working practices.

230 **Hon. Chief Minister:** Well, Mr Speaker, as I have demonstrated today, you do not need to engage with the Leader of the Opposition, because you can unilaterally get up and change things for yourself, *(Interjection)* as I did after 2011, without the engagement of then Leader of the Opposition or the subsequent Leaders of the Opposition, given that both had been Ministers in the Government that had not made the changes.

235 So let's be very clear. What we have seen from the hon. Gentleman this afternoon is not to welcome the progress made, it is the very definition of churlishness. It is to demonstrate a desire only to welcome those reforms that he wishes to see welcomed. In the 20 years that I have been in this House, and, as he now says, in all the time that he was in this House before me, and even before, no Leader of the Opposition has been given a statement by a Chief Minister to read before or during the delivery of a statement by a Chief Minister. Today, he has been given it one minute  
240 before, and it is not enough. Well, even if he gets it one minute before, at least he is able to follow what I am saying, and that will aid him in being able to understand what I am saying to the House and prepare himself to clarify. I hope to be able to give him as much notice as possible. In future instances, I may be able to give him overnight notice of a statement I am going to make, or half an hour, or 15 minutes or 30 seconds, but my commitment is that if I am going to have a piece of  
245 paper printed in front of me, once that statement is settled I will let him have it on an embargoed basis. If I let him have it overnight and I need to change it, I will give him the updated version when it is updated.

So, in the context of statements, I would have thought, Mr Speaker, that at least he would recognise that it is better to have a written statement before him when I am delivering it, for the  
250 purposes of seeking clarification etc. Did we get any suggestion that that was helpful? No. What we got was simply, 'I have only had it for 60 seconds.' The 'without sounding churlish' sounds remarkably churlish from him. It sounds, actually, more than churlish. It sounds unconstructive and it sounds negative, which is really quite something given it has come from somebody who says that his hallmark in local politics is to be positive.

255 It is therefore not untypical to hear him say that more needs to be done. He always says that more needs to be done. He always says he is going to be the one who is going to change things. He always says he is the one who is going to do things in a different way. He never says what he is going to do in a different way. He never says what he is going to change and what it is that he is going to do differently. For example, he might as well go around saying he is going to reduce debt  
260 and undo the pay freeze, although that would require something called a magic money tree.

**Mr Speaker:** Chief Minister, you are digressing from the ...

265 **Hon. Chief Minister:** I accept that, Mr Speaker. I got carried away by how some people say one thing that is completely opposite to the other thing they say and are unable to reconcile it, but Mr Speaker – *(Interjection)*

**Hon. K Azopardi:** Mr Speaker, on a point of order, you asked him to stick to the issue, and in excusing himself he is just having a second bite at the cherry of diversion.  
270

**Hon. Chief Minister:** Mr Speaker, I have no appetite for cherries. I am sorry if I went down the wrong route. They really are not in my diet, and I do want to stick to my diet.

The hon. Gentleman then goes on to say that of course these things should be dealt with in the Parliamentary Reform Subcommittee and that it is dreadful that it has not met, although he  
275 forgets there that we have been dealing – *(Interjection)* No, he forgets there, Mr Speaker, that we have been dealing with a pandemic and Brexit. He mentions that when he gets further down the line and talks about us meeting in the third week of the month. I will come to that in a moment.

Of course we have not been able to enjoy the benefit of meeting hon. Members in Select Committee – which we wanted to do in a number of them, not least the Disability Select Committee, the Environment Select Committee and the Constitutional Reform Select Committee – because it has just not been possible. There are only so many hours in a day and there are only so many opportunities to direct attention to work that needs to be done. If he wants that as a *mea culpa*, then he can have that as *mea culpa*. We are just not able to do more in the minutes and hours available in the day whilst also trying to deliver a safe and secure Brexit deal that is beneficial to Gibraltar and whilst also having to deal with the exigencies of Brexit, which now everybody just thinks is the same bleeding excuse etc. No, that is the reality of what we have had to deal with.

What I have not had from him, obviously because he understands that these are issues that have been more important, is an email asking me when the Parliamentary Reform Select Committee is going to meet, and putting it on the Agenda and saying, as he does when it is in his interest to know which Bills we are going to deal with, ‘Fabian, when are we going to meet in Parliamentary Reform Committee? These are the things that I propose we should be dealing with.’ I cannot recall when he has sent me those emails. Given that he has not had to deal with COVID or Brexit, I am surprised that, if these were such important things, I have not had that from him.

The other question is meeting in the third week. It is unfair, in my view, and just as churlish for the hon. Gentleman to say that this is aspirational as far as we are concerned. We have certainly wanted to meet, as often as we can, in this House once a month. We demonstrated that from December 2011, when we kept the steadiest pace of monthly meetings – in fact, I think we only stopped when the refurbishment was ongoing in this place – for a period of six years until the Brexit conundrum hit, and then it became impossible because we had to deal with all of the issues, first with the Withdrawal Agreement etc. Incidentally, I remind the hon. Gentleman that just after the last election we immediately went on to deliver the Withdrawal Agreement and then we went on to deliver the New Year’s Eve Agreement.

So it is not fair, in my view, by any objective assessment, to say that our meetings in the third week of the month are an issue that has been aspirational when we have demonstrated real commitment to that and the record is there for anyone to see. Therefore, working out in the calendar when we are going to meet is not difficult. We tend to meet on the Tuesday or Wednesday of the third week. We tend to meet towards the end of that week with Chief Minister’s Questions at three o’clock on the Thursday, other questions dealt with thereafter, then the Friday left over for legislation and motions, where appropriate, and if we have a lot and we need to go into the other week, then we do it in that way also. That is more ability to plan than is available, I think, in most parliaments.

What we are looking at, at the moment, and what people should understand from outside this place ... what we are looking to now make even clearer, is what happens in those pockets for meetings to facilitate hon. Members, who I know in great measure have other jobs outside of Parliament – not that I am saying this is part time for them, but they have other jobs outside of Parliament. We meet at three o’clock in the afternoon, which means they get to run their working day in the mornings, we get to do most of our business in the afternoons – unless we have to meet in a morning, exceptionally, for example, at Budget time – and we get the benefit of working with our civil servants, who finish at 3.30 in the afternoon. So it works for everyone. A lot of detail is already there and we have not deviated from that, other than not to meet. If we have not stuck to that, we have not met, so they have had other opportunities to meet, or we have said, exceptionally, we have to meet in the fourth week etc. It is hugely churlish to suggest that they are not able to plan. They have to plan to be here the Wednesday, the Thursday and the Friday of the third week of the month from about three o’clock in the afternoon, sometimes 3.30. What we are looking at and people need to understand is how we regulate that time. So in terms of diary purposes, I think they do get the opportunities that most would expect them to be able to have, and the public is aware of that and should be even more aware of that now, but most people I speak to know it is the third week of the month, absent the very difficult period we have had.

Of course, the June session is different because it is the Budget session. It goes on for longer. We get the right date for the Budget. I inform hon. Members. We were not even informed of when the Budget was going to be. We had to be ready to deal with the Budget as soon as the time was up for the Bill to be dealt with. That caused huge angst when hon. Members were in Government. I do note that the hon. Member is decrying the practice of the Government that he was a Member of – and all other Governments, he says, but he includes in that, whether he likes it or not, decrying the practice of his own Government – surprising, Mr Speaker, not least because he talks about going back to 1996 in many of the things that he says publicly.

Never before had a timetable been published until we were elected in 2011. The timetable that was published included all of the business the Government could deal with in a particular day and the names of all those who would answer questions. What I am proposing now, which I hope will be of assistance to hon. Members – I am sure it will be of assistance to hon. Members and to members of the public – is the list of those who will answer questions on a particular day. So today, all of those who we are ready to answer questions with now have their names on – not the Order Paper, which will continue to be the same – the published timetable.

Why do we do it that way? For a simple reason: in this Parliament, quite unlike in other parliaments, we have no control over supplementaries. Mr Speaker, it is up to you whether supplementaries are 10 in a particular line of questioning, or two, and that may depend on whether Members are asking questions which you think are relevant or not, but we receive the questions when they are allowed. Those questions can take longer or shorter – you have given a Statement today on preliminaries – and can lead, although the Rules say they should not, to a debate, in effect, which we must not have at Question Time, we must have, as Speaker Canepa used to remind us, under motions. So we are unable to say that questions to the hon. Lady, who I think on this Order Paper has two questions, will take five minutes or 50 minutes. I am unable to say whether the questions to the Hon. Minister for Digital Services and Health – although there are probably 30 of them – are going to take 30 minutes or three hours. So we cannot say, given the procedure that we have, Education questions – to take the example the hon. Member was talking about – will be at four o'clock, because four o'clock could be eight o'clock. What we can say is that those questions are ready to be answered today, and therefore, as long as the motion of Question Time enables us to deal with them, they are ready to be dealt with today. Hon. Members will see in what has been published that there are two that will not be ready to be dealt with today: of course, my own, because as Leader of the House I would answer tomorrow at 3 p.m., at Chief Minister's Questions; and Minister Bossano, who is not in the House today and therefore would be able to answer his questions tomorrow. That is how we are going to ensure that people can see that the questions they may be interested in would be able to be answered today during the course of the afternoon.

I am very happy to sit down with the Leader of the Opposition – the one that I know, not the churlish one that sometimes pops up; the Keith that knows the Fabian of the past 30 years – to agree a mechanism where we might be able to give even more certainty about it – the positive Keith, the one I miss – so that we might be able to find a way of giving greater certainty to members of the public about when questions are going to be answered. But at the moment we are doing as much as we can to ensure the public gets that notice – and so that they can plan for themselves, because if a Member does not have a question for those who are going to be down on the published timetable, they do not need to come to the House on that particular day if they have not got other matters.

When are we able to do that? We will try to do that by the lunchtime of the day in question. The hon. Gentleman talks about them giving seven days' notice. Well, they give the notice that the Rules require and that is the end of their job until the questions have to be answered. The machinery of Government then goes into overdrive to prepare all of the answers and collate all of the information. So there are bevvies of civil servants preparing the information to get the answers ready. That does not mean they can all be ready for the same time. One particular Member may ask a question that requires particularly lengthy statistical information to be provided, and

therefore, for example, the Minister for Health, who is ready to answer today, may not be ready to answer today because one of his questions may require statistical information and it is going to take an extra day or two. And so there is a lot of work going on, on this side, before we are able to say the Minister for Health is available to answer questions in the afternoon because all his questions are ready. That is how we will do our best to ensure that we are able to provide the information to the public and hon. Members and to further refine the practice that we introduced after 2011 of giving this information and meeting with regularity once a month, the third Thursday of the month.

Mr Speaker, the hon. Gentleman said I did not need to read out that I was going to give sight of ministerial statements. The reason for reading that out, and to put it on *Hansard*, is to require me to do that in order to keep to my own commitment to the House and entrench that commitment as Leader of the House so that future Leaders of the House will either need to comply with that which I have called a convention or say that they will not, or indeed improve upon what I have said will be the convention by saying that they are going to give at least 30 minutes or provide a protocol to that effect. At least I have made clear that that is the convention I am going to comply with, unless there is a reason where I cannot. For example, I may have to go into the back room now and craft a statement on something that is an emergency, and then I would give you, Mr Speaker, in seeking your leave to deliver the statement, the handwritten photocopy, and I would give the Hon. the Leader of the Opposition the handwritten photocopy. But I am trying to ensure that we are progressing things, that we are modernising things, that we are changing things always in the right direction.

So I do not think it is fair, proper or anything less than extremely churlish to say that this is not a good beginning. Far from it. It is much less than a beginning, because we have done a lot of this work already, from 2011 onwards, but it is already a huge step in the right direction, which, as he has admitted, when he was a Minister he was unable to influence in the Government that he was a Member of. At least it shows us what sort of influence he can have in achieving things which are not in his control.

Mr Speaker, on the question of the order of questions, I think it is important that people do understand, because the hon. Gentleman said there is no Agenda for this meeting – they do not know what they are going to be dealing with. That is absolutely and completely incorrect. There is an Agenda for this meeting. It is called the Order of Proceedings. It is provided by the Parliament, it has always been provided by the Parliament, and hon. Members know that when the meeting opens, the first thing we do is say a prayer and the second thing we do is the minutes, then you make your announcements, then any Government statements are provided, any documents are laid on the table, then the next item of business is Answers to Questions. They know they are turning up here for Answers to Questions, and they know already the sort of order in which questions are dealt with and we are just going to give them more detail. And they know that after questions, written answers are tabled and they know that after that we deal with Bills, and they know that after that we deal with Government motions, and they know that after that we deal with Private Members' motions. That Agenda has been established for generations, so it is incorrect factually to say that hon. Members do not know what Agenda they are going to be dealing with, that there is no set Agenda. Quite the opposite is true.

On Bills, Mr Speaker, the hon. Gentleman, I said in my Statement, seeks information from me and I try to provide information to him. I am seeking to ensure that the information I provide is as updated as possible. The position is that they now have six weeks of publication, unless something is urgent, to prepare for a Bill. If what they are saying is that they prepare for a Bill only when I tell them that it is going to be dealt with, fair enough. I can understand that there is pressure of work in other respects, but we do try to answer the hon. Members' questions. What I am saying is we are going to try to provide even more detail, not just to hon. Members but also to the public, who may have an interest in a particular debate. Yes, it is true that there are some Bills that have lived on the Order Paper for some time, the victims also of the pandemic and the Brexit negotiations. I am very keen to ensure that by the end of the lifetime of this Parliament, which will be during the

course of this calendar year, we will have cleared all of the Bills that are outstanding, so none fall over on Parliament being dissolved, and in fact that they should be dealt with in good time.

Mr Speaker, I think I have dealt with all the points that the hon. Gentleman, if I may say so again, ungenerously raised, but we will not be deterred in seeking to continue the work of modernisation of the House.

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

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I want to thank the Chief Minister for coming up with this new plan framework and for giving us this information. It definitely is better late than never, but my question, for clarification, would be why now, four years into the term? And does he expect people to actually accept this move by him and his Government as a genuine incentive and in good faith? Can he understand that perhaps people might not have faith or trust in this new incentive? I think the excuse of Brexit or the pandemic is not one that really can accompany the plans that have been announced today. Why has the Chief Minister waited to announce this months, probably, before a General Election?

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

The hon. Lady, I think, is a little more generous in her approach than the Hon. the Leader of the Opposition, although her scepticism could best be described in another religion as her being a little bit of a doubting Thomas. I will tell you why, Mr Speaker: because we are not introducing this four years into this term – first of all, because we are not four years into this term, we are three years into this term, and that is important to understand, in particular by all those who are, I understand, living their lives believing that they are on the cliff of the election about to be called. We are three years and three months into the lifetime of this parliament, we are not four years gone – although I do recall, as an aside and with amusement that I am sure he will share, Mr Clinton's declaration on television last year, I think last February, that we were about to have a General Election then, in March or May last year.

What we are doing here, and the hon. Lady has to reflect on, is further refining the practice we brought into effect in December-January 2011-12. We are refining that further. We are ensuring that the timetable is going to be even more precise, insofar as we are able, and providing that, therefore, people have even greater clarity of what we are going to do, although they now have the clarity and she has the clarity that is the third week of the month etc. That is the answer to her question of whether we are genuine about doing this, because we have been doing this.

I do have to say to her that I thought it was a little bit of a betrayal of the approach that she is taking to this and other matters to refer to Brexit and the pandemic as an excuse, which was the word she used. I really wish that Brexit were just an excuse and that COVID and the pandemic were just an excuse. They are not an excuse. They have been the most difficult issues to deal with, and members of the public, who sometimes have a better ability to reflect on matters than any of us here have, I think do understand that these were genuine hurdles in the way of us being able to continue the practices that we introduced in December-January 2011-12. She was here from 2015, so she had the benefit before June 2016. Indeed, the campaign started and we did not have a meeting that May or that June because of the campaign. She knows that we were having those meetings. She knows that they had that third week of the month. Hon. Members who left in 2015 knew that they could plan in that way. So we have not waited until the last minute. We have not done this with any lack of genuine desire to make changes in the last month of a Parliament or in the last months of a Parliament. We are bringing back and further improving the reforms that we led on from January 2012.

I hope she will reflect on what I have said in reply and that she will see this as a genuine approach by the Government to deliver against this desire that we have espoused to assist them and assist members of the public to better follow these proceedings, and indeed to make it easier for people who may have families and might want to, in the future, consider forming a part of the

life of this Parliament as candidates, and, as Members, that they can plan, that it is possible to have a family life that goes with the Parliament because you are talking about three days in the third week of the month when you might be a little late when things might be harder, but otherwise you are not at the whim of the Leader of the House, expecting to be told when Parliament is going to be called etc., which was the case before us until January 2012.

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

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

Just by way of clarification on the Statement, there seems to be an assumption in everything that has been said so far that ministerial statements are reserved for the Chief Minister. That obviously is not the case. I would be grateful for clarification, because looking at one of your rulings, Mr Speaker, from 31st July 2020, going back to some of the comments that Speaker Canepa made back in 2019 when he was quoting House of Commons procedure, looking at the definition of a ministerial statement, I quote:

What is a ministerial statement? Government Ministers may make oral statements to Parliament which usually address major incidents, government policies or actions

Then there is a comment that says:

The important thing here is that after making a statement the Minister responds to questions on its topic from MPs.

Mr Speaker, I would observe that perhaps in the past there were topics that would require clarification from the House, of a Minister, but I feel that perhaps the procedure of ministerial statements outside those of the Chief Minister's remit should be reinforced, so that we do not hear matters of national importance from Ministers outside this House in private gatherings, organisations, before being ventilated in this House. I would invite the Chief Minister to comment on that, please.

**Hon. Chief Minister:** Mr Speaker, I do not know whether the Hon. Mr Clinton has made his statement that there is an assumption that statements are by the Chief Minister, having heard what I have said today, because I specifically said 'ministerial statements' and I said specifically a copy would be provided to the Leader of the Opposition and a relevant shadow Minister. My words actually contradict that which he says is the assumption. So having specifically set out that the procedure I am providing for is not limited to statements by me as Chief Minister or as Leader of the House but by Government Ministers, I am demonstrating that the Government understands that statements can be made on any matter which is considered by the Government to require a Government statement by any of the relevant Government Ministers who would then share, applying this convention, their statements with the relevant shadow at the appropriate time.

If what the hon. Gentleman is saying is that they would like more statements from Ministers on matters of national importance, well then I would say this to him: I think we have done them in the past, I think we will do them in the future, but we will have to determine when it is appropriate to do that, and that comes from the nature of this Parliament sitting the third week of each month for approximately three days. If you have something that you need to say in the first week of the month or in the second week of the month, it is very difficult, if it is an issue of national importance, on some occasions, to wait six days or to wait seven days because you have to make a particular statement.

If hon. Members want to ask a question about that, then of course they get an answer from a relevant Minister. An answer is not a statement, but they can follow up with questions and supplementaries so far as you might allow it. But when you make a statement as a Minister in this House, what you make it about etc. will have to be informed by the discretion of the Government

in the context of a Parliament that is not in permanent session as the Parliament in the United Kingdom is. In the United Kingdom, from Monday to Friday, absent the period of the long vacation, the Easter vacation, the Christmas vacation and party conferences, Parliament is in session, and so a Minister is not able to say, 'I had to say this in that place because I could not say it in Parliament,' because Parliament is there. Here, out of the 30 days of the month, Parliament is sitting three afternoons, and so the exercise of the discretion of what can and cannot be said in a Parliament versus doing it outside is obviously going to be balanced in a different way.

The hon. Member might want to reflect that I have made a number of Statements in this House *because* we are in this House. That is to say I have wanted to inform the House about progress of treaty negotiations and I have wanted to inform the House about matters relating to the COVID pandemic because the House was meeting and therefore it was important to set out for posterity in the *Hansard* where we were then, but not because those Statements were, on most occasions, otherwise time sensitive. In other words, I did not wait until the third week of the month to say something that I needed to say the first week of the month. But in many instances if you go beyond that remit, it may be that we would be required to wait for longer than is in the national interest, as he says, because he is talking about things of national importance, if we were to bring things to this House than if we were able to say them.

And so, Mr Speaker, the Government will continue its practice of, of course, respecting this House. We do so in the respect of the convention that once a question is asked about a particular subject we would not make a statement which gives the answer to that question unless we had to because it is in the national interest, so that hon. Members can have the answer to their question instead of a statement by the Government in a press release etc. But beyond that, it is very difficult to see how we can extend the practice without interfering with the other 27 days that the Government has to do business at a particular time.

I hope all that is helpful, Mr Speaker, and, apart from the initial churlishness, I do sense that the House does welcome the remarks I have made.

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

**Hon. E J Phillips:** Mr Speaker, just one point of clarification. Given the measures that the Chief Minister has indicated he wishes to deploy in this House to make everyone's lives a lot easier, he mentioned the General Election twice in his contribution and what I would simply ask is whether the Government has a position in relation to fixed-term parliaments.

**Hon. Chief Minister:** Yes, Mr Speaker, the Government does have a position in relation to fixed-term parliaments. We have indicated that position, in 2015 and in 2019, and that is that we do not believe a Fixed-term Parliaments Act is in the interest of this community. I do not think anybody has suggested that it is.

If I may say so to the hon. Gentleman with respect, he should look at the practice in the United Kingdom, where the Fixed-term Parliaments Bill, I think, survived two Parliaments, if that. I do not believe it is in the interest of democracy that there should be a fixed-term parliament in a system like ours, where we are not electing a head of state, we are electing a head of Government. There is fixed-term provision in other democracies which are very successful and thriving democracies. In most of them, that election is to elect a head of state, not to elect a head of Government, and those are different dynamics. In the context of a presidential election, you are looking at different dynamics, whether it is in Italy, France or the United States, whilst if you are looking to elect a head of Government and you look at most of the Overseas Territories, you look at the Commonwealth and you look at the United Kingdom itself, absent that blip after 2011 when the Fixed-term Parliaments Act came into effect in the United Kingdom, the lack of a fixed-term parliamentary provision, I think, has served common law jurisdictions well. We have no inclination to change that, although I suppose if you are one of the people sitting in Opposition – and I have

been there, too – knowing the date of the General Election at least assists in planning, if I may say so from my own experience, honeymoons and holidays, if nothing else.

585 **Mr Speaker:** Let's move on to the next matter.

## Questions for Oral Answer

### HOUSING, EMPLOYMENT, YOUTH AND SPORT

Q1/2023

#### Employment Tribunal – Number of cases and progress

**Clerk:** (iv) Petitions; (v) Announcements; (vi) Papers to be laid; (vii) Reports of Committees; (viii) Answers to Oral Questions.

Question 1/2023. The Hon. E J Reyes.

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**Hon. E J Reyes:** Mr Speaker, can the Minister for Employment provide updated statistics in respect of the number of cases currently going through the Employment Tribunal process, with breakdowns in respect of what stage they are at in the process?

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

**Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, there are currently a total of 109 cases going through the Employment Tribunal process. This includes the allocation of chairpersons, mediators, applications that are undergoing hearings or directions and applications that have been heard and are awaiting judgment from chairpersons. The status of these is as follows: awaiting appointment of chairperson, 59; awaiting appointment of mediator, 10; awaiting mediation outcome, six; awaiting response, two; undergoing hearing or direction, 31; awaiting judgment, one.

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

I failed to include this when I wrote out the question, but the Minister has provided me with the information in the past. Does he have to hand information as from when these cases have been filed at the Employment Tribunal, so that we can monitor the progress? I believe somewhere dating back to 2020, and it might even be a case of 2019 ... I do not know. The Minister will perhaps have that information to hand, as in the past.

**Hon. S E Linares:** No, Mr Speaker, I do not seem to have that information, but I am willing to pass this information to the hon. Member.

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

**Hon. K Azopardi:** Mr Speaker, I was just going to ask about the 59 awaiting the appointment of a chairperson. It is exactly the same number as the hon. Member gave some months ago, and either it is a coincidence or there has been no progress. Can the Minister explain why several months ago he said there were 59 awaiting the appointment of a chairperson? I did indicate to him at the time that that was of some concern because, as my hon. colleague to my right,

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Mr Reyes says, there were then some isolated cases that had been filed in 2020, and obviously some in 2021 and 2022, that were still awaiting the appointment of a chairperson. He says he does not have that specific breakdown, but if it is due to lack of progress, does he agree that it is a matter of some concern that there are people, obviously, who have lost their jobs and put in a claim for unfair dismissal, or whatever it is, and yet their cases have not progressed in more than two years because a chairperson has not been found? What steps will he be taking beyond the ones he has already indicated to the House, because little progress has been made?

**Hon. S E Linares:** Yes, Mr Speaker, it is very coincidental, actually, because the information I have is that there are six new cases pending appointment of chairperson and there are six that have progressed to the next stage. So it is actually a coincidence that it is six and six and it happens to be the same number, 59.

As to what the hon. Member has just asked, are we to progress, I think it will be very helpful once we have a permanent chairperson and this will proceed in a smoother way than currently, but until we do that, we will have to continue as we are.

**Hon. K Azopardi:** And given the answer he has just given – which luckily explodes the coincidence, at least, but we have now established that there are 53 historic cases, which is still a huge number and therefore everything that I have said above applies, and he says that will be resolved, or at least made much better with the appointment of a chairperson – does he have a timescale in mind for the appointment of a chairperson? He has said on occasion to the House before that they were taking steps towards the appointment of a chairperson. Given that we are some months on, has there been progress in relation to that person? Has there been an identification of a person, and if so, have the terms of the appointment been agreed?

**Hon. S E Linares:** Mr Speaker, the terms of the appointment have been agreed, the appointment has been published, everything has gone through the process. I think it is to do with – and I think I said it in the last Parliament – the lack of people wanting to do it and therefore we are having ... Yes, it is a problem and we are trying to solve it, to see how best we can appoint someone who can then smoothly go through all these cases.

**Hon. K Azopardi:** So is the answer no to the question has a person been identified?

**Hon. S E Linares:** Mr Speaker, I would not like to say yes or no at this point, because I am not sure, but I will find out.

**Mr Speaker:** Next question.

**Q2/2023**  
**Children's play parks –**  
**Maintenance and repair of facilities**

**Clerk:** Question 2/2023. The Hon. E J Reyes.

**Hon. E J Reyes:** Can Government provide details in respect of what maintenance and repairs it is currently undertaking in respect of all facilities provided at the children's play parks, together with details of expected completion dates?

**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 standard parks and playgrounds maintenance continues in conjunction with GJBS. This is a rolling maintenance programme and is constant.

In terms of other projects, all that is pending at present is the relocation of the Mid Harbours children's playground. We are awaiting delivery of equipment, at which point the project will be completed.

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

The Minister has provided information in the past that an arrangement had been entered into with GJBS and so on, but my question is what maintenance and repairs it is currently undertaking. It could be as of today or as of the day I filed the question.

When parents, grandparents and so on attend play parks with children, quite often the information being fed through is 'Yes, this is going to be repaired,' and therefore I was asking for expected completion dates, because if a piece of equipment unfortunately gets broken, it may coincide, if it is a simple repair, with an item that is in stock, or it may require sending for that part. Although the Minister has tried to provide a general type of answer, he has not specifically homed in on something in respect of repairs. And again, in respect of maintenance, if I may, Mr Speaker, the Minister has not said because it is better to stitch things up as and when the first signs of wear and tear are noticed, he has said something is scheduled to be happening over the next few months, so that a general overall ... Especially where we have the rubber type of flooring that helps break the impact of a child's fall and so on, on some of them one can see that it is going to need a major overhaul. Seeing that we tend to plan ahead, is that something that is scheduled, and when would that happen?

**Hon. S E Linares:** Mr Speaker, the hon. Member must understand that it is very difficult to give him information on what is being done on a constant basis. If the hon. Member wants, I could give him, every month, a list of things that we have done. I do not have any problem. I will get GJBS to write to the hon. Member and say, 'This month we have done all these.'

We are also hoping that we have the same regime we used to have at one point, which is putting a hotline in each park, where everybody who sees something that is broken can actually have a number and a place to call and say there is a swing broken. These people who are constantly going round all the parks can then go to that specific park and say, 'Okay, the swing is broken,' and either take it off, make it safe, or repair it on the spot. These are the things that they are doing now, and I must say I am really pleased with the regime we have, because they are constantly going around trying to identify where any of the equipment is broken. Therefore, at least one of the things that I am satisfied with is that anything somebody reports or anything that is unsafe is made safe very quickly, or at least as immediately as can be done.

So if the hon. Member wants, I can give him, every month, a list of the things they have done. That is the only thing I can do. I cannot predict what is going to be broken next month in order to be fixed. *(Interjection)* Yes, and we could well put it on the GSLA website, if you want.

**Hon. E J Reyes:** Mr Speaker, it is not a question that I am asking every month. I have asked this month, in particular, what maintenance or repairs are currently being undertaken.

If I can use one of the Minister's own examples, by attending one of the play parks you may find that a particular swing is missing, and the Minister has more or less implied in his answer that that swing may have been found to be broken or unsafe and therefore they have removed it completely. Therefore, in the answer to this question one would have expected him to say that in such-and-such a play park area a swing has been removed because it was broken, the hinge had come off, or whatever – I am asking for the expected completion date – 'and we are awaiting a part that should arrive within a fortnight,' or a month, or six months. That is what I was aiming at.

I know the Minister can feel ... 'Is he being pedantic by asking me every month?' No, sir, if one looks back at the record, this is the first time I have asked for an update of the maintenance and

705 repairs. And again, on the maintenance, when one comes to the Appropriation Bill, the Minister gives a rundown of all they have done, so I can gather the information from there. He also tries to give a prediction. He says, 'We have set aside so much money and hope to carry out this maintenance work and so on.' Seeing that we are now in the last quarter of the current financial year, perhaps the Minister has some information in respect of what maintenance works are currently taking place, because come 31st March, only money that is voted for and approved in the next Budget session can be used for that sort of work.

715 **Hon. S E Linares:** Mr Speaker, I repeat what I said before: I will try to give him the information we have got and I will pass over to the hon. Member the current information. Again, it is very difficult because if he asked me the question two weeks ago and I answer it today, it is not accurate. So it is very difficult ... what is happening today. It is on a rolling basis all the time, so if I give him an answer today that is appertaining to two weeks, it might not be relevant today. I will speak to the hon. Member about exactly what he wants, and I will facilitate that for him.

720 **Mr Speaker:** Next question.

**Q3/2023**  
**GSLA swimming pools –**  
**Reasons for closure and dates**

**Clerk:** Question 3/2023. The Hon. E J Reyes.

725 **Hon. E J Reyes:** During which dates have any of the GSLA swimming pools been closed for public use, indicating the reason why?

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

730 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer together with Question 6.

**Mr Speaker:** This is Question 3. Can I ask the Hon. Minister to check? This is Question 3.

735 **Hon. S E Linares:** My apologies, Mr Speaker.  
The GSLA accessible pool has been closed since 30th November 2022. The air-treatment system has suffered significant damage to its control mechanism. It was an arduous task to locate and purchase the relevant spares, given that they are in extremely limited supply at present. Thankfully, the part was purchased just prior to the Christmas break and is en route.

740 I would like to add that I have just had a communication from the GSLA in respect of this question and they have managed to patch up the air treatment system so that it will be within a couple of days that the pool will be reopened, even though the parts are en route. So we will be able to have the pool open even sooner and we do not have to wait until the parts come.

**Mr Speaker:** Next question.

745 **Hon. D J Bossino:** Mr Speaker, can I ask the hon. Member does he have an indication as to when the parts are likely to arrive in Gibraltar?

**Hon. S E Linares:** Well, no, we do not know exactly when they are coming, but if they are en route we can assume days.

**Q4 and Q6/2023**

**Island Games facilities –**

**Completion and remedial works outstanding; Lathbury Barracks stadium parking**

750 **Clerk:** Question 4/2023. The Hon. E J Reyes.

**Hon. E J Reyes:** Can the Minister for Sport update this House with details of what facilities still require full completion or remedial works in respect of all facilities built or refurbished for the 2019 Island Games?

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

**Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question together with Question 6.

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**Clerk:** Question 6/2023. The Hon. D J Bossino

**Hon. D J Bossino:** Please state when the parking facility at the Lathbury Barracks stadium will be made available to the public and how many will be made available.

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

**Hon. S E Linares:** Mr Speaker, I am glad to report that the Lathbury swimming pool itself and the air-treatment system are in the final stages of commissioning. Aside from this, all that remains is the re-turfing of a small area at the Europa Sports Complex. The turf was lifted to conduct remedial works on the waterproofing membrane and the specialist contractor is due to visit soon. This, however, does not affect use of the facility.

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In respect of Question 6, the public parking will be made available in coming weeks once the external infrastructure of the complex is complete. This is not in any way affecting the use of the facility by service users. Parking spaces will be made available for users of the complex as well as for non-users and tourists visiting the Upper Rock Nature Reserve. The Government will permit three hours' free parking, as at Midtown, for local residents.

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**Hon. E J Reyes:** Mr Speaker, coming back to the Europa facilities, where the Minister said that a patch was being waterproofed, what area specifically is he talking about? Is he talking about where the rugby playing it is? I am a bit lost as to the exact location within the facility.

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**Hon. S E Linares:** Well, it is amazing, Mr Speaker, because the last time I was there with him, I actually pointed it out to him. It is, I would say, the southwest corner of the complex. If he remembers, it was where the complex goes to the corner. I was commenting to the hon. Member how bad it looked and I was annoyed that I had not finished it yet. But it is not affecting the rugby or the cricket, or anybody else. It is just that it is one of those snagging things that the contractor has to finish.

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

I suspected it could have been that area, but given that the other Members of this House, or indeed anyone listening, were not necessarily present with us there ... Does he have an approximate date by when he hopes all that will be done?

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**Hon. S E Linares:** Well, I hope that the next time I go with the hon. Member it will be fixed. I want it done ASAP, so it is just a question of calling them up and trying to make them fix it as soon as possible.

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**Hon. D J Bossino:** Mr Speaker, I am not sure if the hon. Member answered the second limb of Question 6. How many parking spaces will be made available?

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**Hon. S E Linares:** Mr Speaker, this like the Midtown parking. We have a certain amount of parking, all to be used, for everybody. It depends on how much is used on the day. I will give you an example. If we have 30 tourists ... I would not like to give a specific figure, but we have hundreds of parking spaces, and if there are only 30 being used by the tourists, there are still another 40 or 50 that can be used by other users, so there will be enough parking for everyone.

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Obviously, the regime is different, so it is similar to what you have in Midtown. If you have many tourists coming in and using the space, then the others will not have ... We have had meetings very recently on this and we are confident that it will suffice for the three sections we said – those people who are using the complex, those people who want to just park there because they are spectators or parents who might want to see their children training or playing, and also there will definitely be enough for all those tourists who want to walk up to the Nature Reserve.

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**Hon. D J Bossino:** I understand that he is talking about different categorisations of parking spaces and their availability, but does he not have the full number with him? And then I understand that that is then going to be categorised for public use, for tourist use and for those who are going to be using the facilities.

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**Hon. S E Linares:** Mr Speaker, the last time we went there ... we have at least, now, currently, 120 parking spaces, so there is plenty of parking for ... I asked the question how many tourists do you usually get coming here, and in August, at top peak time, you might get 30 cars coming during the day because it is not only at one given time, so it is rolling again. You might get 10 coming for an hour, then another 10. What I am saying is there are 120 and that will be split as and when needed. Even the days when the Gibraltarians would use it more, which I think is probably the children's sports days, if there are going to be any over there – because there is a running track and it will be, probably, the only place where you have a running track – you might get 40, 50 or 60 parents coming there and parking, and there is plenty of parking even for that, of which they will have hours free.

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**Hon. R M Clinton:** Mr Speaker, if I may just ask one supplementary on this – just if the Minister could confirm these 120 parking spaces are all underground? And can he also confirm that the Fire Brigade have issued or are about to issue a petroleum certificate?

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, yes and yes, and the petroleum certificate was issued in respect of the occupation by Bassadone Vehicles, who are already in occupation of the two other levels of parking in that area. The hon. Gentleman needs to recall that there are other levels of parking – there are three levels of parking – and the petroleum certificate had to be issued before then, before their occupation was regularised, so I understand that has already been dealt with.

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If I can be a little helpful to the hon. Gentleman in respect of his questions before, the timings when tourists may likely want to use this facility – other than on sports days, as the hon. Gentleman has indicated – are likely to be different to the times when local families are going to be accessing with vehicles at the weekend to watch the junior league of football, the running or the swimming, which will be outside of school hours. So we think that this is plentiful provision.

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**Hon. D J Bossino:** Just one final point of clarification on the answer. I did not quite catch it. I think it was at the end of his prepared answer. He talked about three hours' free parking at ... I did not catch where. If he can read his answer, it was at the end: three hours' free parking at ...? I did not quite catch it.

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850 **Hon. S E Linares:** Mr Speaker, in Midtown for all locals is how I said it. That means that for anybody who comes there it will be the same regime, using the ID card.

**Mr Speaker:** Next question.

**Q5/2023**  
**Sport England –**  
**Whether similar scheme under consideration**

**Clerk:** Question 5/2023. The Hon. E J Phillips.

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**Hon. E J Phillips:** Mr Speaker, can the Government confirm whether it is considering the introduction of a Sport England type scheme?

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

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**Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, the Government is not considering a Sport England type scheme.

865 **Hon. E J Phillips:** I am grateful for the answer, but has the Government considered any other ways it could introduce gateways to young people in order to increase the growth and development of grassroots sports within our community?

Sports England has obviously proved in the United Kingdom to be incredibly successful at allowing young people opportunities in sports, and there are ways, of course, that the Government might be able to find some funding, which might not necessarily need to come from the Government itself, in order to incorporate this type of activity and scheme within our community. So the Government has not explored those opportunities, if they exist?

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**Hon. S E Linares:** Mr Speaker, we in Gibraltar have very good development programmes for sports. Each association has its own development of sports. We do not intervene in the development of those sports. What we do is support them financially. As the hon. Member knows, we give funds for development to all the associations that apply. There is a system by which they apply when they want to bring people who do coaching, training, all these things for young people, and they are even helped in the funding of that. Through the GSAC, which is the Gibraltar Sports Advisory Council, we have all sports represented and we have discussed ways and means by which we can develop all sports.

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I think we are pretty generous in the way we fund all our sportsmen and women here, including the young people and development.

**Mr Speaker:** Next question.

**Q7/2023**  
**Meetings with housing estate tenants –**  
**Actions under way**

885 **Clerk:** Question 7/2023. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** What steps has Government already put in action following meetings with housing estate tenants last month?

890 **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, officials from the Housing Works Agency and the Housing Department meet and engage with the committees and tenants' associations from the different housing estates on a regular basis. Since  
895 last month's meetings, we have gone through all the requirements put forward by them, and the Housing Department is already attending to their requests and needs, as they always do. Many works have already been completed and other works are being programmed.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister expand on the bit where he says  
900 many works are being completed and others are being programmed? Can we have some more information on any tangible effects of this?

**Hon. S E Linares:** Well, Mr Speaker, anybody who walks around the estates will see the difference that painting all the walls in a colour ... and cleaning, which we have concentrated on  
905 recently, because yes, we found the tenants' associations were complaining about the lack of cleaning and we have accelerated that. We have got the Housing Works Agency to work with Britannia, the contractor company, in order for them to do what they should be doing and what they get paid for. I am happy to report that most of the tenants are now very happy because they see that they are going round, they are cleaning, they are painting, and we hope that we have a  
910 more regular rolling maintenance programme in all these states.

## TRANSPORT

Q8/2023

### Road resurfacing programme – Update

**Clerk:** Question 8/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government update this House on the road surfacing  
915 programme for 2023?

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

**Minister for Transport (Hon. P J Balban):** Mr Speaker, the road resurfacing programme for the financial year 2023-24 is presently being prepared. However, there have been repairs in areas  
920 requiring particular attention during 2022 and these include: Line Wall Road by the youth club; Line Wall Road by Orange Bastion bridge; Europa Road by Europa Mews; Grand Parade – there were two large areas; Levanter Way; Harding's Road – and both these areas are near Europa Point Lighthouse; and South Barracks Parade by the front of St Joseph's School.

**Hon. E J Phillips:** Mr Speaker, I am grateful to the Hon. Minister for setting out what the programme might appear to look like over the next 12 months, but clearly, given that the Government has announced Gibraltar's Active Travel Strategy, which of course will form part of a debate that he and I will enjoy tomorrow with other Members, possibly, of this House as well, it is clear to many people who approach me on the subject insofar as the state of the highways and

930 our roads that this an integral part, is it not, of the approach and the Active Travel Strategy that  
he announced the day before yesterday? I think it is important that the public have reassurance  
that as part of this ambitious project – as he has, I think, put it himself, and to use his words  
exactly – this has to go hand in hand with repairs that are made and advance made in terms of  
935 road management and the repairs to those main roads which have been expressed to me by many  
members of the public as in a state of disrepair.

**Hon. P J Balban:** Mr Speaker, although they come together, they are two separate things. One  
is a strategy and one is a road resurfacing programme, which falls under Technical Services but is  
not part of the strategy. The strategy is specifically geared towards walking and cycling.

940 The list of roads I have just gone through is what has been done this year. I have said we are  
deciding and preparing now the list of the roads for next year. But of course in next year's Budget  
we intend to include funding to improve the state of the roads. Obviously, we know for what  
reasons this year we have had to do important repairs, but we have not seen any wholesale  
resurfacing programme projects that done. In every other year we have been in Government,  
945 Gibraltar has seen large areas of road resurfaced, and this year, obviously for reasons we have  
given publicly, we have stuck to the repairs. We expect that next year we will also be tackling  
roads. We must also be aware – and many constituents have mentioned it to the hon. Member,  
because I see this in social media, complaining perhaps ... One of the roads that they complain a  
lot about is the entrance into Gibraltar. They complain about Winston Churchill Avenue, and just  
950 to make that section clearer, remember that we are close to completion of the tunnel, and that  
road, although we appreciate that it is uneven ... We were loath to spend taxpayers' money to do  
more in that area when we know that the tunnel will mean the vehicles will travel in a different  
direction, and then, in good time, we will repair that section of road once and for all.

955 **Hon. E J Phillips:** I think maybe the Minister has misunderstood what I was trying to get at.  
Perhaps it might be, on reflection, the question I put. Maybe it is my fault as well in conveying that  
to the Hon. Minister, but I would have thought that as part of the strategy, which is a separate  
thing ... I accept that it is a separate thing, but ultimately it is using that same thoroughfare and  
shared spaces. That is why I put the question to him as to whether the strategy has had a view as  
960 to the state of our current roads and whether they need to be done at the same time as this  
process is being engaged, because clearly we are looking at advancing how we move around our  
city insofar as this type of active strategy is concerned, with the current state of the infrastructure,  
and that was really what the question was designed to do. I wonder whether he might be a bit  
more helpful with that.

965 **Hon. P J Balban:** Mr Speaker, the parts of the programmes that are scheduled for this year are  
primarily ... Today, cyclists will actually ride on the road. We are developing segregated bicycle  
lanes which will have their own surface and so on, so we will be looking at the surface of those  
particular areas and the lanes in areas which will be permanent. I did explain this in yesterday's  
970 press conference. Glacis Road will be one of those areas because there is no imminent  
construction expected in the area. There will be a coloured screed on that bicycle lane to  
demarcate it as different and segregate it from the main road. Obviously, that area will be in a  
condition worthy of the users of that lane, which will be bicycles etc. So yes, in areas where there  
is shared space – for example, past the evacuation roundabout ... Again, every road is to be looked  
975 at independently. In that area, for example, the road is not too bad – in fact, it is in quite good  
condition. It is a question of seeing whether bicycle in on a particular route is off the road using  
parts of what used to be a pedestrian area or part of a layby, or where maybe parking spaces have  
been relocated, or whether the bicycling is actually on the road and the area is in a bad state. So  
it is very difficult to give you a precise reply in that respect.

980 **Mr Speaker:** Next question.



**Q9/2023**

**Bus user surveys –  
Number in last three years and publication of results**

**Clerk:** Question 9/2023. The Hon. E J Phillips.

985 **Hon. E J Phillips:** Mr Speaker, can the Government state how many bus user surveys have been conducted over the last three years, and can the Government state whether it will publish the results of the surveys in full?

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

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**Minister for Transport (Hon. P J Balban):** Mr Speaker, no official surveys have been undertaken over the last three years.

995 **Hon. E J Phillips:** Mr Speaker, that is an interesting answer. I was expecting to receive the opposite answer, that of course we conduct surveys by users because we want to know how frequently people use the service, the destinations they are going to, and the difficulties they may have in using the service, so the Government is alive to issues of the public in relation to public transportation.

1000 I think the Minister himself actually said to me that we took the view a long time ago that the night bus was deeply unpopular. Well, obviously they must be talking to the drivers about that particular unpopular route. Indeed, I think there was some reference to summer in exchanges in this House before.

1005 Can I get the Government to commit to something as simple as this: to make sure that we understand the needs of the general public when using public transportation? That is the only way we can convince people to use public transport, if we know exactly what they need and what we can deliver as a community.

1010 **Hon. P J Balban:** Mr Speaker, I apologise if I have given the hon. Member the wrong impression. My actual reply said that there have been no official surveys. Remember that we constantly monitor and we are constantly looking at the bus routes. I have prepared a few examples because people are constantly feeding back to us saying, 'We want a service to this destination,' or 'You need to consider bus no. 2 going to certain other areas because of the movement of the Hospital,' for example.

1015 We have recently, on social media, had someone saying that bus route no. 1 is highly convoluted. We looked into that route and saw that bus users actually wanted a convoluted route. They would not be prepared to change buses like we do in other cities, where we jump on no. 1 and then changed over to no. 2 to complete our journey. People want the bus to service every single potential area, so we have looked at that.

1020 We have also surveyed the bus stops. We have a way finder on board each bus. The way finder gives us statistics of how many people get on the bus at every single stop, so in that way we can ascertain whether certain bus stops are relevant or irrelevant.

1025 Some people said there was not a service up to what will now be the new sports stadium. We have looked at many ways of trying to get a bus up there, and so far, with the resources we have, it does not seem to be possible. It is very difficult because of turning circles, and also we need to try to keep the bus as regular as possible. If we extend the bus routes any further, we cannot guarantee a bus every half an hour or every 20 minutes with regularity.

We did one with the STTP. Back in 2017 there was a survey done looking at the whole ... From that we had the improved bus maps on the bus stops, we had the bus tracker, we had various improvements to the bus service. I just wanted to clarify that.

1030 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer and the explanation given as to the  
formal data by way of the way finder that he has explained to this House, but doesn't he agree  
with me that reliance on anecdotal evidence, as he suggested, and social media posts to govern  
the way in which you work with public transportation is not the right way, really? A government  
properly should find the data by conducting surveys on bus users in order to find the best way of  
1035 moving people around our city. Could I encourage him one more time to accept that the only way  
we can properly improve the bus service is by improving the data that we have about its use?

**Hon. P J Balban:** Mr Speaker, we listen to the bus users. Fortunately, in Gibraltar a lot of people  
use social media, and as you know, you yourselves rely an awful lot on social media as well. I think  
1040 we both use that media. I think, today, everyone vents their anger, and it is a great way of doing  
it, especially if your face is not on the picture. No one knows who you are, so you can really express  
yourself freely and give an honest opinion. We do that, but we also receive letters and phone calls,  
and people will tell us what they think. Sometimes they will complain and sometimes they will  
congratulate us.

1045 The bus drivers also are there, listening to the public, and via the bus manager we do get  
feedback. When I ask certain questions – why can't this be done? – the bus manager already has  
an answer for the question because of the experience. Remember, they are the people who run  
the service and they know exactly what the user needs, and they relay that back.

1050 So we have a number of ways of getting feedback without physically having to go into a big  
survey. I am not saying it is not useful. I think it is useful to have bus surveys every so often, but  
not ... We had a big one in 2017 and I am sure it is something we will consider, but we are  
constantly monitoring the bus fleets and the service being provided and trying to improve it as  
best as possible.

1055 **Mr Speaker:** Next question.

**Q10-11/2023**  
**Vehicle emissions –**

**Two-stroke motorcycles; vehicles entering from Spain**

**Clerk:** Question 10/2023. The Hon. E J Phillips.

1060 **Hon. E J Phillips:** Mr Speaker, can the Government confirm, in the context of its ban of two-  
stroke motorcycles, that it will curtail the circulation of these vehicles around residential areas,  
the centre of town and other areas where emissions are having an impact on human health?

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

1065 **Minister for Transport (Hon. P J Balban):** Mr Speaker, I will answer this question together with  
Question 11.

**Clerk:** Question 11/2023. The Hon. E J Phillips.

1070 **Hon. E J Phillips:** Mr Speaker, given that a significant number of motorcycles are coming in  
from Spain, what steps are the Government taking, with or without dealing with their  
counterparts across the border, to reduce emissions from these vehicles on our streets?

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

1075 **Hon. P J Balban:** Mr Speaker, at present there are no plans to curtail circulation of these types of vehicles throughout Gibraltar. We have, however, been considering for some time the possibility of implementing low-emission zones.

The Government is taking no steps at present to control, with regard to emissions, the entry of any particular or specific types of vehicles. As the hon. Member may appreciate, there are  
1080 European and international directives addressing vehicle manufacturing standards that will result in manufacturers producing vehicles that produce less or zero otherwise emissions.

**Hon. E J Phillips:** Mr Speaker, I am interested to hear more about the low emission zones. I think I actually heard the same sort of answer from his predecessor. But it is clear that two-stroke  
1085 motorcycles have a massive effect on the health of young lungs and the adult population in terms of human health, and I think this a matter that has been accepted by Members opposite. In fact, some of the reports that I have seen emanating from Government agree with that proposition and therefore I am surprised that the Government is not looking at reducing the circulation of these types of vehicles around our town in specific residential areas, because that is where the  
1090 key moment is in reducing those emissions and to prevent those harmful fumes affecting the lungs of many in our community.

So I would ask him this question, if I may: when does he propose to implement low-emission zones in Gibraltar, given the fact that the Government has been considering it for some time?

1095 **Hon. P J Balban:** Mr Speaker, as yet, I cannot give the hon. Member a definite answer as to when this will happen. The fact is that we are looking to see how best to tackle these low-emission zones and in which areas.

But just to reply and to give a bit of further information on the two-strokes, remember two-stroke motorcycles just have not been manufactured. In fact, we have not had an import of a two-stroke motorcycle since – again, as far as I can recall – 1999, I believe, so they are a dying breed.  
1100 These motorcycles are not being brought into Gibraltar because they are just not being manufactured, but that does not mean that there are none of these motorbikes available, and there are numbers that do come through the Frontier every day, but of course locals also have them. Remember that these motorcycles have to go to MoT just like any other vehicle, and what the law states in that respect – the European laws inclusive – is that a motorcycle or a car, a motor vehicle, needs to conform to the emissions standards as at the date they were manufactured. So what does happen invariably over time is that these motor vehicles will progressively worsen in their emissions, because they do not service them, because they get gunge in the exhaust pipe etc. This is why every time they need to go to MoT they are checked, and if they do not conform  
1105 they fail. And the same we expect from ITV the other side. So any motorbike which is roadworthy and has the relevant documentation has passed these tests for those vehicles. And as I said, these two-stroke vehicles, I do see them occasionally, but the truth is that you see them less and less all the time.

1115 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer, but of course we do not really have any control whatsoever insofar as what is coming across the border, and I would have thought that given this Government's commitment to Green Gibraltar and a Child-friendly City, we would use Brexit as an opportunity to focus on creating spaces in Gibraltar which are more breathable, if I can put it like that. There must be something that we can do with counterparts across the ...  
1120 because clearly the vast majority of these vehicles are coming in from Spain, and therefore there must be something we can do to manage that, insofar as the air quality in Gibraltar and the pollution emanating from these vehicles. I just wondered whether the Minister had any view as to whether Brexit is a mechanism, and given the green credentials they profess to have, whether they are doing anything about that in that context.

1125 **Hon. P J Balban:** Mr Speaker, the two-stroke motorcycles that come through the frontier throughout the whole of Europe. It is not just La Linea and the surrounding area. Personally, yes, I agree, I would rather not have any vehicles that emit, and I think yes, when we develop the low-emission zones and the chances ... Again, we are looking at different areas, but the centre of town is one of the key areas where we will try to push that, and I am working with my colleague's team  
1130 and Minister Cortes to see whether there are some drafts, some proposals and some mechanisms of how this can work.

Anything that we prohibit entry, the chances are that there will be a prohibition on exit, so where do you draw the line in terms of emissions? There are vehicles which are Euro 3 and prior to that, that people own and cross the Frontier with as well, so again I think I have said because  
1135 these vehicles, although they are undesirable – I agree completely, they are undesirable – and the noise they make sometimes is greater than a four-stroke, I think we will and we have seen a massive decrease, and the work that we are trying to do with emission zones will help in the future.

1140 **Mr Speaker:** Next question.

#### Q12/2023

#### Government electric cars and motorcycles – Comparison with petrol vehicles re repairs, maintenance and reliability

**Clerk:** Question 12/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state, given that it has been using EV cars and motorcycles, how these vehicles have performed in relation to repairs, maintenance and  
1145 reliability in comparison to previous petrol-powered vehicles?

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

**Minister for Transport (Hon. P J Balban):** Mr Speaker, the information being requested by the  
1150 hon. Member is not available for comparative purposes.

**Hon. E J Phillips:** Is any information available to the Minister as to the efficacy of e-vehicles in this context? As the Minister will recall, there was much fanfare by the Government in relation to this development, one which I think Members on this side of the House supported. I just wondered  
1155 whether there is any assessment of these particular vehicles. I would have thought there would have been, but if it is not actually available in the way in which I have described, is it available in other ways, does the Minister know?

**Hon. P J Balban:** Mr Speaker, it is not available, and I will explain in a moment why it is not  
1160 available to us, other than the fact that we can rely on manufacturers' details and we know exactly how an electric vehicle will perform in terms of emissions compared to an internal combustion engine or whatever.

The reason why we cannot give that reply is because we used to service all cars within one department, within what used to be a technical service garage department, and obviously they  
1165 do still service some of our fleet – in fact, they service the refuse trucks and a lot of the older-type vehicles – but a lot of these other vehicles, these new electric vehicles, are serviced by the garages, so we cannot marry the statistics that we have for, say, the old G1, which was a Rover, I think, and maybe the new Jaguar. That is why it is impossible to actually [inaudible] other than relying on manufacturers' statistics, which are proven.

1170 **Chief Minister (Hon. F R Picardo):** If it is of assistance, Mr Speaker, the new G1s, the electric ones, have never had to have their oil changed. They have never had to go, because of any of the internal combustion engine needing any attention etc ... I think they have been down when we had the accident in Spain and the rear axle issue arose, and I think there was an issue with the electric window, but no need to change the spark plugs, none of that.

1175

**Mr Speaker:** Next question.

**Q13/2023**  
**Dockyard project –**  
**Works re access route and cost**

**Clerk:** Question 13/2023. The Hon. D J Bossino.

1180 **Hon. D J Bossino:** When will the new south district access through the dockyard project start and end, and how does the Government intend to finance the project?

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

1185 **Minister for Transport (Hon. P J Balban):** Mr Speaker, no dates have yet been set to commence the works for the project involving the proposed access route through the commercial shipyard. The detailed designs and easement negotiations are in progress already since the takeover of Gibdock by new shareholders.

1190 **Hon. D J Bossino:** Is that why he is not able to answer the second limb of the question, which is how the Government intends to finance the project, because it is at too much of an early stage as far as the issues that he has raised are concerned?

1195 **Chief Minister (Hon. F R Picardo):** No, Mr Speaker, because the clear indication is that it is not going to be financed in this financial year. It is likely going to be financed in the next financial year and we will have that debate in June when we have the Estimates put for 2022-23.

**Hon. D J Bossino:** Do I take it from that that it is the Government that intends to finance this project?

1200 **Hon. Chief Minister:** Mr Speaker, the Government is answering a question that has been put to it, which therefore the Government considers it is responsible for, and therefore the Government would be financing it.

1205 **Mr Speaker:** Next question.

**Hon. D J Bossino:** Just one final question, Mr Speaker. Just so that we have clarity, is the project going to be as outlined on page 55 of the manifesto under the title 'A new connection between Queensway and Rosia Road'? Is it that one?

1210 **Hon. Chief Minister:** Mr Speaker, an announcement about the final stage of the project will be provided when the announcement about the final stage of the project is published.

**Hon. D J Bossino:** Mr Speaker, I am not asking that question. I was unable to identify this project, which impacts on the dockyard area and dealing with road connections. Can he just be

1215 helpful and answer the question? Is it the one which is referred to on page 55 of the manifesto under the heading that I have just put to him across the floor of the House, or are we talking about another project?

**Hon. Chief Minister:** Mr Speaker, it is not a question of being helpful or unhelpful. He is talking about a manifesto and the hon. Member should know – he has been in Parliament before, not just this time – that we are not answerable for the manifesto. The manifesto is a product of the Gibraltar Socialist Labour Party and the Liberals. We are the Government, and so we are here to implement that manifesto but not to comment on it. If I started to comment on it, you might tell me off for doing so. There is a manifesto commitment to do a particular thing. The Government then goes off and turns that into Government policy. When the Government makes the announcement about the policy, the exact details are provided for as the Government policy.

1225 It will be a road through Gibdock to the south, the exact details of which the Government will announce when it is the Government making the announcement, which will be inspired by the thing that the GSLP Liberals sought a mandate for, but the Government Technical Services may tell us, 'You might have put this in the manifesto as candidates, but there is a sewer here and therefore it has to go left here, not right here.' That is the point I am trying to make to the hon. Gentleman. I am not trying to be unhelpful, I am just trying to say that there is a difference.

1230 We had this debate, he will recall, in 2012, about the GSD manifesto for 2011. There is a difference between the things the party produces and the things that then the Government is able, with its technical advice, to do. We have not taken, as was the case in other instances, Government technical drawings and put them in our party political material. That is why it may be different.

1240 There is no attempt to be unhelpful. It is just a desire to see the hon. Gentleman directed toward what we publish as a Government, which is what we will do. Then he can do the exercise of comparing one and the other and telling us that we have failed to do what we promised, or praising us for improving even upon what we promised – I will not hold my proverbial, Mr Speaker.

**Hon. D J Bossino:** The information which I am seeking, Mr Speaker, I do not think the hon. Member has provided. I think we are getting there. I will just read a very short excerpt from the manifesto. Is this the section from which the Government is drawing inspiration in relation to the projects on which it will provide further details in the future? I quote:

We will also explore options for providing a connection between Queensway (south) and the promenade on Rosia Road, also known as 'La Bateria'. To the extent that such a connection may enable users to avoid Ragged Staff and the Trafalgar Interchange, it is envisaged that a connecting path would be limited to pedestrian/cycle traffic only.

1250 **Hon. Chief Minister:** No, Mr Speaker, I think the hon. Gentleman is looking at the wrong thing completely. That has nothing to do with Gibdock. That is the area of the Walk the Wall where, if we are able to do what we want to do, there is a need to create a connection over the area of Ragged Staff. This is a project that requires the relocation of the mosque, which we have been working on with Members of the Moroccan Community Association etc. We have been working with AquaGib on their relocation. Then there is an issue of the area by Toc H and Bishop Fitzgerald, and then that area connection between Ragged Staff over on to Saluting Battery, also known as the Battery in Spanish.

1255 The road is the other one, through Gibdock – that is why the reference is to easements etc. through Gibdock and the new ownership of Gibdock – and that is connecting the south of Queensway through to the area, more or less, of New Mole House, which provides an alternative route to the south, but that is vehicular.

1260 **Mr Speaker:** The Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, on the issue that they have answered originally – not this one, La Bateria and so on – where is the entry point? I assume the entry or the exit point might be where there is a barrier now at the southern end, opposite New Mole Police Station. Can the Minister assure the House that any part of this project will not have any breach of the historic city walls or fortifications?

**Hon. P J Balban:** Mr Speaker, I can confirm that the project would, as you rightly say, come out opposite New Mole House, where the barrier is, so there would be no ramp over the wall. It would be along the dockyard road and behind the industrial park, and exit past the docks and up the hill towards New Mole House.

**Mr Speaker:** Next question.

## **BUSINESS, TOURISM AND THE PORT**

### **Q14/2023**

#### **Watergardens Small Boats Marina – Refurbishment**

**Clerk:** Question 14/2023. The Hon. E J Reyes.

**Hon. E J Reyes:** When does Government intend to refurbish Watergardens Small Boats Marina as signified during the 2022-23 Appropriation Bill?

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

**Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, as soon as possible. Costings as to pontoons etc. are being provided.

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

When the Minister says as soon as possible, does he expect those works to be completed within the lifespan of the current financial year, given that there are already sums allocated for the project, or will it take longer than that and, unfortunately, have to pass over? Does the Minister have any indication?

**Hon. V Daryanani:** Mr Speaker, we had some quotes done for this a while back, and of course the costs have gone up, so we have had to requote. We are working on that. We have had some quotes come back and we are waiting for some others. Especially at the time of the year we are in, with inclement weather, storms and all that, I think it is going to be quite difficult to be able to start and complete the project within this financial year.

### **Q15/2023**

#### **Parcel post office – Relocation**

**Clerk:** Question 15/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** When and where is the parcel post office building moving to?

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

1300 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, no decision has yet been made. There are a number of locations under consideration by the Government for the parcel post building. Once a final decision has been made, an announcement will follow.

1305 **Hon. D J Bossino:** Does he know when he expects to make that announcement?

**Hon. V Daryanani:** Not at this stage; if so, I would have done so.

**Hon. D J Bossino:** But is the announcement imminent? That is what I am trying to drive at.

1310 **Hon. V Daryanani:** Mr Speaker, if it were imminent, I would have said it was imminent. We are going through the process and when we take a decision, we will let him know.

1315 **Hon. D J Bossino:** May I ask which locations the Government is considering? Just to assist the hon. Member, I have heard that one possible location – and in fact the information I had was that it was much more advanced than he is indicating across the floor of the House – is round about where the parking spaces are outside the Med and Calpe rowing clubs.

1320 **Hon. V Daryanani:** Mr Speaker, that is one of the locations we are looking at. There are a number of locations, so he will have to wait until we take the decision.

1325 **Hon. K Azopardi:** Mr Speaker, can I ask what is the rationale for the consideration of moving the parcel post office? After all, it is relatively recent that it was located there, and I assume the Government spent quite a bit of money in setting it up in that location. So what would be the rationale of moving it so soon?

1330 **Chief Minister (Hon. F R Picardo)** Mr Speaker, exactly the rationale that we set out when we moved it there, in a temporary building, and said so publicly. As part of the grant of the Rooke project, that is part of the plot that went out to tender, and we said that we would be moving the post office from there when the tender was granted. So, in order to be able to give vacant possession, we have to give effect to the thing that we have already said, and I am surprised the hon. Gentleman does not seem to recall.

1335 **Hon. K Azopardi:** Mr Speaker, in view that it is tied up with the tender process – and I do recall that there was ... Obviously we have spoken about the tender process and the expressions of interest process in the House before. Is the Government in discussion with the preferred bidder in terms of the cost and sharing the cost or passing the cost on to the proposed developer?

**Hon. Chief Minister:** Mr Speaker, the premium is inclusive of this cost.

**Q16/2023**  
**Transport infrastructure –**  
**Proposals for improvement**

**Clerk:** Question 16/2023. The Hon. D J Bossino.



1340 **Hon. D J Bossino:** What specific proposals does the Government have to improve Gibraltar's transport infrastructure, as has been recently identified by the Chamber of Commerce in connection with the cruise industry?

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

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**Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, when the hon. member says recently identified, I think he is referring to a press release issued by the Chamber of Commerce on 6th June 2022 titled 'Chamber welcomes the Minister's efforts to develop Gibraltar's cruise business'. I would like to take this opportunity to thank the Chamber for recognising these efforts.

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The Chamber and I meet regularly to discuss business matters in general. We understand that there are certain issues that need addressing regarding transport infrastructure. Since I have been Minister for Tourism for the last three years I have engaged with the transport sector on several occasions. We look forward to continuing with these meetings and I hope we can have specific proposals on what is a very complicated subject.

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**Hon. D J Bossino:** Just by way of clarification, Mr Speaker, I was not referring to that press release, I was referring to a foreword in the Chamber of Commerce magazine for the autumn/winter edition of 2022, which actually deals ... The main focus in relation to this issue ... Just by way of assistance to the House, I will quote one of the things it says:

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The main reason why fewer cruise ships are coming to Gibraltar

– which is a very worrying trend and concern –

compared to other ports is because of the current transport arrangements, which cannot cope with the increase in demand.

It goes on:

it is the strategic issues that need to be tackled head on.

There are other bits that are relevant, but I do not need to go into them.

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In relation to that, he says there are certain issues that need to be looked at, which are very complex. Can he give some information to this House as to what those issues are and why they are so complex?

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**Hon. V Daryanani:** I think when we talk about issues we talk about all people's interests, all the different parties that are working in the sector. So the taxis have their issues and the bus and tour operators have their issues. These have been going on for a long time. The Chamber appreciates that. The Chamber appreciates that there is no simple solution to this, and we are working with all interested parties to see how we can come up with some sort of arrangement. We have had several meetings and we will continue to have these meetings. I wish we could solve this problem and I will keep on working on it.

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On the issue of fewer cruise ships, I think the reason why we have had a slight reduction in cruise ships is because of something called COVID, not only in Gibraltar but in all ports in the Mediterranean and around the world.

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**Hon. D J Bossino:** Mr Speaker, one final question. He talks about fewer cruise ships and he highlights and cites the COVID issue, which has clearly been a major stumbling block in relation to this industry and others, but actually the concern here is that we have had increased activity in

ports close to Gibraltar – Cadiz and Malaga – and that is a concern that certainly I have and many people in the industry have.

1385 One of the issues that has been highlighted – I have just read from the foreword in the magazine – by the Chamber of Commerce is the issue of transport. That is pretty much all they focus on, and can I ask him, therefore, to give this matter urgency, to thrash out, as soon as possible, a solution that is satisfactory to the cruise liner industry? Can I ask him when he expects to be in a position to announce something in this sphere?

1390 **Hon. V Daryanani:** Unfortunately, I cannot give him a date when I can announce anything on this matter. This has been going on for as long as I can remember – for the last 25 or 30 years – so I do not know how he expects me to come in here and just solve the problem. I can tell him that I am at it and I will not rest until I find a solution to this.

**Q17-18/2023**  
**Cruise visits –**  
**Schedule for 2023 and 2024; Viking Cruises**

**Clerk:** Question 17/2023. The Hon. D J Bossino.

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**Hon. D J Bossino:** Please confirm that the Gibraltar Port cruise call schedules for 2023 and 2024 are accurate.

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

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**Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, I will answer this question together with Question 18.

**Clerk:** Question 18/2023. The Hon. D J Bossino.

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**Hon. D J Bossino:** How many cruise visits have materialised from Viking following the Minister for Tourism's meeting with its Vice-President of Maritime Operations and the Chairman in May 2021?

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

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**Hon. V Daryanani:** Mr Speaker, the figures are accurate and current. As with all bookings for future calls, there is always an element of uncertainty. There are some last-minute cancellations as well as additional bookings, which is the norm for the cruise industry, so I would say that the schedule for 2023 and 2024 is as accurate as can be at this moment in time.

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The meeting the hon. Member is referring to took place when COVID was rife and the cruise industry was at a complete standstill. This meeting took place on the company's newest ship, *Viking Venus*, which was in Gibraltar on an operational call. The Chairman of Viking Cruises flew in to meet the ship and requested a meeting with me, which was arranged. The news was carried by the *International Cruise Press* and was excellent positive publicity for Gibraltar. The *Viking Sea* made its inaugural call in Gibraltar on 3rd December 2021 and the *Viking Star* called at our port on 3rd March 2022.

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**Hon. D J Bossino:** I am glad that the hon. Member is confident about the information in relation to cruise line calls for 2023 and 2024, because actually there is a very worrying statistic and maybe

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he can enlighten this House why it is that for 2024 we have no visits expected from Royal Caribbean.

1430 **Hon. V Daryanani:** Mr Speaker, I think he will have to give me notice for that. He has asked me about Viking Cruises and now he is suddenly moving to 2024 and Royal Caribbean.

**Hon. D J Bossino:** Mr Speaker, with the greatest of respect to the hon. Member, my question is a supplementary to Question 17, which arises from the Gibraltar Port cruise schedules for 2023 and 2024, so I think it is relevant.

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**Hon. V Daryanani:** Mr Speaker, I have told him that the schedule is as accurate as can be at this moment in time. That he has spotted that a certain cruise line is not coming in 2024 ... well, thank you for letting me know and I will look into it.

1440 **Hon. D J Bossino:** Mr Speaker, I am very surprised by that answer, that the hon. Member, as the Minister for Tourism, who has direct responsibility in relation to this area, is unable to give any comment as to why such an important cruise liner operator is having zero calls for 2024. I am very surprised by that.

1445 Can I just say that from the information we had when this was brought to my attention – and I checked it – confirmed not just by the 2024 calls but also by information which the Royal Caribbean itself is giving to those who enquire ... They are confirming that they do not have any itineraries featuring Gibraltar as a destination in 2024. Can I ask him to comment in relation to this? I give him a further opportunity.

1450 **Chief Minister (Hon. F R Picardo)** Yes, Mr Speaker, it is January 2023. In my experience the way certain companies work is to book later rather than earlier, especially itineraries for the year ahead. You can book with a cruise company a year or two ahead, but they position and reposition their ships at different times. That is what our comment is in respect of that particular cruise company and we will see, when we get closer to 2024, whether we have calls from Royal Caribbean or not. We have a very strong relationship with Royal Caribbean and with the chief executives and we do not believe that 2024 will be a year when there will be no calls from Royal Caribbean in Gibraltar, even though there are no calls booked yet.

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1460 **Hon. D J Bossino:** Mr Speaker, in relation to the other question, which relates to Viking Cruises, Question 18, just one supplementary. Does he have any comment as to why, despite the inaugural calls that he referred to – and he is right, the *Viking Star* did come in 2022 – the expectation is that there will be no further visits, despite his meeting, in 2023 and 2024?

1465 **Hon. V Daryanani:** Mr Speaker, I am meeting Viking Cruises tomorrow morning and I will ask them what is going on.

## JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

### Q19/2023 Online Safety Bill – Progress

**Clerk:** Question 19/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, when will the Government bring an Online Safety Bill to this House?

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

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, a first draft of the Bill, based on the current UK version, has been prepared by drafters at the Government Law Offices and is undergoing internal consultation, which itself will take a few weeks, and will be published as soon as possible.

The UK Bill is likely to be amended in the House of Lords in the coming weeks. We will reflect on any such amendments before publishing our Bill, which we want to make as comprehensive as the final UK Act.

**Hon. E J Phillips:** I am grateful for the answer and I am pleased to hear that the hon. Lady is going to promote a Bill to ensure that social media companies take responsibility, Mr Speaker, for keeping our children and young persons safe whilst moving across the internet. I think that is something we would welcome and we look forward to seeing the Bill when it is published.

Has the Minister, in the process of reviewing the position in the United Kingdom in comparison with our jurisdiction, because clearly we need to make sure that it fits and ticks all the right boxes for us as a community ...? Will there be any significant differences, in terms of the approach, that the Minister has discovered, given the drafting process is under way?

**Hon. Miss S J Sacramento:** Mr Speaker, I will, of course, ensure that, whereas we will try to follow the UK position, if there are amendments that need to be made to accommodate the position in Gibraltar, they will be made. When I have a more comprehensive draft of the Bill at the appropriate time – because I am obviously waiting for the anticipated amendments in the UK – I am happy to have the discussion with the hon. Gentleman.

I thank the hon. Gentleman for his comments in regard to this. He will know, because I mentioned it in my Budget speech in June, that this is something we were working on in the Ministry for Justice. In relation to this particular one, it is not yet ready because we are waiting on developments, but I would very much like to see this one through as soon as possible.

**Hon. E J Phillips:** Just one further question: would the Minister be willing to constructively engage with us on this side of the House? This involves the online safety of children, an important issue for our community, and if the hon. Lady might be able to spare the time and give us an opportunity to sit down with her and look through the Bill, it might be a way in which we can accommodate full and unanimous support in this House for an important piece of legislation moving into the future.

Thank you.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I think the hon. Lady has just said exactly that, but I am very pleased to accept the hon. Gentleman's proposal.

The hon. Lady and I have been working on this for some considerable time, over a year and a half.

The Bill in the United Kingdom has hit a number of political hurdles, as he may be aware. There is now an Act in Ireland. The Bill is going to be amended in the Lords, as a result of an agreement reached late last night in the Commons, with a provision for the incarceration of the chief executives of internet companies in the event that they fail to act upon recommendations or requirements of Ofcom, in keeping with the provisions set out in the Irish Act, which is the agreement between a group of rebels on the Conservative benches led by Sir Bill Cash with the support of the Labour Party, and Michelle O'Donovan, who is the relevant Minister for Culture. It

is a Bill which is a little different to the Bill that was being promoted by Nadine Dorries as Minister for Culture under the leadership of Boris Johnson, but we think it probably still does the job.

We think there are issues to bear in mind about the provenance of the Bill and that there may be aspects of the Irish Bill which we may want to bear in consideration as we bring a Bill to Gibraltar, but as the hon. Lady can give testament to because I have been a bugbear on this, this is something we want to move on very quickly.

This not just about protecting children. It is principally about protecting children, but it is about protecting everybody who uses online services, in particular social media, and trying to bring to social media an element of regulation of the space and how people act there, by creating a national law that addresses these issues, because otherwise people will find that they are very often at the mercy of the law of the place of incorporation of the entity that provides the service. We are all subjecting ourselves, every day, to the laws of California and the United States by going online with any of the many social media platforms that we use. This repatriates the place of use of the social media platform, the regulatory landscape affecting individuals who are using that platform in Gibraltar, the United Kingdom and Ireland, to use the examples that I have given. It is hugely important. Gibraltar cannot pretend to act in a way that would create a different type of jurisdiction. We need a jurisprudence to build up around this, and we need a regulatory space which is more or less looking the same between at least the common law jurisdictions of Europe – not the European Union, but of Europe – and that is the exercise that the hon. Lady has been embarked upon for some time with my full support, and I look forward to also working with them on the subject.

**Mr Speaker:** Next question.

**Q20/2023**  
**Public events –**  
**Policing**

**Clerk:** Question 20/2023. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, does the Government agree that the Police should not provide security for events such as the Cavalcade and other public events?

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

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, there is no suggestion that the RGP will not provide security at public events. The security of Gibraltar and events in Gibraltar is, of course, a matter for the Royal Gibraltar Police. This was very clearly explained by the Commissioner of Police in a GBC interview on 5th January. He also explained that a private company was engaged for the marshalling of that event, to ensure that the public remained within the cordons and stipulated areas. There is a difference between marshalling and policing.

We will all agree with the Commissioner that we must use police resources efficiently and not have police officers deployed to do the jobs of civilians. Indeed, in the case of this year's Cavalcade, there was a significant police engagement for what are policing functions prior to and during the event, which included traffic planning, safety inspections of the floats, security searches and a physical deployment throughout.

**Hon. K Azopardi:** Mr Speaker, we do agree that the police resources should be used efficiently, and indeed we welcome the clarification of the Minister listing the duties in relation to security that the Police carried out in respect of the Cavalcade. But she will also be aware that not only were there public comments by the Commissioner but there were also public comments by the organisers, who made the point that what had been the traditional services given by the Police were no longer being provided this year, which had caused a financial outlay to organisers in respect of which they had had to seek a Government contribution. So clearly the role has altered.

Can I ask the Minister, was the Government consulted by the Police, or indeed did they have discussions with the organisers once the organisers found out that the Police were not going to provide those services that traditionally they had provided in the context, presumably, of a reassignment of resources on the basis that they consider that this is more effective?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, there is another question on the Order Paper, to the Minister for Culture, which I think is the right place to address that because he will refer to his discussions with the members of the Cavalcade committee, costs etc. which were involved.

The issue is one which has been ventilated across the Government. There is an HMIC report about how the Police should be doing certain things, which they have to comply with, of course – it is a recommendation, but ... I think all of those issues are addressed in the later question, which the Hon. Minister for Culture deals with because his was the engagement at the front line.

## JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q21/2023

### Governor's Lookout campsite – Improvement in security to curtail vandalism

**Clerk:** Question 21/2023. The Hon. E J Reyes.

**Hon. E J Reyes:** Will Government be assisting the Scout Association to improve security measures at Governor's Lookout campsite in order to curtail recurrences of recent vandalism?

**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, yes, sir.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I am sorry, I did not realise that was the changeover between Members answering questions.

I wondered whether this was a convenient time to break. Instead of continuing for three hours and stopping for one, I wonder whether this is a convenient time to break and return at quarter to six.

**Mr Speaker:** The House will now recess and return at quarter to six.

*The House recessed at 5.30 p.m. and resumed at 5.47 p.m.*

**Q21/2023**

**Governor's Lookout campsite –  
Improvement in security to curtail vandalism –  
Supplementary questions**

**Clerk:** We resume with Answers to Oral Questions.

**Mr Speaker:** Did we complete Question 21? Let's restart at Question 21.

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

I am grateful for the Minister's confirmation that his support will be forthcoming.

I know – if I may, with your leave, refer to it, Mr Speaker – that last month I asked the Minister if there had been any expenditure yet undertaken under a particular head which to my understanding was going to contribute towards refurbishments and so on. Can the Minister confirm that if last month no expenditure had yet been incurred, that rather useful sum of money, £50,000, is then available and, obviously in consultation with the Scout Association for what is left of this financial year, quite substantial use of it will be made towards the improvement of security measures, not only, as I said in my question, to curtail the recurrence of the vandalism, but also, whilst scouts, especially the younger ones, are camping there, it is a certain reassurance to the parents that there is as good as possible perimeter fencing adequate to help as a deterrent to ingress for those who are non-authorised personnel?

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, two separate issues. The answer to the question last time was referring to an allocation which was in response to the Scout Association request, which goes back a few years, to carry out improvements in relation to an international event that they were planning before COVID and are now looking at again.

Specifically in relation today's question, the kind of assistance need not necessarily be financial. The Scout Association contacted me probably on the day after the vandalism had occurred, and my office is in the process of setting up a meeting very early within the next week or so to discuss how assistance could be given. Assistance could be by way of advice on security systems; it may be in relation to security fencing, although a lot of the fencing there I know is relatively new; and because of the amount of goodwill there is in the community towards the Scouts, it may be that there will be entities willing to provide these measures or support these measures without having to be a cost incurred other than to the entities that are supplying them.

But the discussion has to be had. I have not yet had the discussion of the detail of what caused the vandalism. As the hon. Member is well aware from our own days in scouting, it is not new that there should be vandalism – Angelo, my late father, was Commissioner of Scouts and I remember from a very early age he was dealing with this sort of issue – but clearly we have to do what we can to reduce this happening in the future.

Indeed, at least two former scouts who are present in this House – the Hon. Mr Clinton and myself – are actually looking with other former scouts as to whether we can assist by way of a fund-raising event. Maybe I will have to get my old campfire blanket out of mothballs in order to go and perform there again. So there is a wide range of possibilities, but the meeting is pending for me to have the details and see what form of assistance this could take.

**Hon. E J Reyes:** Thank you, Mr Speaker. I am glad to note the tone and the co-operation that the Minister is implying in his answers.

Because it is a matter of great interest to the community and because the Minister has said that he still has to hold those meetings and so on, perhaps, with your leave, in a couple of months' time I could request some sort of update so we can further exchange views. I am truly grateful for that, Mr Speaker.

**Mr Speaker:** I agree.

**Hon. E J Reyes:** I think my hon. Friend would like to ask a small question as well.

1650 **Hon. R M Clinton:** Thank you, Mr Speaker.

I think I join the Hon. Minister in his sentiments in terms of the goodwill that exists in the community for the scouting movement in Gibraltar. As an old scout, as the Minister is himself, I think we can both say that we were obviously appalled at the vandalism that occurred, as most scouts will have fond memories of their days as youngsters up at Governor's Lookout.

1655 Of course I identify myself with the comments the Minister made in terms of perhaps getting veterans together to do fund raising to repair the damage done, but if I may ask, has the Minister yet had an indication from the Scout Association of the cost of the damage that has been done?

1660 **Hon. Prof. J E Cortes:** No, Mr Speaker, I have not. I am expecting that to come when I sit with them.

**Mr Speaker:** Next question.

**Q22/2023**  
**Academic calendar for schools –**  
**Publication of early draft**

**Clerk:** Question 22/2023. The Hon. E J Reyes.

1665 **Hon. E J Reyes:** Will Government consider publishing an early draft of the schools' academic calendar for 2023-24 in order to allow parents and guardians to plan ahead in respect of their annual leave requirements with their employers?

1670 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I am a little surprised by the question, as it seeks information that is already in the public domain. Without offending the Rules, which do not permit such questions, and in order to assist the hon. Gentleman, I can confirm that the academic calendar has been available on the Government Education website [www.education.gov.gi](http://www.education.gov.gi) for over a year.

**Hon. E J Reyes:** Mr Speaker, from feedback I was getting we are talking of the academic year that starts in September 2023, moving forward. Is that the one that is publicly available?

1680 **Hon. Prof. J E Cortes:** Yes, indeed, Mr Speaker, and the draft for the following year, 2024-25, if it is not there already, will be within days or weeks.

1685 It is important that the calendar should be published as early as possible, obviously subject to change. For example, this year we have had to change it at the last minute because of His Majesty's coronation, but it is important because teachers and parents need to plan their own activities, and therefore the policy now is to publish this on the website as soon as possible. The next one after that particular year will be on very soon, if it is not on already.



**Q23/2023**

**Student suspensions from school –  
Number and alternatives offered**

**Clerk:** Question 23/2023. The Hon. E J Reyes.

1690 **Hon. E J Reyes:** Can Government provide details in respect of the number of pupils who have been suspended from school so far in this academic year, indicating the school sector where the pupil is enrolled, together with details of alternative learning programmes offered to them?

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

1695 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, there have been 69 separate suspensions, involving 43 different students. All students are from the secondary sector. Students are posted individual work on Google Classrooms. In order to support those pupils who find it difficult to engage in a full mainstream timetable, they are reintegrated back into school on alternative personal timetables.

1700

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

Sixty-nine suspensions, but the Minister has clarified it refers to 23 students, therefore one, I think, could assume that – (**Hon. Prof. J E Cortes:** Forty-three.) Forty-three, thank you. So one can assume that there are certain reoffenders, if one is allowed to use that type of word. Can the  
1705 Minister then confirm that, together with the alternative learning programmes, somewhere along the system other agencies and bodies are brought in to help in the character and rehabilitation of these individuals?

**Hon. Prof. J E Cortes:** Yes, clearly, Mr Speaker, and there is a range. In some cases it will be therapists, in other cases it will be the Care Agency, and in other cases there may have to be police involvement if there has been some activity of a nature that at least needs a conversation between the Police and the parents. But, yes, clearly this a multidisciplinary approach that has to be had, tailored to the individual needs of the child, absolutely.

1715 **Mr Speaker:** Next question.

**Q24/2023**

**Unightly bin sheds –  
Replacement**

**Clerk:** Question 24/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state when unsightly bin sheds will be replaced?  
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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, unsightly bin sheds are replaced as and when needed as part of the ongoing programme of bin cubicle replacements, which we have had in place for the past 10 years. Two  
1725 bin areas are due to be replaced in the coming months as works on new bin areas are completed.

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

This question comes up a lot with me from members of the community – I am sure the hon. Gentleman probably gets them as well – and there are a number that are presented to me where it appears that they have been in a derelict state for some significant time, boarded up with temporary measures, if I can call it that with the greatest respect to him. I wonder whether there is a programme that literally replaces them, because it appears that there are touch-up jobs being done on these bin sheds and they are very unsightly in terms of tourism and members of the public more generally, of course.

**Hon. Prof. J E Cortes:** Yes, Mr Speaker. The bin stores are not very well treated. Sometimes, sadly, they are not even well used, because, as we have said here before, people will go up to the bins shed and put the rubbish outside or put bits of furniture against them so it does damage. It is very difficult and it is sometimes a question of playing catch-up almost. We do try to replace as much as possible, but certainly there are two areas in particular. One of them is the public bin store opposite the Garrison Library, which is in dire need of replacement. Yes, there is a need to carry out these ... and there are two particularly that I know of that are going to be done very soon.

**Mr Speaker:** Next question.

#### Q25/2023

#### Governor's Lane air quality monitor – Readings obtained and conclusions drawn

**Clerk:** Question 25/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state what readings it has managed to obtain from the Governor's Lane AQ monitor and what conclusions have been drawn?

**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, data collected using the AQMesh between 8th September and 31st December show the following average concentration: nitrogen-dioxide, 32 g/m<sup>3</sup>; PM10 – that is a larger particulate – 20 µg/m<sup>3</sup>; PM2.5 – which is a smaller particulate – 10 µg/m<sup>3</sup>.

These levels are all below current EU levels, although the nitrogen-dioxide level is above the proposed EU levels, and all are above the new WHO levels. However, the data are provisional and not yet ratified. The conclusion, as if we did not know it, is that we must reduce the use of petrol and diesel vehicles further.

**Hon. E J Phillips:** I think, Mr Speaker, the hon. Gentleman has been fairly prolific of late in relation to air quality. The purpose of this question was to draw down on what conclusions can be arrived at, and I think it is right that we need to continue to do that, as he says.

These are obviously average takings from 8th September until 30th December. Clearly the data will reveal spikes at certain times during the day, and in reality when people are walking around and being exposed to this level of pollutants, as he suggests. So I think he would agree with me, would he not, that if the average indication, particularly in relation to NO<sub>2</sub>, is at 32 g/m<sup>3</sup> as he says, we need to be looking at a more radical way of dealing with these types of pollutants? Does he not agree with that?

**Hon. Prof. J E Cortes:** Mr Speaker, the goal posts are moving all the time. Clearly, the ultimate goal post is pollution free. The EU set a standard which we did not meet until very recently and which we currently meet in all of those. They are now upping the standards by reducing the acceptable level and we will meet the particulate one ... Sorry, if we had those standards now, we would have met the particulate one. We would not have met the nitrogen-dioxide. The World Health Organization is much more strict now. A couple of years ago it changed its levels. As we have said here before, we need to do more. The data are recent, so they will be ratified by Ricardo's, the consultant, and they will then provide a graph with all the spikes and so on.

To tell you the truth, for an area which is quite busy for traffic I would have expected higher levels, so even though I am not satisfied, I am almost pleasantly surprised. This is something that clearly came across in my hon. Friend the Hon. Paul Balban's presentation yesterday on that strategy. It is something that we all have to work towards, reducing vehicular use, because clearly in this particular location that is probably going to account for almost all these levels. We are not talking about near the Port or near the Airport, where there could be other aspects, or near a building site where some of the particulates ... This seems to be purely from traffic and it is a good indication and confirmation of what we are trying to do, which is to reduce the use of vehicles.

**Q26/2023**  
**Vaping products –**  
**Disposal and recycling**

**Clerk:** Question 26/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, in relation to vapes, what measures are being considered, including taxing these items, given the difficulties around indiscriminate disposal and difficulties around their recycling?

**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 Environment Department is presently considering introducing dedicated collecting points exclusively for used vaping products. However, vaping products with batteries can presently be disposed of in the pink recycling bins. Other measures aimed at discouraging vaping are currently being considered in addition to the new legislation banning these products for under-18s.

**Hon. E J Phillips:** Mr Speaker, I would be grateful to learn what other measures the Minister is currently considering, because clearly people who dispose indiscriminately of these objects are causing an impact to our environment. In this House he and I have exchanged views on cigarette butts, for example, but this is significantly polluting in terms of life cycle, and I wonder whether he might be able to set out more those other measures.

**Hon. Prof. J E Cortes:** Yes, Mr Speaker, a wide range of possible actions, including the possibility of taxing and even the possibility of banning as single-use plastic items. These are all being considered and we are doing a little bit of research as to whether one or the other, or somewhere in between, should happen.

**Q27/2023**  
**Upper Rock CCTV cameras –**  
**Reason for removal**

**Clerk:** Question 27/2023. The Hon. E J Phillips.

1815 **Hon. E J Phillips:** Mr Speaker, can the Government state why CCTV cameras on the Upper Rock at Queens Balcony and the bottom of the hill leading up to O'Haras have been removed?

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

1820 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the mobile solar cameras in question were temporarily relocated by the Department of the Environment, for operational reasons, to areas where they were urgently required. New cameras have, nevertheless, been procured and are being installed. I know that one was definitely back earlier this week, and possibly the second one sometime during this week.

1825 **Hon. E J Phillips:** I do not want to delve into the operational reasons because they are probably sensitive, so we are not going to go there. Is there a cost to that process? I assume the Minister might not be sighted on that point.

1830 **Hon. Prof. J E Cortes:** There will have been a cost. I am not aware of the cost, but these cameras are getting less and less expensive nowadays, so I do not think it is a large cost. I am happy to seek the information and share it behind your Chair, Mr Speaker.

**Q28-32/2023**  
**Fireworks and *petardos* –**  
**Cancellation of New Year display; risk assessment re private displays;**  
**illegal fireworks confiscated at Frontier; assessment of nuisance and danger;**  
**plans to control use**

**Clerk:** Question 28/2023. The Hon. E J Phillips.

1835 **Hon. E J Phillips:** Mr Speaker, can the Government state how it came by its decision to cancel New Year's fireworks?

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

1840 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Questions 29 to 32.

**Clerk:** Question 29/2023. The Hon. E J Phillips.

1845 **Hon. E J Phillips:** Mr Speaker, can the Government state what risk assessment it carried out and what steps it has taken in relation to privately held firework displays in our community?

**Clerk:** Question 30/2023. The Hon. E J Phillips.

1850 **Hon. E J Phillips:** Mr Speaker, can the Government state how many illegal fireworks were confiscated at our land border with Spain?

**Clerk:** Question 31/2023. The Hon. D A Feetham.

1855 **Hon. D A Feetham:** Mr Speaker, does the Government accept that fireworks and *petardos* can be a huge nuisance and a danger to people and animals?

**Clerk:** Question 32/2023. The Hon. D J Bossino.

1860 **Hon. D J Bossino:** What plans, if any, does Government have to control the use of fireworks, particularly during New Year's Eve?

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

1865 **Hon. Prof. J E Cortes:** Mr Speaker, in relation to Question 28, this has already been stated publicly following press questions on 4th November last year when it was confirmed that this was in order to save costs. Given the deficit reported to Parliament this year in the Estimates, we did not consider this a justifiable expense.

1870 Fireworks displays per se require an entertainment licence and these permits need to be requested via the Ministry of Culture and approved by the Safety Advisory Group. The application needs to be supported with appropriate risk assessments, method statements and health and safety plans prior to the display being approved.

1875 No illegal fireworks have been detected at the Frontier this year – meaning last year, clearly. Notwithstanding, the following statistics are for searches conducted at Four Corners Station during the month of December 2022: 72 persons, 1,933 vehicles. People should, however, not be surprised by this, given that, as a leftover from our period of membership of the EU, most if not all fireworks available for retail sale in Spain – that is to say in the single market of the EU – are legal in Gibraltar, even the loudest firecrackers, which I will address in a moment. This year, there was a large commercial importation of fireworks by a local company. This business specialises in these goods and obtains the pertinent import licences from the Gibraltar Fire and Rescue Service.

1880 The Government agrees that fireworks and *petardos* are a nuisance for people and animals. It absolutely does not condone their use. The legality of these is a different issue and work is going to be undertaken on that.

1885 I have convened a meeting for 20th January – in two days' time ... yes, I think so; today is the 18th, yes? – with various departmental stakeholders and lawyers, to study amendments to the legislation that will set out limits to dates, times and locations for private fireworks to be set off, as well as limiting the type of fireworks that can be used.

1890 **Hon. E J Phillips:** Mr Speaker, in relation to Question 28 it is obviously appreciated on this side of the House that there are restraints on the public purse. Likewise, of course, we all have to understand on this side of the House that it is been a tough few years for our community insofar as its response to COVID and the challenges that have been mentioned in this House in relation to Brexit, which the Chief Minister has discussed at length with the community and, indeed, Members of this House.

1895 Given the fact that numerous benefactors in our community have contributed to our way of life and have made contributions, financial or otherwise, to the way in which we celebrate our community and the unity that is expressed by all of us, particularly at the time of New Year's Eve, I wonder whether approaches have been made to conduct a more organised display of seeing in the New Year. Clearly the displays that we saw, as beautiful as they were, on social media presented to many people risks not only to humans but also to animals, as has been said in one of the other questions. I just wondered whether for that amount of money – it is a defined amount of money – we could have made an approach to those people who are passionate about our community and make those contributions, as to whether they might do that. I wonder whether you explored that as an alternative.

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**Hon. Prof. J E Cortes:** Yes, absolutely. Mr Speaker, a couple of points here. I think there is an implication, almost, here that the fact that we did not have official fireworks led to the fireworks that people had, but I can tell you that from my experience – as, I am certain, others here – we have that every year, almost in competition with the formal fireworks, and sometimes some of these displays are more lush even than the formal ones. I do not know where they get them. *(Interjection by Hon. Chief Minister)* Yes, exactly. And the formal one, as the Hon. Chief Minister is very helpfully reminding me, is only visible from a defined area.

There are people who enjoy fireworks, there are people who are adamantly against fireworks for environmental and other reasons, so there is leeway for all of that, but I think we are satisfied that this year it was the right decision; next year, maybe there will be another one. This is something that was considered, a decision taken, and I think we need to stand by it and concentrate – in my answer to the other questions – on how we can try, difficult as it is, to control the setting off of fireworks in private areas and on private estates.

**Hon. E J Phillips:** Mr Speaker, just one further question. As the Hon. Minister may have seen from his television box – or LCD platform, or whatever you call them now, TVs – the rest of the world celebrated in the technicolour that we are all used to in terms of New Year's Eve, and everyone saw in New Year's Eve in a particular style. I appreciate very much, and I am not seeking to argue otherwise, that it was a decision because of the budgetary constraints that he has spoken about, but the point I am trying to make here is that insofar as safety is concerned, I think it is right that the Government manage it, and I think he will agree with that, but also, even if it is sponsored by someone else – and what I mean by that is if it is paid for by someone else – of course it should be the Government that provides that assurance to the public that it is controlled in a secure and safe way for members of the public.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I am afraid I cannot agree with the hon. Gentleman's logic, and perhaps when I respond he will agree with me that he does not agree with himself.

What the hon. Gentleman has seen on television when he sees the display first in Auckland, then in Sydney, then in Moscow if cameras are allowed, then in Berlin and then in London are the official organised displays there. That does not mean that in the rest of Auckland, and indeed the rest of New Zealand, they are not setting off fireworks wherever they want, or indeed anywhere else.

The hon. Gentleman has set up the question for the Hon. Minister by saying, 'Everywhere else, you saw this; here, you had unregulated fireworks,' and that, Mr Speaker – if he will agree with me and we do not fall into the trap of political exchanges – just by way of logic is not correct. I think he will accept that although we see on our television screens the news of those official fireworks displays, that does not mean that we do not suffer from, in all of those areas potentially, also the same thing that he is suggesting we suffer from, which is what we are calling, for the purposes of the debate, unregulated use of fireworks by private individuals in private spaces.

In Auckland they may have had World War IV, as we had here, and in Madrid they might have had a lovely display at the Plaza del Sol and 1704 and the Batteries of Elliott at the same time, as they had in London, where they had a lovely display on the Thames but in Peckham you might have been going good luck to Del Boy and his cousin.

So I am afraid, Mr Speaker, I would say that the question is unfairly put. The only point I would make, other than reinforcing all the things that the Hon. Minister has said, is that what I found quite remarkable this year with the run up to Christmas and New Year, in which had been the discussion about the cost of living crisis etc., was that the display went on for as long as ever. Obviously many people who tell us that they cannot make ends meet manage to make enough to make the end of the flame meet the end of the firework for half an hour in all our estates, outside of our estates and elsewhere.

1955 I was struck by a comparison that we often do, which is unscientific but is relatively meaningful. I was at a vantage where I could see the bay, and the display here went on ... At quarter to one in the morning I was still seeing fireworks and hearing them. I love fireworks when I see them; I hate it when I hear them, perhaps like most. Across the bay, by quarter past it had settled down. How lucky we are to be born Gibraltarians.

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**Hon. D J Bossino:** It was very humorous when he referred to World War IV, and I could not agree with him more. It was quite incredible – (*Interjection*) I suppose! – and it was really bad, although I am not sure it was as bad as in previous years, I must say. (**A Member:** Worse!) Worse, you reckon? Okay. As in last year, I mean.

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Just by way of preamble, I wrote a letter in the *Chronicle* because it is an issue which has been bugging me now for some time. People mention to me – and, I am sure, to many of us across the floor of this House – that this is an issue for special needs children in particular, especially those within the autistic spectrum. Many of them have to be drugged. Many of us drug our dogs, but to drug a human being because they have to go through this is, quite frankly, shameful ... and infirm people and people with Alzheimer's etc.

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Can I just also, by way of slight preamble, welcome what the hon. Member has said, that he is looking at legislation, I think he said? In respect of that, if I may, Mr Speaker, two supplementary questions, just to bundle them together because I think it is going to be easier for him. May I ask which stakeholders he says he is going to be meeting the day after tomorrow? When does he expect the legislation to be up and running and put in place, and does he expect it to be there before the celebrations next year when we are welcoming 2024, when hopefully we will be on that side of the House?

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**Hon. Chief Minister:** Sorry, can I just do a footnote, Mr Speaker, before the Hon. Minister answers, because on this I have to hold my breath. I think I agree entirely with the Hon. Mr Feetham, and I am just going to say this by way of footnote before we start.

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The hon. Gentleman has prefaced his question to the hon. Member about fireworks. Actually, I think what we all hate are *petardos*, right? We have to understand that the display, the fireworks, the ones that go up and create a beautiful ... they do not actually create as much of a bang. Some of them create a bigger bang, some of them create less of a bang, but the ones we all hate, the ones that create the bang where, whoever you are, you jump out of your skin, that require those who we want to look after ... We are civilised because we look after animals and, in particular, our children – special needs children and non-special needs children. Some are worse than others, but it is quite dreadful. I do not know what possesses somebody to want to set off one of those bangs like that. Those are the *petardos*, not the fireworks. Perhaps we can graduate our debate in respect of fireworks in some way, so that what we are dealing with is the bang. It is the noise that is the problem here, it is not the display, and most of those that create the display do not create a bang in a way that is potentially problematic.

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I am saying this by way of footnote to the answer because there are, of course, issues also of personal liberty here and the ability to be able to enjoy displays etc., so the balance, but I do that by my deep agreement with Mr Feetham on this, just by way of footnote on this subject.

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**Hon. Prof. J E Cortes:** Thank you, Chief Minister.

Mr Speaker, by way of my own preamble, I can confirm, as the Chief Minister suspects, that despite the fireworks display in London there were other areas of the United Kingdom where there were private fireworks. My daughter, who is a student, sadly could not be here for New Year but she was a victim of a lot of noise in her own area of Bristol, too, and from the danger point of view, my granddaughter was narrowly missed by a firework this last New Year's Eve. So this something that is very close to all of us and the potential danger I do remember when I was Minister for Health – no, earlier than that, when I was manager of the Health Service back in the

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early 1990s, being there on New Year's Eve and seeing the damage that one particular firework had done to one particular person. So I think we are all on the same side on this one.

Regarding the meeting, there will be representatives from the Law Offices – of course, because it is a drafting issue – the Royal Gibraltar Police, the Fire and Rescue Service, HM Customs, the Environment Department and the Ministry of Culture and the cultural team, for two reasons: one is that they would be the ones to organise the formal official display, and also because the entertainment licence is issued by the Ministry. So it would be all those entities. I may be forgetting one, but those are the main ones that I can recall.

**Hon. D J Bossino:** Has he answered the point in relation to timing?

**Hon. Prof. J E Cortes:** On timing, I think we have a pretty good idea. We had met before this last New Year and already discussed possibilities. We already have a draft, which I am not altogether happy with but I think we should be able to have quite a robust draft within the next ... I would like to say one month, but to be realistic I would say two months, so clearly before this Government once again considers what it does at New Year.

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

**Hon. D A Feetham:** Mr Speaker, thank you very much. As the Chief Minister was agreeing with me, I had a nervous glance behind my chair to see whether the assassin lurked in the shadows, so to speak.

May I ask the Minister whether he agrees with me that there are two issues that we need to look at in relation to this? One is enforcement. I say that from this perspective: that I know from the Upper Rock, where I live, for example Genoese Battery and Devil's Gap are two areas where there are unlawful fireworks and *petardos* that go off during Christmas and New Year, and at other times as well during the year, and therefore if police officers or other enforcement officers are not present, it becomes very difficult to actually prevent that. That is one issue, as to whether the Minister is going to be looking at that.

The second is, of course, the period as well. You can say that you are going to cater for official fireworks displays, for example, outside Casemates. I think it would be helpful as well if that were confined to specific periods of time, because although I know that logically perhaps they are not connected, that sends a message, to others within the community who want to set off fireworks and *petardos*, that that is the period of time. Of course, the obvious retort to that is if it is going to be during an official period and at an official place, it should not be taking place somewhere else. I accept that as an argument, as a retort against, but it is also very difficult to actually prevent people, for all the reasons that the Minister has developed in his answer, from importing into Gibraltar and then setting off in Gibraltar. Perhaps actually saying, 'It is this area but this period and no other period outside it' ... Does he agree with me in relation to that?

**Hon. Chief Minister:** Mr Speaker, let me start by saying that the hon. Gentleman has been in politics for long enough to know that the rule is that the enemy is usually behind you, not in front of you. That is in the United Kingdom.

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

**Hon. Chief Minister:** Of course, absolutely.

**Hon. D A Feetham:** He is a very skilful.

**Hon. Chief Minister:** That is in the United Kingdom, Mr Speaker. Here, the enemy is usually beside you, not in front of you. And I do not mean her, Mr Speaker, but – (*Interjection*) Exactly. It



is not about you. Mr Speaker, the hon. Gentleman makes an important – (*Interjections by Hon. D A Feetham and Hon. Ms M D Hassan Nahon and laughter*) I have never seen such looks of sweetness and light to his right, Mr Speaker.

Speaking about more heat than light, the issue that the hon. Gentleman is raising is one on which we agree. Unfortunately, I do not think the proposal that he makes will resolve matters because we have had official fireworks displays on New Year's Day and people have not thought that this is the period upon which I should be even doing my private display to go with the public display.

I think what is emerging is common positioning between all parties here, and what we need to do, perhaps, is inform people of that agreement between all sides of the House, which I think is the agreement not just between all sides of the House but between all right-thinking people generally, that there is nothing to be gained by obtaining – and this is, I think, the different nomenclature that we have to use – a firecracker, because we are not talking about a firework, and setting it off to the great annoyance of everyone except the person setting it off, who must be the worst sort of fool that wants to inflict upon themselves and others the sort of explosion that, if you are close enough to it, can burst your eardrums, let alone scare you.

I have nothing that annoys me more, outside of politics, than a firecracker on New Year's Eve at seven o'clock in the evening, when you are cutting the potatoes or putting on the bow tie, and – *bada bing* – out of nowhere ... especially when I used to live in the Upper Town and the resonance in a patio was enough to make you think you were literally in the middle of a war zone. You did not know what the hell it was, except you knew, of course, it was that bloody fool again with a firecracker at seven o'clock on 31st December – let alone when they are all going off between midnight and two or three in the morning, because the firecrackers go on for longer than the fireworks.

So it is important that we send the message that we are all agreed about this. We can do a law and we will do a law, we can make a provision for enforcement and we will make provision for enforcement, but here the issue is education. It is about the value of things. What value to the individual, to the community, to one's own family, of a non-beautiful firework that is a firecracker, that causes huge annoyance? I think that is where we all need to converge and send a unified signal that this is worthless to our community, it annoys most of us, it affects the most vulnerable, it affects pets, it affects people who we should all, as a community, be wishing to work together to protect in any circumstance, whether it is between midnight and one in the morning on New Year's Day or at any other time. At seven o'clock on New Year's Eve now one has become used to the fact that at any time there could be a firecracker, but there are times during the rest of the year when some bod will think it makes sense to set off a bleeding firecracker. To what effect? Scare the bejesus out of one's neighbours? Is this really what people find value in?

I put it to hon. Members that we agree that anybody who is engaged in just setting off a firecracker is stretching the limits of credulity of why humanity is civilised, and that that is the message we should send together from this place. We should send it without any difference between us. That does not affect individuals' personal liberties to do firework displays in a responsible manner by buying a box that is approved for use, which is more light than heat, to put it that way – in other words, is a beautiful display, is not a loud display – and that the legislation should assist that. I think the people who retail fireworks in Gibraltar have all demonstrated that they are responsible. They provide things that are attractive, that are safe for children, that are safe for those seeing them – of course, in the hands of a person who is responsible in setting them off.

I read an excellent piece in the *The Times* two days ago about fireworks displays and about displays where individuals try to set off the firework in a way that aims at the grandmother walking nearest your house and in order to maim, as if that were fun. This is the point I was making to the Hon. Mr Phillips before. This is not a national problem in Gibraltar. This is obviously a problem of a particular type of pyromania that needs to be controlled and needs to receive a very clear message from this place in legislation, in regulation and in guidelines, but also in positioning of all

2110 of us here, respecting personal liberty in other situations but also sending more than just the message, also legislating to ensure that people know that there are certain behaviours which are not going to be tolerated.

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

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**Hon. R M Clinton:** Mr Speaker, I do not think I will be speaking out of turn if I say on behalf of my colleagues that we probably would agree with what he has just said in respect of illegal fireworks.

2120 It may be that we perhaps do not even need legislation and the existing legislation will cover the required needs. It seems to me that once a year we take great joy in going back to the days of the Great Siege and smelling the gunpowder and the sounds of what it must have been like at that time, and perhaps we should record it for posterity, but if I can go back to my hon. colleague Mr Phillips' Question 29 about entertainment licences – and the Minister has made reference that within the entertainment licence there will be requirements for a risk assessment and such like things, which ... What I want to get to, Mr Speaker, is the legal fireworks and how the legal fireworks are being controlled in a way as to minimise risk to the public. I can say I actually saw people setting off not just one, two or three, but six, seven or eight fireworks from the roadside, which cannot be right. I was wondering if the Minister had any information as to how many entertainment licences were actually applied for during the period, and if there were none, 2125 whether perhaps the answer might be some kind of public awareness campaign leading up to New Year, saying 'Please apply for a licence because then we can check as to safety etc.'

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**Hon. Prof. J E Cortes:** Yes, indeed. Mr Speaker, I did qualify by saying fireworks displays per se, in the sense that if somebody is organising a fireworks display to entertain, they would need it. 2135 Technically, one could say that if you are on your terrace with a fireworks display, you need an entertainment licence, but then we come into your own personal liberties and I think we will all agree there are certain fireworks, like the small snow fountains – the only ones that were around when I was a child – and sparklers and so on ... It might be ridiculous, it might be argued that it may be a step too far, and this is why I said that what we are looking at is to set out limits to dates, 2140 times and locations for private fireworks to be set off, as well as limiting the type of fireworks that can be used, because a couple of sparklers and a couple of snow fountains on somebody's terrace are not going to be an issue, certainly from the noise point of view, and minimal danger. As soon as you light a match, technically you are in danger, but it is not much more than that, and that is not in the same category at all as the firecrackers that the Hon. Chief Minister has been talking about. 2145

So we need to find a way round it. It is not easy because enforcement clearly will be difficult. At one extreme you could have the whole of the Police Force out on New Year's Eve instead of at home with their families and you are going to arrest half of Gibraltar. So there is, as the Hon. Chief Minister has said, a certain amount of common sense, education and spreading the message in 2150 order to ensure that that is the case. There is a public health element as well, I must say, and I did forget to mention that the Public Health promotion persons are also invited to that meeting because they can also contribute to some of the dangers and spreading the message, but spreading the message is actually critical in this.

2155 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, can I ask the Minister for the Environment if he or his Government have considered alternative proposals that would help to wean us all off the fireworks – like drone displays, for example, which are cleaner environmentally and are a quieter 2160 option and would help slowly to move people's expectation, in a way, on fireworks?

**Hon. Prof. J E Cortes:** Mr Speaker, yes, we have looked at this. We have even looked at so-called silent fireworks, which do not really exist. They are low-noise fireworks. They make less noise, but nevertheless they do make a noise.

2165 Drone displays are hugely expensive. We did have a proposal, for the year when COVID hit, that we were looking at – it had not been agreed – and I seem to remember it cost about £¼ million, which clearly is preposterous. You cannot decide to go ahead with a display until the last minute, depending on weather. If we have what we would all call *un levantas*, that is money clearly out the window. So we have looked at these options and they do not seem to be realistic for Gibraltar. (A Member: Yet.) Yes, yet.

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**Mr Speaker:** Next question.

**Q33/2023**

**Devil's Tower Road –**

**Provision of green spaces and recreational parks for residents**

**Clerk:** Question 33/2023. The Hon. D J Bossino.

2175 **Hon. D J Bossino:** The Eastside development will have green areas for residents. What plans does the Government have to provide residents of Devil's Tower Road with green spaces and recreational parks for families?

**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, these green areas will be literally round the corner for residents of Devil's Tower Road. In addition, several of the private development proposals for Devil's Tower Road include open green spaces, and the Development and Planning Commission is likely to make these a planning condition.

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**Hon. D J Bossino:** Which are the developments he is referring to? He mentioned several. Does he have that information?

2190 **Hon. Prof. J E Cortes:** Not in detail. I do not want to risk giving the wrong name. At least one development I think already has outline planning, but there are perhaps two or three others, and I know of two that I have seen that do provide open courtyard areas and green spaces.

I cannot speak for the Development and Planning Commission in this place, but I have enough experience in the Development and Planning Commission to believe that these will become requirements.

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**Q34/2023**

**Review of entertainment legislation –**

**Update**

**Clerk:** Question 34/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Please provide an update regarding the promised review of entertainment legislation.

2200 **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, entertainment legislation is currently in the final stages of redrafting. It is intended to de-conflict the current Entertainment Act and Leisure Areas Act to make the requirements clearer and able to be more effectively enforced. This, together with the new Culture Act which I have announced in past Budget speeches, will greatly enhance the community's ability to enjoy leisure and cultural activities with the least possible negative impact on others. I am intending to publish both Bills in coming weeks.

2210 **Hon. D J Bossino:** Is he able to give us a taster of the type of things that they – I think he has mentioned two pieces of legislation – are likely to cover? And in respect of those two where I think he mentioned decoupling them, are they going to be repealed, and is this a new Act that is going in their place?

2215 **Hon. Prof. J E Cortes:** The form that this will take is yet to be determined. There are different provisions and sometimes almost conflicting provisions between the Leisure Areas Act, which refers to some particular areas, and the Entertainment Act, and there are different authorities responsible. This gives rise to inconsistencies, which can be confusing. We are trying to de-conflict that and merge them into one. So it is likely that one of them, probably the Leisure Areas Act, will be repealed, but all the positive things in there will be incorporated into the Entertainment Act.

2220 I have had a number of meetings with the industry, the entertainment industry and the catering industry – on which there is an impact in areas such as Chatham, Casemates and so on – and I have undertaken to discuss the near-final drafts with them. We were going to have a meeting on that yesterday, but unfortunately, for logistical reasons, it did not take place. It is down in my diary for the next few working days and I will be happy to update the hon. Member directly if he wants to ask me in a couple of weeks' time.

2230 **Hon. D J Bossino:** And in respect of the question I asked about a taster of the measures he thinks those pieces of legislation are likely to cover, is he able to give us some information in relation to that? I would have thought there would be an element of control as to timings, because clearly it is a very difficult balance that needs to be struck here between those who are bothered by the music noise and those who want to express themselves through music.

2235 **Hon. Prof. J E Cortes:** It is almost a little bit worse than that because there are certain provisions in the Public Health Act and then are provisions in the Crimes Act, and they do not always ... they have different authorities – the Police do one, the Environmental Agency do one – and it is confusing for a restaurateur or an event organiser to have to deal with all these different ... We try to do it administratively. Certainly we are all talking together a lot more, but it is difficult to go into details without just saying that yes, it will deal with things like times, decibel levels and that sort of thing, so that people have a clear indication of what is and what is not allowed. It might also be that on particularly special days – say, for example, National Day – there would be more ability to be open longer and that sort of thing. That is what we are talking about, so that people can enjoy leisure activities with the least possible negative effect on, very often, residents who live nearby.

**Q35/2023**  
**Cavalcade –**  
**Cost of private security**

2245 **Clerk:** Question 35/2023. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, what financial contribution did the Government make for the payment of private security for the Cavalcade?

2250 **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 private security cover for the Cavalcade cost £4,500. This was paid from the approved expenditure – Head 19, Culture, subhead 2(8) Cavalcade.

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**Hon. K Azopardi:** Mr Speaker, I will just ask the question I asked before, which is obviously ... It became clear during interviews on the subject that this was a contribution that the organisers had to seek from Government because the Police had decided, on this occasion, not to provide duties that presumably in previous Cavalcades had been provided. To what extent was there any discussion between the organisers and the Government, or consultation with the Government, before that decision was taken by the Police?

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**Hon. Prof. J E Cortes:** Mr Speaker, there had not been a Cavalcade for a number of years, as we know. Certainly it is true the Cavalcade is organised by the Independent Cavalcade Committee, as we know, and they did express this view – I believe it was in an interview in the *Gibraltar Chronicle* – saying that they had had to cover aspects. The Hon. Minister for Justice has explained all the things that the Police did do, but there were some things that the Police used to do, like marshalling for example, which they are no longer doing. This was communicated through meetings of the Safety Advisory Group, at which the Police are represented. Then I held meetings directly with the Police, the Cavalcade Committee, my team at the Ministry of Culture and with Gibraltar Cultural Services, who assist the Cavalcade Committee in the organisation, to discuss how we were to be absolutely certain that there would be no gaps because of the changes in the Police emphasis on what their duties are. The meeting was successful and the Police did provide substantial support – for example, in dealing with traffic, in dealing with the movement of the *carrozas*, the trailers, and so on – and the gap that it was felt was left in the marshalling and perhaps frontline security was covered by the Cavalcade Committee through engagement of a security company that, as I have referred to, cost £4,500.

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**Hon. K Azopardi:** And did the Police share with the Government, in the discussions, why on that day they could not provide the services they had on previous occasions?

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**Hon. Prof. J E Cortes:** This was not specifically on that day. The Police explained that they have reassessed their role in certain areas following a review and that they felt they had to concentrate on things which only the Police can do and that other things needed to be covered more directly by event organisers, but this is not exclusively for the Cavalcade.

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**Hon. K Azopardi:** And of course this not a one-off, precisely because of what the hon. Member has just said, that it is not about the Cavalcade. As I understood the Police explanation in the public domain, it is about public events and similar handling of events, the Police taking a view that they will do certain things but not others because of that principle, that they should be dedicated to other things. That will have a knock-on effect on the cost of other public events, and organisers may also seek contributions from the Government. And so it may not be £4,500 – £4,500 may be

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the Cavalcade, but if there are a number of events, the annual cost of the Police decision in this case might actually be much more significant than that. Does the hon. Member agree? And if so, has that been discussed with the Police to get a finer understanding of why, in respect of these matters, the Police cannot still do the traditional services that they were doing?

**Hon. Prof. J E Cortes:** Mr Speaker, I cannot speak for the Police. Clearly the decision of the Police is not for me, it is for the Police, but the implication that there will be other areas in which event organisers, be it the Government or others, may need to spend some more money on separate security is a correct assessment.

**Hon. K Azopardi:** I was just trying to probe whether the Government has had a discussion with the Police, given that the Police are making an assessment on effective policing and as to its role, but it is against the backdrop of a wider public finances situation, whether the Government has engaged with the Police in relation to this issue on a value-for-money basis given the current situation.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the hon. Member is asking the Minister for Culture a question about value for money for the Police across the board. *(Interjection by Hon. K A Azopardi)* Well, it would not come up in the discussion because the Hon. Minister for Culture would not be discussing with the Police value for money across the public finances and everything that it does. I referred him to this question when he was asking the Minister for Justice about the Cavalcade, but now he is asking the Minister whose responsibilities include the Cavalcade as a cultural event about the responsibilities of the Minister for Justice and, indeed, my own.

The HMIC report, which is the relevant determining factor for the Police, arrived, I believe, sometime in the early autumn. The next spending round, as it would be known in the UK – the next Budget – will be fixed by the end of the first quarter of this calendar year. We will have the negotiations and discussions across all the Departments for spending, and of course this will be an issue that will be raised in the context of the Ministry for Justice’s budget and the Police budget and something that will be raised by Sports and Culture Ministries in respect of their respective events also, I am sure.

So it will have an effect. It requires a discussion. We completely respect the independence of the Police to determine what they should and should not do with the resources that are allocated to them by the Parliament and we do recognise that policing has changed and that policing the modern world is not the same as policing the world in which we might all remember the Cavalcade etc. I certainly agree that a police officer paid as a police officer is not the sort of individual we would consider it is value for money to see marshalling in the Cavalcade, but as I think the hon. Member was told in the first answer by the Minister for Justice, the Police were doing all the things we would expect the Police to be doing – traffic issues etc. and also plain-clothes policing, ensuring that they were making us safe and noting that there was no threat during the course of the Cavalcade for those of us who attended the Cavalcade.

**Mr Speaker:** Next question.

**Q36/2023**  
**Outdoor cleaning –**  
**Satisfaction level re contractors**

**Clerk:** Question 36/2023. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** What is Government's current level of satisfaction with its outdoor cleaning contractors?

2340 **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, our level of satisfaction is 'fair'. I believe there have been clear improvements in cleaning in recent months, but there is always room for more improvement and the  
2345 Environment Department will continue to monitor and work with the contractor to improve further.

I must add, as the Chief Minister stated last time we discussed this in the House, that the issue of cleanliness starts with those anti-social individuals who deposit litter and rubbish in the first place.  
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**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for his answer. I understand when he says that the issue of cleanliness starts with all of us, but it is a fact that everywhere one looks in Gibraltar, streets, pavements and corners are dirty. This is not 'rumourology'; this is clear evidence. Nowadays, with social media, people post things which are,  
2355 some of them, down to our own responsibility, but other cases – most cases, from what we see – are a basic, fundamental lack of maintenance and cleaning. So when the Minister says he is fairly happy and he is continuing to monitor, can I ask in what way does he maintain the line of communication or accountability of these cleaning contractors, to make sure that they keep up or improve the level of cleanliness we currently have?

2360 **Hon. Prof. J E Cortes:** Mr Speaker, I repeat that I believe cleaning has improved in recent months, and it is also a fact that I have countless examples of an area having been cleaned and within the hour you can take photographs again and there has been dumping of waste etc.

I believe there has been an improvement. The Department of the Environment has a Cleansing  
2365 section and they are in regular daily contact with the contractors, chasing and trying to ensure that the contractual areas are cleaned routinely, and wherever we identify, as we do, a particular area where there has been excess litter or rubbish deposited and so on, they are sent out to clean. I repeat: I think that the situation is improved and improving.

2370 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker, for that. Can I just ask the Minister if into the future this Government, if it remains in office, will continue to look at renewing, on expiration of contract, these cleaning contractors – if they will continue to look to work with them and renew their contracts?

2375 **Hon. Prof. J E Cortes:** Mr Speaker, this a contractual matter that needs to be discussed at the time. I do not think this is a supplementary that necessarily follows on from the question, but in any case it is a contractual matter that would have to be discussed at the time with the appropriate people.

2380 **Clerk:** Question 37 –

**Hon. E J Phillips:** I am grateful, Mr Speaker – just one hopefully short question in relation to the cleanliness of our streets.

I think the hon. Lady puts a very important question to the Minister. This is a complaint that  
2385 many of us on this side of the House receive, and for the Minister to say that the level of satisfaction is fair ... I think we should do better than fair. We have thousands of people coming to visit us in this community and we rely on that level of income in terms of tourism. I think it is important that we try to get the best possible value out of those who are performing that service.

We have endless complaints in the community about the cleanliness of our streets. Something has to be done about that. I do not think we are getting the best value from the service that we are paying for, and this is reflected by the comments that Members of this House receive on a daily basis. I think more needs to be done. Does he not agree with that?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, it is not just Members opposite who get reflections from members of the public; we get them, too. We get the good and the bad. A lot of people have expressed concern about the cleanliness of the streets. In some instances, as the hon. Member says, the comments we get now are better than they were before, but the comments we get – even with the ones we were getting, which were bad – are nowhere near as bad as the comments we were getting before we granted this new contract.

We had a situation where we had a huge number of complaints. We worked with that contractor to try to fix those complaints. We could not fix them, we were not making progress, so we changed the contractor. In keeping with the rules of the contract and the tender rules, we went out to tender, we selected a new contractor, we got very positive comments as a result of the new contract and things had turned the corner. I am sorry to say, and it is not an excuse, COVID happened, Brexit happened – COVID in particular, here, seems to have put a bit of a spanner in the works – and things got worse. They are now getting better. We are very much on top of it. We want it to be perfect. I would like to be able to eat a fried egg from the street, when it gets hot enough to fry one, just by laying it on the tarmac, but you cannot even do that in Switzerland, to use the notional cleanest place in the world. You might be able to do it in North Korea, but we are not proposing that regime. We will stay on top of it.

I must say I also think it is important to reflect that, as hon. Members have heard me say before, the Hon. Minister and I live this. This is so important that it has come to my office. The Hon. Minister has usually run this, but he has asked me for help on particular aspects and, in particular, the finance aspects. We see what the contractor also sees, an area cleaned spotless at 10 o'clock in the morning – and I will tell the hon. Gentleman the area: it is the area from Waterport Terraces up to the North Mole where the cruise liner terminal is – a cruise ship arrives and people start to come ... A photograph from a citizen on social media, 'Disgraceful – people coming from the cruise ships and this area is dirty with dog doo-doo and all the rest of it all over the place; the contractor really needs to get its act together.' The contractor comes and says, 'I cannot believe this. Here is my photograph of 10 o'clock in the morning. This photograph is 11 o'clock in the morning. There was no dog doo-doo there.'

One of the things we are hoping to introduce is that the contractor, when they leave the place spic and span, will photograph it and put it on social media: 'Waterport Road, spic and span, 10 o'clock in the morning – Yours, the contractor,' so that when the next photograph comes up – 'Disgraceful, Waterport Road, dog doo-doo and tourists there, 11 o'clock in the morning' ... It is the dog's fault, unless somebody is moving the doo-doo there. (*Interjection*) Well, exactly, it is the owner's fault. I was obviously speaking in jest. The poor animal needs to do it somewhere. I am sure it is *our* fault. Mr Speaker, the modern Gibraltarian rightly cares about the cleanliness of the street, but should also rightly not allow his dog to do the thing there when the area was spick and span at 10 o'clock in the morning.

We had the same issue in the estates. In the estates: 'It's disgraceful – look at how dirty this area is.' Then you see the photographs. It was perfect at nine o'clock in the morning when they left, or it was perfect at 11 o'clock when they left – they do different places at different hours – and then it is not the 500 people living in the estates, it is the five *g-u-a-r-r-o-s* in the estate who do what they do in that period who create the problem. We had it – you are never off when you are a Minister, Mr Speaker – over Christmas. A refuse dump in an estate ready to receive all of the rubbish that the households were going to generate – perfect. What does one clever bloke do? 'I cannot be bothered opening the door and going in.' We discussed this in the last House. It happened again. Boom! His pile of rubbish at the entrance. What happens? The next guy comes along and says, 'Oh, there is rubbish there. It must be full inside. I am not going to open it.' Boom!



I have the photographs of the pile of rubbish inside and the spotless refuse area inside with the door working perfectly. It is not that the door did not work or it required a weightlifter to open it, because the door had also been fixed. Perfect. Come on! There are limits to what we can require Government to do for us. Otherwise, we have not got enough Ministers, even if I went off my senses, went to the Governor and made *them* all Ministers too, we posted each other outside each refuse area in every estate, waiting for people to come, and took the rubbish from them as they arrive at the refuse collection point. Again, it is not the 900 families living in an estate, it is the nine that create the problem for all the others on the roads and the estates etc.

There must be a solution. Civic pride is part of it, responsibility is part of it, the contractor is part of it, the Government is part of it, but none of it does it all. It requires the same level of input from all of us, the conviction from all of us that we want a cleaner Gibraltar, that we will do our bit. If we do our bit as individual citizens, then we may find that the contractor is doing his bit, that the Government is funding it to do sufficient work and that what is missing is the guy who owns the dog that does its doo-doo and its pee in the corner, which then goes black. That is not 'rumourology', the corners are black, but after dogs doing it and doing it you would have to get on your knees and scrub every day, and it is just impossible to fund that, even when we had a surplus of £80 million. We cannot fund somebody to get down on their knees with Vim and a wire brush on every corner in Gibraltar to get rid of the dog pee. We have to recognise that this is a problem of our making and only we can unmake it – there is no contractor out there, there is no money that we can give, there is nothing more than civic pride – and that those few who are spoiling it for everyone should wake up and smell the dog doo-doo that all the rest of us have to smell, which they leave there, and understand the consequences of what they do.

Forget the tourists, forget us. What about one of our children falling down and scraping a knee in that area and getting an infection? That is the sort of thing that matters. Do you know how soul destroying it is for the Chief Minister of Gibraltar to take his children to school every day, to have funded to be cleaned the areas around every school in Gibraltar, for them to be clean at seven o'clock in the morning and covered in dog ... I want to say the word ... doo-doo, so that our children, all of our children, have to walk over it or stumble over it or step on it and take it into the classroom? Come on! Who is being this irresponsible? Don't blame the contractor at eight o'clock in the morning when it is being cleaned. We have to have that civic pride. We have to turn a corner. I do not know what has happened, but those few who have turned the wrong corner need to turn back.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Hon. Chief Minister for his answer and I think I can get on board with a lot of what he is saying – I agree – but when he talks about doo-doo, and quite often, which is an issue, that brings me to have to ask what is going on with the enforcement of the dog DNA. We invested in that. Why are we constantly asking ourselves who these people are? Don't we have the infrastructure to catch these perpetrators out through the DNA system?

**Hon. Prof. J E Cortes:** Mr Speaker, I gave figures recently, but the Hon. Chief Minister has suggested that all of us be tasked with the job of preventing the depositing of litter. If all of us were tasked with collecting samples of DNA, we still would not be able to cope. We do enforce, we do chase up, there have been fines and prosecutions, but we do need, as the Chief Minister has said, the support of the public in general in order to prevent this happening.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, thank you so much, I am really grateful. I think a lot of it is down to education. I have seen some awareness come out on TV and media, but what about if we took it a little bit further and made sure that, like other countries, we provide little bins, little bin liners and little tools in order to help people be more responsible and aware of what they need to do?

**Hon. Prof. J E Cortes:** Mr Speaker, (*Interjections by Hon. Chief Minister and Hon. Ms M D Hassan Nahon*) you do not need to hand people bags and you do not need to provide special bins. I am a recent dog owner. You take your little bags, you pick it up, seal it and put it in a normal bin, like people do, and then you make sure that you – and we legislated to ensure that you have to – pour liquid, usually with soap in it, which does help. So there are ways to prevent all this ‘doo-doo’, for want of a better word, remaining there and becoming a problem.

As the Chief Minister was saying, we cannot exonerate those who are responsible, and no matter how much we spoon feed them with bags and special bins and so on, if they are not going to be responsible they are not going to be responsible. It is a question of education and enforcement, and we are trying very hard.

**Mr Speaker:** Next question.

**Hon. K Azopardi:** Mr Speaker, with your leave, I am not going to ask about dogs, because as a dog owner I agree that it is about responsibility of the dog owner. There are a lot of responsible dog owners out there and I am sure there is an irresponsible minority, of course, like everything.

A lot of this debate has now veered into the deposit of litter, or whether certain dog owners are responsible or not. But that only deals with one aspect of the debate. Does the Minister agree that on the wider issue of adequacy of the cleaning – not the removal of litter or refuse or dog poo, but rather the adequacy of the cleaning, the scrubbing of the streets ...? Is the Minister satisfied with that? A lot of the complaints that we get are more about the adequacy of the cleaning.

**Hon. Prof. J E Cortes:** Mr Speaker, our level of satisfaction is fair. Is that satisfactory? But it is absolutely the same thing. You clean the street by removing the litter, removing the rubbish that has been deposited, then you come in and scrub it with the equipment or whatever and it is spotless at seven in the morning – and then at nine o’clock it may well not be. It is part of the same thing.

**Hon. Chief Minister:** The hon. Gentleman says it is not spotless. In some areas it is absolutely spotless, in some areas it is not. That is why our level of satisfaction is fair rather than excellent. If we had said it was excellent, the hon. Member would say, ‘Well, look, it is not excellent.’ (**Hon. K Azopardi:** It is not.) But I think we are agreeing that it is fair. Although they are pressing us, I think we are agreeing that it is fair. That is to say fair is below good (**Hon. K Azopardi:** Yes.) and it is well below excellent, (**Hon. K Azopardi:** Yes.) but it is not terrible, because terrible, at least judging by the number of complaints we had, is where we were when we had the contractor we inherited.

**Mr Speaker:** Next question.

**Q37/2023**  
**Smoking and vaping –**  
**Public Health plans re awareness campaigns**

**Clerk:** Question 37/2023. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Has Gibraltar Public Health Department got any plans to spread awareness or launch campaigns on the effects of smoking and vaping and on laws relating to smoking and vaping for under-18s?

**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, awareness of the effects of smoking and vaping is a top priority for Public Health and for the Government. As a result, we made it an offence to sell or provide vaping products to the under-18s. This was very widely publicised at the time, in November last year. Additionally, we have required that every business with a licence to sell vapes has to display a notice saying it is illegal to supply them to any under-18s.

As explained in Our Nation's Health 2021, the current prevalence of smoking in the population of Gibraltar is estimated to be about 24% from the 2021 Lifestyle Survey, a figure still significantly higher than in the UK. The survey results also show that 51.9% of current and ex-smokers started smoking when younger than 17, and 75.1% when younger than 19. At present, we have no data on vaping and we will be seeking to obtain data.

We are concerned that the health impacts of the COVID-19 pandemic have resulted in increased smoking prevalence rates. Therefore, a clinical coalition was established during 2022, including the Director of Public Health, consultants in oncology, critical care and GPs to co-ordinate and improve GHA activity on the tobacco control agenda against the MPOWER framework. This framework assesses a country's approach to delivering the World Health Organization Global Framework Convention on Tobacco Control (FCTC). In December 2022 the Director of Public Health was invited to attend a WHO-hosted global online seminar to explore different countries' approaches to implementing article 5.3 of the WHO FCTC.

Public Health Gibraltar has supported and created campaigns where current smokers are supported to quit smoking. This has included STOPtober and World No Tobacco Day. It is currently running a confidential survey in secondary schools with the aim of assessing how many children are vaping. This survey has been supported by educational talks in the schools for both children and their parents and it has been well received by the Department of Education, parents and the general public. The smoking cessation clinic continues to be up and running in the Primary Care Centre. Public Health Gibraltar will continue to actively campaign in these areas.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for his exhaustive answer. Can I ask him, firstly, how many schools so far have been engaged and visited by these professionals in order to hear of the dangers and be made aware of the effects of smoking and vaping?

**Hon. Prof. J E Cortes:** Mr Speaker, I cannot confirm that. I am making a note and I will obtain the information and make it available to the hon. Lady. I suspect it will largely be in the secondary sector, which is clearly the age when, even from the statistics, most of the young people start smoking. But I will confirm that and send this to the hon. Lady. As I usually do, I will copy the Clerk so that he is aware that that has happened.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member once again. I would like to say that I currently have one child in each of the two secondary state schools here, and I know that they have not been spoken to, so that really leaves very little by way of this campaign having been launched.

I know we say it a lot, but it is a fact: this is election year. I think there are concerns by many parents especially on the vaping front, with their children, and I would ask him if they will commit to ensure that secondary schools are seen to as a matter of priority with a holistic team of professionals who will actually try to make a difference in terms of awareness campaign?

**Hon. Prof. J E Cortes:** Mr Speaker, as I have already said, we have legislated against vaping. The schools are very aware. The hon. Lady is privileged in having a child in each of the two schools, but the fact that her particular children may not have had the sessions does not necessarily mean that in such large schools they have not happened. But I will, obviously, obtain the information.

Clearly this a priority, this a concern. As a grandparent now of a child in the first year of one of the secondary schools, it is a concern to me and my family, as well as to her and her family.

I am confident that the new team of health promotion officers in Public Health who have come in recently with a great deal of energy are well on top of this matter and I will certainly discuss it with them again and with the Director of Public Health to ensure that we do as much as we can to discourage vaping.

I also mentioned before the possibility of other measures in relation to the disposable ones, which will be relevant because I suspect that the majority of young vapers will be using these colourful disposable ones, rather than the bigger ones.

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

Just one more point, and if he has already covered it in his long answer I apologise – maybe I did not catch it. Can I ask the Minister, if he has not already said, whether they will be upping their media campaigns on TV and on social media, which really is where the youth are mostly engaged? Do they have plans or do they have a budget to increase the exposure on social media and TV primarily?

**Hon. Prof. J E Cortes:** Mr Speaker, that is the intention.

#### Q38/2023

#### National Theatre –

#### Funds raised and target budget cost

**Clerk:** Question 38/2023. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Since its calls for funding for a National Theatre, how much has the Ministry for Culture raised and what is the target budget cost in terms of funds required to execute the build and delivery of the theatre?

**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, funds have been contributed or pledged via the National Theatre Foundation, which is independent of the Government and so it would not be appropriate for me to give the details of its fundraising activities and plans here. A number of donations, however, are already in the public domain and further sizeable contributions from sponsors are expected to be announced soon by the Foundation, together with details of further fundraising activities.

The project does not only include a 1,000-seat National Theatre, it also includes a new cultural hub with a 200-plus-seats studio theatre, an expanded exhibition centre and library, as well as catering and bar facilities. The estimates are currently being reviewed by cost consultants and once again it will be the Foundation that will place the information in the public domain.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the Minister again for his answer and the information he has provided. Considering that I think it is in two manifestos already from the GSLP that they talk about theatre land ... I know they bought the Queen's with the intention of that being the beginning of the theatre district. All this in a manifesto to now the Government not contributing at all and the Ministry for Culture having to find donations, yet the Government helps by way of £100 million to the sporting fraternity. How do we go from two manifestos of the arts and culture and promising to provide a great big National Theatre – which I think would be

fantastic – to the Ministry for Culture having to raise everything itself through donations and £100 million being poured into football?

2635

**Hon. Prof. J E Cortes:** Mr Speaker, the Government has not contributed £100 million. This is not an area that I am an expert on, but I think it is well clear and it has been publicly stated that it is not a Government allocation.

2640 We are in the reality of a post-COVID financial situation. I am very confident that had we not gone into lockdown in March 2020 we would already have had the first performance in the new Gibraltar National Theatre. I am absolutely convinced of that, but we have to face reality. I am confident that the Foundation is making progress and that this will become a reality sooner rather than later. But the reality is that whereas COVID was not even on the horizon when we, for example, built our fantastic sporting facilities, it clearly was very much around the corner when  
2645 we started this latest project. But I am still confident. I cannot give details on behalf of the Foundation, who are aware of my answer and are comfortable with the answer I have given, but they will be announcing things very soon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for his answer, but with  
2650 respect he has not actually answered my question. The Government has not answered the question. We already had a stadium. The Government has not contributed £100 million, it has facilitated £100 million through its own National Savings Bank, effectively. So how can we square extra help – funding facility, however you want to put it – for a stadium for the sporting fraternity, which of course is important, yet nothing but relying on donations for us to expand our arts and  
2655 culture?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, arts and culture are funded around the world from donations in many respects. There is lottery money in the United Kingdom, which goes to sport and to art and culture.

2660 The hon. Lady says that she has not heard the answer from the hon. Gentleman to the question she asked. Well, first of all, the hon. Gentleman specifically said that there is not going to be £100 million provided by the Government for a national stadium, because there is not going to be ... Even the work that is going to be done under the auspices of the Savings Bank provides a development project in that amount to fund a stadium that costs less, but the development costs  
2665 that, subject to the final costings etc., which Joe Bossano is dealing with.

The hon. Member also told her the projects that we were designing as Government projects when we were looking at this as a political party and preparing manifestos were designed in the context of a pre-COVID world. Let's just try to understand that, so hon. Members can see what we are talking about. The last surplus we had was £80 million. Four years down the line we would  
2670 have had £320 million of surplus, which we have demonstrated we would have been investing back into the community. The theatre needs £15 million to £20 million. We would have been able to build the theatre from the surpluses we would have had if our economy had continued to perform as it was performing before COVID hit.

2675 We cannot be more honest with the hon. Lady. Once she gets the truth, there is no more honesty we can provide. That is not a lack of transparency, that is just the sum total of the reality that we are dealing with and every part of the world is dealing with – us in particular because we are small.

2680 Our commitment to the arts and culture is not diminished. Quite the opposite, we have gone out of our way to find a way to finance and deliver this for the people who are involved in culture in Gibraltar, who are as important to us, as a Government, as the people who are involved in sports. Many of them are the same people. There is no degree of commitment from the Government which is different when it comes to sport than when it comes to culture. We have done so much for culture in the 11 years we have been here, we just have not been able to deliver

2685 this theatre. That is true, we have not been able to deliver this theatre. We are not running away from it. We are running towards trying to deliver it in a different way. What more can be asked?

**Hon. Ms M D Hassan Nahon:** Mr Speaker, why didn't the Savings Bank then fund any part of the National Theatre?

2690 **Hon. Chief Minister:** Mr Speaker, perhaps she should ask the Minister with responsibility for the Savings Bank, (*Interjection by Hon. Ms M D Hassan Nahon*) but the Savings Bank is not funding things. The Savings Bank is investing in things, and so it needs a return from the things that it invests in so that it can be made whole as to its capital and the returns that it needs. If the hon.  
2695 Lady is saying seriously 'Why is the Savings Bank not involved in this project?' then what she is saying is, 'John Cortes, build a theatre,' – and you could do this, it is perfectly legitimate – 'and ensure that you build it New York style, that you have eight stories of luxury housing on top.' Then you have the theatre, and the Savings Bank gets its return and its capital back. In New York, all the theatres are in the basements of skyscrapers. Here, we seem to have an aversion to the development of housing around something in order to finance it. Even when you build flats around  
2700 the stadium, people are saying, '*Claro now flats, claro para los mismos, claro*' Well, this the way that you fund things.

Hon. Members sometimes try to lead our community by the nose into believing a reality that is not extant anywhere else in the world, and perhaps if we were an oil-producing state we could do it, but we are not an oil-producing state yet.

2705 **Mr Speaker:** Next question.

### Q39/2023

#### Music Festival –

#### Whether to be hosted by Government this year

**Clerk:** Question 39/2023. The Hon. Ms M D Hassan Nahon.

2710 **Hon. Ms M D Hassan Nahon:** Will Government be hosting the traditional Music Festival this summer?

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

2715 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, further to Question 621/2022, I can reconfirm that the Government does not envisage hosting the traditional Music Festival this year.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I apologise if I did not look at that. I think I missed that session due to an injury. Can I ask the Minister if this purely down to a cost factor?

2720 **Hon. Prof. J E Cortes:** I think I said in my previous question that if a private entity wants to organise a festival of this nature at their own expense, we the Government, and my team in Culture, would be very happy to support it, but yes, the decision was taken in order to prevent costs at the time we are facing at the moment, as has been discussed today in answer to several  
2725 questions.

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q40/2023

School intranet problems –  
Update

**Clerk:** Question 40/2023. The Hon. E J Reyes.

2730 **Hon. E J Reyes:** Has Government been able to solve the intranet problems recently experienced in some schools, which at times give problems in updating attendance registers and communications between staff etc?

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

2735 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, ITLD identified the root cause of the issue and this has now been resolved. The schools' intranet and internet services are once again operating with normality.

2740 **Hon. E J Reyes:** Mr Speaker, if the information I have is correct, these problems seem to have been there since the very start of the current academic year. If it has now been fixed, why has it taken more than a term to identify and be able to solve this problem?

2745 **Hon. A J Isola:** Mr Speaker, the information I have is that there was an anomaly in the performance of a distribution switch. I am not sure how long it has taken for that to be established and then repaired. The corrupt file has been restored to a normal working version. I do not know how long it has been down or up for. That was not in the question, so I do not have the information here, but I am very happy to get back to him with that information as and when I am able to engage with the relevant team.

2750 **Hon. E J Reyes:** I appreciate, Mr Speaker, that the Minister obviously in his answer can only reply based on information given. Whilst I take up his offer and I will wait for him to be able to look further and come back to us, please can I ask the Minister to look into ...? The wording in my question is 'in some schools', so I am not referring to only one school. I know definitely one of the secondary schools is far more affected than the other, but it does affect both secondary schools and other schools. Some issues, as the Minister can imagine, are of extreme importance. Should  
2755 an unfortunate emergency happen and we have to evacuate the building, unless we have an updated register, fire and rescue services could waste a lot of time searching for children who may or may not be in the building. Also, the morale of the staff – the way things work nowadays, you have this internal communication system, where one needs learning resources and so on. So I accept what the Minister saying, but I want him to look at the wider picture of all of the services  
2760 that the intranet helps to facilitate when it is working properly.

2765 **Hon. A J Isola:** Mr Speaker, ITLD have dedicated individuals working in the schools, so all the issues that the hon. Member refers to are very much within their knowledge and care. It is precisely for the reasons the hon. Member has detailed – the importance of technology to schools – that we have people permanently based at the schools to ensure that these issues are dealt with and resolved as quickly as they possibly can be. That is why it was news to me that the hon. Member referred to the length of time. That is not the information I have, but I will go back and check. But yes, I can tell the hon. Member that ITLD treat the importance of technology in schools as a first priority and deal with it accordingly.

2770

**Mr Speaker:** Next question.

**Q41/2023**  
**COVID and winter flu –**  
**Measures in place to prepare**

**Clerk:** Question 41/2023. The Hon. E J Phillips.

2775 **Hon. E J Phillips:** Can the Government state what measures and resources were put in place to prepare for the double effect of COVID and winter flu on the Health Service?

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

2780 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, to prepare for the double effect of COVID and winter flu on the Health Service, the Government of Gibraltar, in conjunction with the GHA, have again afforded the community of Gibraltar the uptake of COVID and influenza vaccines, commencing with vulnerable and high-risk groups, followed by the wider population. Other measures put in place are strengthened segregated primary care clinics for those patients with COVID or flu symptoms, which run  
2785 simultaneously with general GP clinics to help avoid cross-infections or spread. A&E have implemented a 24-hour, two-bedded short-stay unit to accommodate patients who require medical review and are expected to be discharged within less than 24 hours of their arrival to the department, subject to set medical criteria. The introduction of an eight-armchair rapid-care unit has been put in place, creating a new pathway of care for patients with lower acuity presentations.  
2790 The re-introduction of mask wearing in all GHA premises commenced in December to protect and reduce exposure of staff and patients visiting GHA premises or attending appointments. In respect of in-patient areas, the GHA carefully manage and monitor patients in line with infection-control best practice and care for patients in isolation, where necessary. These measures are not affected by resource restraints but are implemented in line with best clinical practice whilst always aiming  
2795 to achieve best value for money.

**Hon. E J Phillips:** I am grateful for that very full answer by the Minister, Mr Speaker.

I was just wondering, insofar as the projection for the future, is it the case that these measures will simply be put in place at this time of the year where COVID, influenza A or other flu diseases  
2800 occur? Will we simply just install those particular measures? And when will the GHA start ramping down on those particular measures that were implemented in response to the double effect of COVID and influenza?

2805 **Hon. A J Isola:** Mr Speaker, anybody who has switched on their television in the past three months and seen the quite horrific scenes in the United Kingdom will know just how much strain is put on our Health Services during this particular time of the year. What I am very pleased to see is that during this particular time we have managed to cope not well but extremely well, not just as a result of the infrastructure we have in the GHA but with the extra areas that I have just mentioned to the hon. Member to specifically help us deal with COVID and influenza at the same  
2810 time. How long these will be going on for is an operational decision for the GHA to deal with it and is certainly not for me to engage in seeking to influence. It is entirely their call as to what they consider to be in the best interests of our community.

What I can tell the hon. Member is that a number of the areas I have mentioned we are looking at continuing with because they have worked extremely well in respect of, particularly, A&E in  
2815 terms of some of the facilities we have made available to them. We think that could work more longer term. So there are things that we are learning from the extra work that we put into this particular winter season and we will be seeing if any of these can be utilised on a more permanent basis. As and when that decision is taken I will, of course, communicate it to the hon. Member.

2820 **Mr Speaker:** Next question.



**Q42/2023**  
**Knee operations –**  
**Waiting time**

**Clerk:** Question 42/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government advise the waiting time for knee operations?

2825 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**  
Mr Speaker, the waiting time for a knee operation is currently nine months.

2830 **Hon. E J Phillips:** Mr Speaker, that is consistent with some of the concerns that have been  
raised with Members on this side of the House about the obviously extraordinarily long time in  
obtaining surgical intervention in relation to knees in particular. We have been spoken to insofar  
as a particular number of incidences where those purported to perform the surgery on the knee  
are suggesting that those individuals should go private, as is the phrase being used, on the basis  
2835 that they will find it very difficult to get that surgery done under the GHA. Obviously, those  
comments that were relayed to us were very concerning because it related to individuals who  
were performing those functions for the GHA, so I wondered whether the Minister had any  
information about that or any complaints received by him in relation to practitioners seeking to  
shunt individuals into the private sector to have these operations done – which will be done much  
2840 more quickly, obviously, with a fee – rather than through the GHA, where these people, who have  
rightly paid their taxes and contributions all their lives, should receive that care within a  
reasonable amount of time.

**Hon. A J Isola:** Mr Speaker, a number of points. The first point I would make is that I would ask  
2845 the hon. Member to let me have any information he has that demonstrates that, because that  
would be extremely useful. It is totally unacceptable to Government and the GHA that that  
practice should happen. At the same time as I say that, I say that the waiting time of nine months  
is also totally unacceptable. As I mentioned to the Hon. the Leader of the Opposition when he  
asked some questions on the hon. Member's behalf in recent sessions, I hope by the end of this  
2850 quarter to have a systematic and detailed approach to reduce the waiting lists significantly, not  
just here but across all areas where they are too high.

To give the hon. Member an idea, in 2019 the waiting list for the operation was four months,  
in 2020 it was six months and in 2021 it was seven months. At the same time as I give you that  
information, I would tell you that during COVID 119 knee operations were cancelled through  
2855 COVID. We did not operate. We stopped operating. So it was always obvious that, post-COVID, we  
had a lot of catching up to do. We did not have just the normal knee operations we were doing  
before COVID, in respect of which we had a four-month waiting time, or six months in 2020, just  
before COVID. So the nine months is actually quite logical but unacceptable.

I will revert before the end of this quarter with a strategy as to how we are going to deal with  
2860 waiting lists to bring them back to what are acceptable levels, because I fully agree that the nine  
months is unacceptable. I hope that helps.

**Mr Speaker:** Next question.

**Q43/2023**  
**Excess deaths –**  
**Number in last 10 years**

**Clerk:** Question 43/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Mr Speaker, can the Government state the numbers of excess deaths for each year for the last 10 years?

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

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, while I just prepare the documents that I want to pass over to my friend, in respect of the last answer I think it would be useful if I refer hon. Members to a similar comparison in the United Kingdom, where the average for these operations is actually nine months and in some UK areas it is from 13 months up to 25 months. Again, I assume, apart from the current issues they have, which we are all aware of, the added pressure of not operating during COVID has obviously exacerbated the problem there as well, but however unacceptable it is to us, it is, I think, relevant to note that it is nowhere near as bad as it is in other parts for the same reasons.

I will now hand over to the hon. Member a schedule stating the number of registered deaths in the past 10 years, broken down by month. We are not in a position to provide information on the excess deaths for each year. In connection to the above, the GHA has confirmed that the total number of COVID deaths is 111, of which 93 deaths resulted from COVID and 18 deaths with COVID. Furthermore, I am informed that excess deaths is a complex calculation to measure the scale of a pandemic. The GHA has advised that once the 2022 census results are published, they will be in a better position to provide an accurate analysis. In conjunction with this, there are other clinical coding measures, which also need to be properly validated. Once this is provided to me, I will revert to the hon. Member.

**Answer to Q42/2023**

2013	Deaths Registered
JAN	24
FEB	19
MAR	13
APR	20
MAY	24
JUN	26
JUL	14
AUG	17
SEP	19
OCT	22
NOV	15
DEC	17

2014	Deaths Registered
JAN	35
FEB	26
MAR	20
APR	17
MAY	22
JUN	17
JUL	19
AUG	25
SEP	21
OCT	20
NOV	21
DEC	19

2015	Deaths Registered
JAN	25
FEB	26
MAR	22
APR	21
MAY	19
JUN	19
JUL	15
AUG	22
SEP	16
OCT	19
NOV	12
DEC	25

2016	Deaths Registered
JAN	31
FEB	30
MAR	23
APR	20
MAY	17
JUN	22
JUL	16
AUG	18
SEP	22
OCT	23
NOV	24
DEC	25

2017	Deaths Registered
JAN	26
FEB	22
MAR	17
APR	13
MAY	28
JUN	23
JUL	17
AUG	24
SEP	29
OCT	27
NOV	26
DEC	36

2018	Deaths Registered
JAN	39
FEB	29
MAR	25
APR	28
MAY	27
JUN	21
JUL	21
AUG	23
SEP	30
OCT	22
NOV	21
DEC	28

2019	Deaths Registered
JAN	36
FEB	26
MAR	28
APR	22
MAY	15
JUN	17
JUL	20
AUG	21
SEP	17
OCT	23
NOV	16
DEC	30

2020	Deaths Registered
JAN	34
FEB	27
MAR	25
APR	21
MAY	12
JUN	16
JUL	23
AUG	22
SEP	23
OCT	25
NOV	26
DEC	17

2021	Deaths Registered
JAN	90
FEB	35
MAR	28
APR	21
MAY	12
JUN	27
JUL	11
AUG	24
SEP	17
OCT	19
NOV	25
DEC	21

2022	Deaths Registered
JAN	30
FEB	24
MAR	29
APR	23
MAY	17
JUN	18
JUL	18
AUG	33
SEP	19
OCT	14
NOV	18
DEC	20

**Hon. E J Phillips:** Mr Speaker, I appreciate it is a complicated formula. In fact, in various countries across Europe and the United Kingdom they eventually end up with a percentage that then is broadcast to various news agencies that report this. Recently, there has been a very significant BBC report on excess deaths, the number of which obviously has been amplified as a direct result of COVID. Just for the hon. Gentleman's information, I think the figures were, from memory, Italy 3.5%, the UK 3.2%, Spain 1.8% and in France I think it was 1.4%. Whilst I understand that you have to understand how that figure is arrived at, as he has rightly said, I think it is interesting statistically for our community to understand what that figure might be. These are figures that are publicly available across the world, so whilst I understand the answer he has given me and I understand that a lot needs to be fed into that, I think, as with many statistics that the Government publishes, it is important to understand what that rate is in our community, so I would be grateful if he might be able to give us an indication at some point in the future when that would be publicly available.

**Hon. A J Isola:** Yes, Mr Speaker, I agree, as I know the Member will agree, it is important that when we deal with these numbers we get them right. So I would rather take a little longer in ensuring that we make the appropriate calculations before making anything public, but in the coming months I would hope to be able to give him the details that he has asked for.

**Hon. E J Phillips:** Mr Speaker, I am satisfied with that answer, of course, and I have no supplementary questions in relation to this.

Just going back to the addendum to the other question that we asked the Hon. Minister, I know in this House we like to compare ourselves to other jurisdictions in terms of performance and I think on occasion it is fair to do that when you are looking at jurisdictions with similar geographies and size and population etc., and I know we look at our closest neighbour insofar as the Health Service is concerned. I think it is fair to say that we always want to exceed expectations insofar as healthcare and that should be the marker for all of us in our community and for the GHA as well. So I think it was slightly unfair to suggest that we need to compare the nine month, to use his own words, entirely unacceptable delay to that of the United Kingdom, when we have seen, all of us in this House, and many in the public, the horrendous state that appears to be going on in the United Kingdom concerning healthcare and the provision of it, with people in ambulances outside the hospitals waiting for hours and hours on end to get into the hospital. I tend to agree with him on the nine months. I think it is unacceptable. It has been going up from four, as he said, in 2019, right up to nine months. I would be grateful if he would give that reassurance that he will provide

us with that information as to how he is going to tackle, or at least the GHA is going to tackle driving down those waiting times across all the disciplines within the Health Service.

2925 **Hon. A J Isola:** Mr Speaker, I understand the point he makes in respect of the comparisons, but I think the UK is the closest medical system and service that we can compare ourselves to. I think we have always looked up to the UK Health Service as being the panacea of Health Services, and it has been for much of the time. Indeed, that is why we send many of our patients there, because we believe it is the best we can do for our people. And so to compare ourselves in terms of how  
2930 we are dealing with some of the services to them I think is perfectly legitimate, but the reason I do it is not to prove legitimacy, it is to demonstrate that the problems we are having are not just the same in the UK but very much worse in the UK. So when you measure the reality of life – the pandemic is real and the impact of the pandemic is real, not just here but there and everywhere else – I think we have to look more sensitively and actually appreciate that we have not done that  
2935 badly. We are always very keen to knock ourselves, and in instances like this I think we need to look and say, 'Okay, nine months is unacceptable, but actually, when you compare yourself to everyone else, we are doing pretty damn well.'

And so, to answer the last point the hon. Member made, yes, I will, within this quarter, come back with the strategy, something that the GHA and the senior management are actively working  
2940 on to look at how we can reduce waiting lists across the entire spectrum of the GHA and what that will mean in terms of the cost, because there will be a cost in accelerating operations. Whether it is through more resources or subcontracting, outsourcing to other hospitals, for example, we will have to look at what all those are, but I will come back in the quarter with an idea.

2945 **Mr Speaker:** Next question.

**Q44-47/2023**

**GHA, Care Agency and Elderly Residential Services –  
Agency workers and workers with renewable contracts of 12 months or less**

**Clerk:** Question 44/2023. The Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, of the agency workers currently working within the GHA, how many of them have been working within that organisation for (a) less than a year, (b) more than  
2950 one, two or three years?

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

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**  
2955 Mr Speaker, I will answer this question together with Questions 45 to 47.

**Clerk:** Question 45/2023. The Hon. D A Feetham.

**Hon. D A Feetham:** Of the workers currently working within the GHA with renewable contracts of 12 months or less, how many of them have been working within that organisation for (a) less  
2960 than a year, (b) more than one, two or three years?

**Clerk:** Question 46/2023. The Hon. D A Feetham.

2965 **Hon. D A Feetham:** Of the workers currently working within the Care Agency and Elderly Residential Services with renewable contracts of 12 months or less, how many of them have been working within those organisations for (a) less than a year, (b) more than one, two or three years?

**Clerk:** Question 47/2023. The Hon. D A Feetham.

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**Hon. D A Feetham:** Of the agency workers currently working within the Care Agency and Elderly Residential Services how many of them have been working within those organisations for (a) less than a year, (b) more than one, two or three years?

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

**Hon. A J Isola:** Mr Speaker, in respect of Question 44, of the agency workers currently working within the GHA, 108 have been working for less than a year, 45 have been working for more than a year, 27 have been working for more than two years and 12 have been working for more than three years.

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In respect of Question 45, of the workers currently working within the GHA with renewable contracts of 12 months or less, 17 staff have been working for less than a year, 17 staff have been working for more than a year, 18 staff have been working for more than two years and 17 staff have been working for more than three years.

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In respect of Question 46, of the workers currently working within the Care Agency with renewable contracts of 12 months or less, 33 staff have been working for less than a year, three staff have been working for more than a year, 22 staff have been working for more than two years and 19 staff have been working for more than three years. Of the workers currently working within the Elderly Residential Services with renewable contracts of 12 months or less, no staff have been working for less than a year, no staff have been working for more than a year, six staff have been working for more than two years and 26 staff have been working for more than three years.

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In respect of Question 47, within the Care Agency 137 agency workers have been working for less than a year, 88 for more than a year, 53 for more than two years and 39 for more than three years. *(Interjection by Hon. D A Feetham)* I am on Question 47 now. *(Interjection by Hon. D A Feetham)* Yes, the first part was in respect of the Care Agency, the second part was in respect of ERS, so now – *(Interjection)* ERS. No staff less than a year, no staff more than a year, six staff more than two years and 26 staff more than three years. Okay, Question 47, Care Agency? A hundred and thirty seven working for less than a year, 88 more than a year, 53 agency workers more than two years and 39 agency workers working more than three years. Care Agency. Within ERS, three agency workers have been working for less than a year, one agency worker has been working for more than a year, *(Interjection)* two agency workers have been working for more than two years, zero more than three years.

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**Hon. D A Feetham:** Mr Speaker, I thought that the answer – and everybody, all three of us, without discussing it, have actually come to the same ... We understood that in relation to the Elderly Residential Services, for Question 47 it was nought less than a year, nought more than one year, six more than two years, 26 more than three years. For the Care Agency I think it was 147 – I did not quite pick that one up – for less than a year, 88 for more than a year. I did not pick up more than two years ... 50-something and 39. Exactly. But he has now given an extra set of figures that I just ... We cannot rationalise it.

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Can he provide us with perhaps a copy of his answer and then we can move on and come back? Unless, of course, the Leader of the Opposition wants to deal with it in a different way.

**Hon. A J Isola:** Mr Speaker, Question 46 asks in respect of both the Care Agency and ERS, so there were two parts to answer Question 46. The first part is in respect of the Care Agency and the second part is in respect of Elderly Residential Services. That is the one with zero and zero. I

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then answered Question 47, (*Interjection by Hon. D A Feetham*) which asks also about the Care Agency and the Elderly Residential. So there are two bits to the answer to Question 46 and two bits to the answer to Question 47, which is exactly what I have given.

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**Hon. K Azopardi:** Sorry, I know I am cutting across my learned colleague's questions, but I think either he repeats the answers to Questions 46 and 47 or gives us a copy of the answer and then we can ask supplementaries when we have digested it. Whatever he prefers. We now understand what he has done, so either as a repetition or we can have a copy of the answer, whatever he prefers.

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**Hon. A J Isola:** Mr Speaker, I am happy to give a copy of the answer, which is probably the easiest way, but all I have done is answer the questions. I have not sought to do anything that very clearly, in exactly the same way ... You will see that there is one part to Question 44, one part to Question 45, and then two parts to Question 46 and two parts to Question 47.

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**Mr Speaker:** Are we going to photocopy them, Mr Clerk, so we can issue two or three?

**Q48-49/2023**

**Insolvency Act 2011 and Protected Cell Companies Act 2001 –  
Intention to amend**

**Q50-51/2023**

**Insolvency Rules 2014 and  
Notice of Specified Forms associated with Insolvency Act and Rules –  
Intention to review**

**Q48-49/2023**

**Legislation limiting liability of professional trustees –  
Intention to introduce**

**Clerk:** Question 48/2023. The Hon. D A Feetham.

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**Hon. D A Feetham:** Mr Speaker, does the Government intend to amend the Insolvency Act 2011?

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

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**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I will answer this Question together with Questions 49 to 52.

**Clerk:** Question 49/2023. The Hon. D A Feetham.

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**Hon. D A Feetham:** Does the Government intend to amend the Protected Cell Companies Act to bring it into line with the Insolvency Act 2011?

**Clerk:** Question 50/2023. The Hon. D A Feetham.

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**Hon. D A Feetham:** Does the Government intend to conduct a review of the Insolvency Rules 2014?

**Clerk:** Question 51/2023. The Hon. D A Feetham.

3055 **Hon. D A Feetham:** Does the Government intend to review the Notice of Specified Forms associated with the Insolvency Act and Rules?

**Clerk:** Question 52/2023. The Hon. D A Feetham.

3060 **Hon. D A Feetham:** Does the Government intend to introduce legislation limiting the liability of professional trustees along the lines of the law in Jersey under Article 32 of the Trusts (Jersey) Law 1984?

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

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**Hon. A J Isola:** Mr Speaker, the Government understands that work is ongoing and that proposals may be made to Government in respect of these matters. Neither HMGoG nor the GFSC have received any such formal proposals as yet and will consider these if they are submitted. As the hon. Member knows, Government is always willing to give consideration to legislative proposals that are put forward by industry associations or professionals.

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**Hon. D A Feetham:** Mr Speaker, he knows that I practise in this area, probably to a larger extent than most practitioners because about 80% of the work that I do is insolvency related, and of course I steered the Insolvency Act through Parliament and also had a hand in the drafting of the Act. Can I say to him that there are aspects of the Insolvency Act, which I steered through Parliament, that perhaps it is time, now, we ought to be re-examining?

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I will just give the hon. Gentleman one example, if I may, Mr Speaker, with your leave: the definition of insolvency. Under our Act, the definition of insolvency is balance sheet insolvency, cashflow insolvency – it is in the alternative, both. In England, the definition of insolvency is a company that cannot pay its debts, and then you test that overarching question by the balance sheet test and the cashflow test. What is the difference? Well, there are many companies that can pay their debts but be technically balance-sheet insolvent. In fact, a lot of start-ups, for example, start their lives as balance-sheet insolvent. There are very large companies that may carry contingent liabilities that may make them balance-sheet insolvent but they can still pay their debts. Under the UK Act, those companies would not be regarded as insolvent. Under our Act there is an argument that potentially they are insolvent because we do not look at the overarching question of whether the company can pay its debts, we look at the insolvency test in the alternative, and that potentially can give rise to difficulties. I am not going to go through all the other difficulties, but for example the forms are a complete mess, I have to tell you. I did not have a hand in the forms, but they are a complete mess and indeed we are now relying on forms from the UK and essentially using those forms for the purposes of any application that needs to be made.

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If, as an Opposition, we can make proposals to the Government in this area, is the Government willing to consider those proposals – acting constructively as an Opposition, we are prepared to do that – and potentially consider the amendments in this area, bearing in mind, of course, that at least two of us on this side of the House do practise in this area?

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**Hon. A J Isola:** Mr Speaker, as I said in my answer, Government is always willing to give consideration to legislative proposals that are put forward by industry associations or professionals, so the answer to the question is absolutely, without any difficulty. What I will say to him is whether they come politically from the Opposition or privately as a professional, I will always give whatever proposals we receive the seriousness they deserve.

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The answer also said I am aware that industry professionals, the accountants who are consulting with other professionals in the industry, are going to be writing to us with some

3105 proposals. Whether those sit within what the hon. Member is thinking or not I do not know because I have not received those proposals yet, but I would certainly welcome his input and that of any of his colleagues who wish to make proposals to us, and we can consider them hand in hand with those we receive from the industries or through the Finance Centre Council, which is where I think it is going to come from because different associations within the Council are talking amongst themselves.

3110 So in short, yes, of course we will consider ... At the end of the day, we all want what is best for the jurisdiction in terms of our legislation and approach, and so I will happily welcome whatever representations he or any of his colleagues wish to make professionally or politically.

3115 **Hon. D A Feetham:** Would the Minister prefer that we make the proposals to him directly and then he can put them to the Finance Centre Council and other professionals, or would he prefer that we consult the Finance Centre Council before making any proposals to the Government in this area?

3120 **Hon. A J Isola:** Mr Speaker, I think it is probably easier if they send what they believe to be the position and we can then deal with the necessary individuals. I think they will probably set up a small working group that we will liaise with and show them to, as we will, of course, with the regulator, whom we always consult with on any legislative proposals that we may receive in respect of financial services.

#### Q53/2023

#### Micro Business Systems Ltd – Employment of clerks at GHA

3125 **Clerk:** Question 53/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Further to the answer to Q586/2022, please confirm that MCB is indeed a reference to Micro Business Systems Ltd, and if not, which company it is; the date, duration and amount payable under the contract between the GHA and MCB; were the services supplied by MCB the subject of a tender process before the contract was secured by that company; and how many employees does MCB have or has had working at the GHA?

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

3135 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, with respect to the answer given to Q586/2022, MBS is an acronym for Micro Business Systems Ltd. As at 11th January the cost of MBS employees engaged as clerks at the GHA as per above is £91,009.29. As at 11th January there are nine MBS employees working at the GHA. MBS have been supporting the GHA in a number of short-term ad hoc administrative areas, including the implementation of the EDMS system in respect of the digitalisation, destruction and storage of medical records.

3140 **Hon. D J Bossino:** Mr Speaker, he will identify many of these questions as the subject of an email that I sent to him after our exchange in the last session because he invited me to write to him – I think it was just before Christmas; he probably did not have a chance to attend to it – and I have repeated many of the questions I had in that email correspondence.

I think what he has provided by way of a snapshot is what the state of play was as at 11th January. In terms of the future, does he have information as to the duration? He has



3150 answered what the amount payable has been up until now under the contract, but does he have information as to the duration and the date of that contract?

3155 **Hon. A J Isola:** In respect of the future, these arrangements will cease because if you understand the numbers that I have just given, you will see that what they are doing is providing support. They are not full-time employees, they come in to do specific things in different areas. So for nine of them this financial year £91,000 will tell you that they are not, obviously, full-time employees working at the GHA. To facilitate that, engagement has been made with the firm and they have agreed to come on to the bank system at the GHA, where they will be called as and when they are required and used from there, so these arrangements will shortly, by the end of this month, cease.

3160 It is almost impossible for me to tell him what the duration of the contract is. The reason for that is it is very uncertain as to when it started. The arrangement with MBS has been going on for rather a long time. It is not a system that we are happy with, which we have now addressed, working through the bank system for administrative support specifically in this area. The first arrangement entered into with Micro Business Systems was actually in 2009. There was no tender, 3165 there was no contract; there is an arrangement that has been continued since that time. Obviously, it is unacceptable for us to be in that position. Not that they have not been providing a service to us in the years we have been working with them, but we wish to regularise this arrangement because it is not acceptable, the manner in which we have been working up to date. So what we are doing in the manner that I have already described is to ensure that the new way 3170 of working will be far more transparent in accordance with our existing processes and procedures and we will rejig the manner in which we operate with them from now on.

3175 So 2009 was the first interaction with MBS. There was not a tender. I have actually asked the Procurement department in what other areas have we sought tenders, and it is it is a bizarre list that I have received from Procurement, which is: tender for the supply of dental laboratory services, tender for the electronic modernisation of the Gibraltar Health Authority, tender for the appointment of a project manager, tender for the provision of orthodontics and prosthetic technical services, tender for the supply of security services at the GHA and tender for medical malpractice insurance 2010-11. All of those are between 2007 and 2009. The Procurement department have told me that everything since then has gone through a proper tender system, 3180 so I am hopeful that the next time he asks me a question, and anyone else, I will be able to confirm to him that yes, indeed, it has been done during our time and it has been by tender.

3185 **Hon. D J Bossino:** Can I just press further in relation to one aspect, just so I am sure I have fully understood what he has said? When he talks about duration, if I put it to him how I understand the position, maybe he can confirm whether I have understood it or not. Is it an open-ended contract? Is that the current situation? He mentioned the period of a month within which I think a particular workstream he expects will be completed. Clearly I have not understood what he said and I would ask him to enlighten me.

3190 **Hon. A J Isola:** Mr Speaker, what I said was that in 2009 when the hon. Members were in Government, this work was contracted – I say ‘contracted’, taken on; there was no contract – there was no tender, so how long is that arrangement for? It does not really matter because the arrangement we have now entered into with them from the end of this month, from January, is that these nine who are currently working with us from time to time are going to be coming to us 3195 through the bank system, and that is a system that MBS are happy with. The employees will now be on the GHA bank and if they are needed they will be called in and come and work through that system.

3200 **Mr Speaker:** Does the Hon. Daniel Feetham have any supplementaries on Questions 44 to 47?

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

In relation to the answers the hon. Gentleman has kindly provided to Questions 44 to 47, does he have a nationality breakdown? If he does not, I will ask the question again next time round, but does he have a nationality breakdown?

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**Hon. A J Isola:** Mr Speaker, I do, but not in a manner in which I can easily pass it over to him because, as you can imagine, there are many different nationalities that are providing different services to the GHA, Care Agency and ERS. What I will do is write to him and I will be happy for him to put any questions at the next session, if he wishes, in respect of that information. I do have it, but it is not in an order that I can easily either pass over or read to him.

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**Hon. D A Feetham:** Mr Speaker, I am happy with that. Is the Leader of the Opposition happy? Yes, the Leader of the Opposition is also happy.

In relation to Questions 45 and 46 there do appear to be quite a lot of workers who have been working on short-term contracts – in other words, on renewable contracts of 12 months or less – for more than two years, and also more than three years. In answer to Question 45, in the GHA it is 18 more than two years and 17 more than three years, and in answer to Question 46, in the Care Agency it is 22 and 19. Does he have an explanation for that, which can answer why there appears to be such a large number of people on short-term contracts over two and three years? It is almost as if those people have been here for a period of time that implies permanency.

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**Hon. A J Isola:** Mr Speaker, I think the answer in respect of each area may well be different. For example, within the answer the hon. Member has there are professionals from many different disciplines – nursing, ambulance, medical, admin, AHP, pathology, domestic – and in each of those cases there may be different reasons. For example, it is an objective of this Government – and, I am sure, of the hon. Members opposite – to, wherever possible, place locals qualified in positions within the GHA. So if somebody is now studying or going through their training programmes and will be ready in 12 months' time, it is absolutely right that we continue their contract, renewing it until the time that person is going to be coming back, and then we can have a local person coming into a position. That is why we spend money on training them through university and further education. So there are very many different reasons as to why we will have renewable shorter-term contracts.

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Another interesting point is that, for example, there are some doctors on fixed-term contracts that are continuously renewed more than three years – doctors, consultants – for, again, a host of different reasons. We are specifically focusing at this moment in time in our work on reviewing why we have consultants on renewable fixed-term contracts, and that is one of the areas we are looking to address in the short term.

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I do not want to give a reason in respect of the numbers he has in front of him because the reasons are different for each discipline. I will be happy to try to dig deeper into that with the GHA, ERS and the Care Agency to understand the thinking or the policy, if there is one, in respect of in which particular area we behave in what way. That may be of more use to him than my surmising what I believe the reasons to be, because at the end of the day operational matters are in their hands and not mine.

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**Hon. D A Feetham:** If I may say so, that is a fair answer. I do know that some doctors within their yearly contract terms would obtain a percentage that would reflect perhaps a lump sum that they would be getting as compensation for the fact that they may not eventually get a pension, for example. I understand that.

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May I ask the Minister, could he, when he writes to me about the other question that I have asked, also break these down? In other words, Questions 45 and 46, in the over two years and the over three years, what are the posts, essentially? When we see the posts, there may be additional questions that we can then ask and drill down in relation to that. Of course, if he is so kind as to

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also perhaps provide some steer in relation to the policy in some of these areas, that would also be useful to the Opposition.

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

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

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**Hon. K Azopardi:** Mr Speaker, can I just ask also, in relation to Question 44 and in respect of Question 47, which deals with the agency workers...? There are quite a number of agency workers there. Does the hon. Member have information as to which agencies those workers are derived from?

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**Hon. A J Isola:** Mr Speaker, I will have to come back to him with that information because there are many of them that are specialist companies with whom we have one worker, so there are lots of them that are one, one, one, one, one, one, one. I will be happy to provide information in respect of what those disciplines are. There are some, for example, where nursing assistants are provided, which is an easy one to identify with a large number, but there are a significant number of them that are one each. I can get that information together.

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**Hon. K Azopardi:** Can I simply suggest to the hon. Member that if he is going to write to my colleague he includes that information and then we will have one consolidated answer – if that is acceptable to him?

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**Mr Speaker:** Next question.

#### Q54-55/2023

#### Seasonal flu vaccinations – Number administered by age

**Clerk:** Question 54/2023. The Hon. the Leader of the Opposition.

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**Hon. K Azopardi:** How many people have been administered the seasonal flu vaccine by the GHA to 10th January 2023?

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

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**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I will answer this question together with Question 55.

**Clerk:** Question 55/2023. The Hon. the Leader of the Opposition.

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**Hon. K Azopardi:** Mr Speaker, how many people have been administered the seasonal flu vaccine by the GHA to 10th January 2023 broken down by the following age categories: (1) under 18; (2) 18 to 30; (3) 31 to 45; (4) 46 to 65; (5) over 65?

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

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**Hon. A J Isola:** Mr Speaker, 6,359 people have been administered the seasonal flu vaccine up to 10th January 2023.

The number of seasonal flu vaccines that have been administered by the GHA up to this date, broken down by categories, is as follows: under 18, 1,089; 18 to 30, 142; 31 to 45, 417; 46 to 65, 2,026; over 65, 2,685.

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**Hon. K Azopardi:** Is the GHA – Government – satisfied with the take-up of the flu vaccine?

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**Hon. A J Isola:** Mr Speaker, the GHA every year makes a strong effort to encourage the people of Gibraltar to be vaccinated, not just in respect of flu but in respect of COVID and others. It is never enough is the answer that I think I have to give the hon. Member. The GHA would prefer it if more people were vaccinated, and that is what it is always prepared for. So it will continue to encourage with its campaigns that more and more people come forward and receive the flu vaccine.

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**Hon. K Azopardi:** Does the Minister have statistics on previous years to answer the question of whether these numbers are within the norm of the take-up of the seasonal flu vaccine?

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**Hon. A J Isola:** Mr Speaker, no, I do not have that information here. I would have expected, as an instinct, that it will be higher, but I do not have that information. I will happily have it made available to him.

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**Hon. K Azopardi:** And then finally, Mr Speaker, in relation to the category under 18, which is actually relatively high, and higher than I thought, can the Minister give us a bit more information as to why so many under-18s ...? Or is that part of some kind of schools vaccination programme?

**Hon. A J Isola:** That would be the only explanation, in my humble view, but that is just an opinion. I do not know the answer to that question. What I can tell the hon. Member is that if you look at 18 to 45, the under-18s are more than double that, so it is a significant number, but I will find out. I suspect it is an educational campaign that has led to that number.

**Q56/2023**  
**GHA Director General –**  
**Extension of contract**

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**Clerk:** Question 56/2023. The Hon. the Leader of the Opposition.

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**Hon. K Azopardi:** Has the GHA or Government now agreed terms with the GHA's chief executive as to whether his contract will be extended or whether he will leave his post when his current contract expires?

**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 position in respect of the Director General remains as per my answer to Question 424/2022.

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**Hon. K Azopardi:** Mr Speaker, it has been a bit of time since then, and from recollection I think the hon. Member said to us that his contract expires ... well, if it is January now I think it expires in two, three or four months, something like that. Obviously, if he is going to go, and assuming that the GHA wants to retain a chief executive, it will take some time for someone to be recruited, so a decision would need to be taken almost immediately for that process to be engaged. An

advertisement and recruitment process may itself take a few months, and the selected individual might need to give three or six months' notice if they are occupying another post. So what is the GHA doing, in the context of all that, to try to get a degree of certainty or finality on the decision-making process? I appreciate it is not the GHA that needs to take a decision because I think the hon. Member indicated last time that it is the preference for the individual to remain, but equally there needs to be a decision one way or the other, because otherwise we are going to wake up one morning and his contract will have finished.

**Hon. A J Isola:** Mr Speaker, yes, it is something that we are actively engaged with the Director on. The GHA is very keen to retain him, as is the Government. It is a question of how long he stays for. He has always viewed his appointment, as I said last time, as interim. What I have no doubt about is that we will not be left in the lurch. In other words, he will continue to support us for as long as it takes, if we are not able to agree a longer term, to see us through the period in which we need to find a replacement. But I would certainly, were he to be leaving shortly, want to have him sitting with me making that decision, because of the knowledge he has attained and the understanding he has of the GHA, in any recruitment process.

**Hon. K Azopardi:** Yes, Mr Speaker, but if the GHA wants him to stay and he wants to stay, what is the issue that is holding this up? I see the hon. Member shaking his head, so I will give him an opportunity to answer.

**Hon. A J Isola:** Well, Mr Speaker, I have always said the Director General has always seen his appointment as interim. This was never a permanent appointment. If you look at the original press release, that was made quite clear. That position remains the same, so the work ongoing is to seek to persuade him to stay longer, nothing more than that.

**Hon. K Azopardi:** In the discussions with the GHA, does he at least accept that as we get closer to the expiry deadline and if the GHA runs out of time ...? Is it the attitude of the GHA and of the individual concerned that he will at least accept a short-term appointment to allow a recruitment process of someone else to happen?

**Hon. A J Isola:** Mr Speaker, I think the support of the Director General to the GHA is such that, as I mentioned before, I do not believe he would leave us in the lurch and he would help us through that process were we to be in that position. I do not want to pre-empt where we will end up, but I think it is fair to say that he will continue to work with us to ensure that we are not left in any way exposed or that the GHA in any way finds itself without some direction and leadership.

**Q57-58/2023**

**GHA Medical Director –**

**Reason for resignation; expected date of new appointment**

**Clerk:** Question 57/2023. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, what was the reason for the resignation of the GHA Medical Director?

**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 58.

**Clerk:** Question 58/2023. The Hon. the Leader of the Opposition.

3390 **Hon. K Azopardi:** Mr Speaker, when does the GHA expect a new Medical Director to be appointed?

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

3395 **Hon. A J Isola:** Mr Speaker, I refer the hon. Member to a public statement made by the GHA on 3rd January 2023.

3400 **Hon. K Azopardi:** Mr Speaker, as far as I recollect, that statement did not really provide answers to these questions. It communicated that the Medical Director had decided to stand down – resign – but it did not explain the reasons for it, nor did it explain in any great detail what the process was or the expectations on the timescale of a new Medical Director, so I gave the hon. Member an opportunity to answer that.

3405 **Hon. A J Isola:** Mr Speaker, the question asks what was the reason. The reason was that he resigned. I am not able to give any more information. I have not been involved in that process at all; it is a matter entirely for the GHA as to its discussions with its own Medical Director.

In respect of the recruitment, the statement on 3rd January said ‘the recruitment process for a new Medical Director will begin next week’. It has begun. There is a deadline for those positions to be applied for, so the process has already started and I hope it will be dealt with satisfactorily and expeditiously by the GHA shortly, quickly.

3410 **Hon. K Azopardi:** Yes, so the Hon. Minister has just confirmed that his original answer, which referred me to the statement on 3rd January 2023, did not actually answer the question I had put, because the 3rd January statement says that he has resigned but I have asked for the reason for the resignation.

3415 Is the Government not aware of the reason for his resignation? Did he not give reasons for it in his discussions with the GHA? If someone as important as the Medical Director, who occupied a post as Medical Director, who then did not occupy a post as Medical Director during such time as there was litigation ongoing, then suddenly is restored as Medical Director and resigns ... Are we being asked to believe that the Minister for Health did not ask what the reason for the resignation was?

3425 **Hon. A J Isola:** Mr Speaker, I think the hon. Member needs to understand the basic premise of my appointment as Minister for Health, which is in respect of matters of policy. All operational matters, including the appointment of nurses, doctors and consultants, are in the hands of the GHA and the senior management team of the GHA, which has a board to whom they are answerable. So it has nothing to do with me, the resignation of any member of staff, whether it is a cleaner, a nurse or the Medical Director. If the hon. Member wants to understand what the reason for somebody resigning is, ask them. I am certainly not going to get involved in speculating as to what could or could not have been the reason for an individual resigning. So in respect of that part, it is an operational matter entirely in the hands of the senior management of the GHA who has that responsibility.

3430 In respect of the recruitment, the statement says ‘the recruitment process for a new Medical Director will begin next week’ and it did, so that process is in train. That is what the statement said on 3rd January 2023, so I do not know what more I can tell my hon. Friend.

3435 **Hon. K Azopardi:** Mr Speaker, the GHA employs more than a thousand people, so obviously, if someone down the chain decides to leave their post I do not expect the hon. Member to ask, but if the chief executive – the Director General, as they call him – were to resign tomorrow, he would

say, 'Well, why?' If someone as important as the Medical Director – he is, at the end of the day, in charge of the clinical directorate of the GHA, central to the implementation of, in effect, the delivery of healthcare in Gibraltar – resigns, is the hon. Member really saying that when he heard that the Medical Director had resigned he did not ask why?

**Hon. A J Isola:** Mr Speaker, the question would have more credence if I was told that he was going to resign and I wanted to see if I could in any way interject to stop him from resigning, but that is not what I was told. I was told, 'He has resigned, it is a matter of fact and arrangements are being put in place as quickly as possible to ensure that the GHA continues to operate to its full strength and capacity as quickly as possible.' So on 3rd January the statement is issued, recruitment starts the following week, and I hope that by the end of this month the closing date will happen, applications will be in and the senior manager at the GHA will do what they have to do, which is execute their professional judgement and employ a new Medical Director.

If the hon. Member is saying that I should be involved in the resignation or reasons for the resignation, should I also be involved in the recruitment of his successor because it is an important position? Of course not. I do not for a second believe that I should be involved in the recruitment of the next Medical Director of the GHA. It is entirely for the senior management team of the GHA to exercise their professional judgement as to who is best prepared and equipped to carry the GHA forward as its new Medical Director.

**Hon. K Azopardi:** Mr Speaker, I am asking a very simple question. I am asking him: when he found out that the Medical Director had resigned, did he ask why?

**Hon. A J Isola:** Mr Speaker, if he wants the details, when I found out I was in Portugal suffering from a very bad tummy bug. I was informed, I accepted the information that I received and I asked to be sent a copy of the press statement as and when it was issued, which is what they did.

**Hon. K Azopardi:** Mr Speaker –

**Mr Speaker:** If I can interject, let's make this the final ...

**Hon. K Azopardi:** Mr Speaker, I have asked repeatedly. The answer might be he is not prepared to tell me, but I do not want to know where he was in Portugal. What I want to know is: if he is informed that the Medical Director of Gibraltar has resigned, is he saying that he did not ask why he had resigned? Is he really saying that he did not ask why he resigned?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government is here to answer questions about things for which we are responsible. If the Medical Director had been sacked, the hon. Gentleman could ask us why he was sacked, because we, as the Government, with the GHA, even though the GHA is operating independently, will be responsible for him being sacked. But if the Medical Director of the GHA has resigned, that is a decision made by him for which we are not responsible. Therefore, it is not something on which we should be asked to answer a question because it is not something that the Government has done, it is something that somebody else has done and has a consequence and effect on the Government. The hon. Member has said to him, 'I wanted to know how a new one was going to be recruited,' etc. He is asking us about the decision-making processes of a third party.

**Hon. K Azopardi:** Sorry, can I just ask with this final –?

**Mr Speaker:** May I interject? I decide how many supplementary questions and when we stop, not the Leader of the Opposition. I will allow this last supplementary.

**Hon. K Azopardi:** Mr Speaker, of course you decide, and nothing I have said has suggested otherwise. Let's be clear about that.

3495 Mr Speaker, if I may roll this up in this way, because we focused on the resignation ... I have asked several times now. I find it surprising that the answers the Hon. Minister has given, and indeed the answer the Hon. the Chief Minister has given now still does not provide the answer to the question, which is ... I would have thought that actually the answer would have been relatively straightforward, that if someone as senior and as important to clinical governance, patient standards and clinicians' duties as the Medical Director had resigned, you would have thought the natural reaction of anyone at the head of the political Department is to simply ask why. Not  
3500 because you have a role in decision making, but because you have wanted to find out why, given that he has been restored to that role after an element of controversy. I would have thought that that is normal.

3505 In relation to the expectation as to the appointment of a new Medical Director, the process has started, but when do they expect a new Medical Director to be in post?

**Hon. A J Isola:** Mr Speaker, I hope for the GHA to be able to announce a new Medical Director in February.

**Mr Speaker:** Next question.

**Q59/2023**

**GHA Medical Director –**

**Reason for resignation; expected date of new appointment**

3510 **Clerk:** Question 59/2023. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** What procedure is followed when a patient is referred to another medical centre as a sponsored patient?

3515 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**  
Mr Speaker, I am informed by the GHA that when a referral is deemed appropriate and approved by the Clinical Tertiary Referral Board the following steps are taken. A referral is approved by the consultant and an appointment at the relevant hospital is obtained. Once the appointment is confirmed, the patient is informed. Sponsored patients are then notified of the appointment and the patient is advised to contact the Sponsored Patients office to make the necessary arrangements: flights, including return, if possible to plan in advance depending on the procedure; ground transport, if appropriate and required; accommodation in Calpe House or other, if required, when visiting a UK tertiary centre. The following are then reimbursed via the SP office upon presentation of receipts: public transport from the accommodation to the centre and return, and a food allowance of £25 per night between patient and escort that can be claimed in Calpe House or upon return via the Sponsored Patients office. Additionally, patients who have not booked in advance can book return flights either via Calpe House if they are staying there, or via  
3520 the Sponsored Patients office if staying elsewhere. The service via Sponsored Patients is available 24 hours a day, seven days a week via the on-call arrangements.  
3525  
3530

3535 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for his answer. Can I ask him, regarding the Tertiary Referral Board, is it functional as it was 10 months ago, or is it any different? I have several reports from constituents who had a referral approved 10 months ago



by this Tertiary Referral Board, and now a new board is refusing, changing or not accepting previous treatment. Is the Minister aware of this? I think what we would all want is a uniform procedure with a wide range of individuals being a part of the board and being able to decide on such important treatment plans in a way that is consistent for the patient.

3540

**Hon. A J Isola:** Mr Speaker, the Clinical Tertiary Referral Board is a board of clinicians who look at cases before them and make a clinical judgement, nothing more, nothing less. I do not know if it is the same board today as it was 10 months ago. I do not know if the people sitting on the board 10 months ago are the same people sitting today. I do not have that information, but if the hon. Lady will write to me with the details of the case of the constituent she has, then I will happily look into it. I have never had, in my time looking after the GHA, any difficulty at all from any constituent in respect of the Tertiary Referral Board. I would be very happy to have from her whatever case she has and see if we can assist further, but the Tertiary Referral Board is a purely clinical board with no one other than clinicians looking at what is best for the patient.

3545

3550

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I appreciate his answer, but what I was trying to say is that there are plenty of patients I have come across in recent months who talk about this lack of continuity of care because of the difference in pathways that are now being taken by this board, so I suppose ... I am meant to be asking a question, but I will just reiterate that I will be writing to the Minister to understand a little bit better how the system works.

3555

**Hon. A J Isola:** Yes, Mr Speaker, I am happy to do that. I have to say that I have not had a single complaint in respect of the work of the Tertiary Referral Board. They are a team of professionals who execute their work diligently and professionally, so if there are any issues that have arisen I would be happy to hear from the hon. Lady in respect to these.

3560

**Mr Speaker:** Next question.

#### Q60/2023

#### GHA Unit General Manager – Recruitment process

**Clerk:** Question 60/2023. The Hon. Ms M D Hassan Nahon.

3565

**Hon. Ms M D Hassan Nahon:** At the GHA, what was the process for the recruitment of the Unit General Manager post?

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

3570

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, there is currently no recruitment process in place in respect of the position of Unit General Manager.

3575

**Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister confirm that there is a post that is filled under that title?

**Hon. A J Isola:** Mr Speaker, I do not know the answer to that question. The question is what was the process for the recruitment, and what I am saying is that there is no recruitment process.

3580 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I do not want to misinterpret, but my question is that there is a post of Unit General Manager, a post that I had not heard the name of before, the title, and therefore I wanted to ask how that post came to be. I do not know if we are talking apples and pears here. Is there a post that has been filled? Does that post exist? Have I got it wrong, or is that a post that is current?

3585 **Hon. A J Isola:** Mr Speaker, there was a Unit General Manager in respect of hospital services in the past, there was a Unit General Manager in respect of the PCC in the past, and there was a Unit General Manager in respect of Mental Health Services in the past.

3590 **Hon. Ms M D Hassan Nahon:** Mr Speaker, would it be wrong for me to ask the Minister if it is correct that there has been a recent appointment at the GHA in the Hospital for Unit General manager?

**Hon. A J Isola:** Yes, Mr Speaker, the hon. Lady would be wrong.

#### ADJOURNMENT

3595 **Mr Speaker:** The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn to tomorrow at three o'clock, on the third Thursday of the month, to deal with Chief Minister's Questions.

3600 **Mr Speaker:** I now propose the question, which is that this House do now adjourn to Thursday, 19th January at 3 p.m.

I now put the question, which is that this House do now adjourn to Thursday, 19th January at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

3605 This House will now adjourn to Thursday, 19th January at 3 p.m.

*The House adjourned at 8.43 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.06 p.m. – 9.21 p.m.**

**Gibraltar, Thursday, 19th January 2023**

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# The Gibraltar Parliament

*The Parliament met at 3.06 p.m.*

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

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

## Questions for Oral Answer

CHIEF MINISTER

**Q91/2023**  
**LNG and diesel –**  
**Amount spent in 2022**

**Q92/2023**  
**Power outages in 2022 –**  
**Overtime costs**

**Clerk:** Meeting of Parliament, Thursday, 19th January 2023.  
We continue with Answers to Questions.

5     **Mr Speaker:** Are we suspending Standing Orders?

**Chief Minister (Hon. F R Picardo):** No.

10     **Clerk:** Question 91/2023. The Hon. E J Phillips.

**Hon. E J Phillips:** Can the Government state how much it has spent on LNG and diesel in 2022?

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

15     **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer this question together with Question 92.

**Clerk:** Question 92/2023. The Hon. E J Phillips.

20     **Hon. E J Phillips:** Mr Speaker, can the Government state how much the power outages in 2022 cost the taxpayer in overtime?

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

25     **Hon. Chief Minister:** Mr Speaker, before we are able to answer this question, the hon. Gentleman would assist us by clarifying if he seeks calendar year information or financial year

information. For financial year 2021-22, he has the figures in the final Budget Book. For financial year 2022-23, he will have the Estimates Book in the first week of April, of course.

30       **Hon. E J Phillips:** Mr Speaker, I think it would be helpful if he would clarify Question 92. Does he have a general figure in relation to power outages in 2022?

**Hon. Chief Minister:** Mr Speaker, this is the point I am trying to make to him in my response. We do not keep calendar year information, we keep financial year information.

35

**Hon. E J Phillips:** The only question I would ask in relation to that is can you not provide the House with a specific number in relation to power outages for 2022? You do not keep that information? *(Interjection)* Yes, for a year. It should, hopefully, have been done.

40       **Hon. Chief Minister:** Sorry, Mr Speaker, this is fairly basic. Let me try to take the hon. Gentleman through it. I will try. I do not know whether he will understand it or not.

          The first three months of 2022 *(Interjection)* relate to the financial year 2021-22, so we account for the overtime in the financial year 2021-22, not broken down by month necessarily. The next nine months of 2022 are accounted for in the financial year 2022-23, not by month, they are  
45       accounted for by way of financial year. The Hon. Mr Clinton has a question I will answer now which will deal with the first six months of the financial year 2022-23. That is why I am saying to the hon. Gentleman is he asking us for the calendar year information or the financial year information? Nine months of the financial year 2022 are in the financial year 2022-23. That is why I am saying to him he will have the information in that respect in the Estimates Book when we get to the end  
50       of March, and he will have the Estimates Book provided to him in the first week of April in the usual way; and in respect of the first three months of the year, not broken down by month, he has it in the other Estimates Book.

          This is why I am trying to put it to him that before we can give him a detailed answer I need to know whether he wants calendar year or financial year. Calendar year will require us to break  
55       down the figures we have for the first three months of the year for 2021-22 and try to apportion that overtime per month, which is an exercise. That is why I was putting it to him in that way.

**Hon. E J Phillips:** Mr Speaker, it is a calendar question. I think it reads like that. I did not say for financial year 2021-22 or financial year 2020-21. It is obvious from the question that it appears to  
60       be a calendar year. I cannot believe it would take civil servants months to prepare an answer to this question; it is a fairly simple question. I suspect he has some of the information before him that might help this House in understanding the answer.

**Hon. Chief Minister:** Mr Speaker, it is very unusual to be asked to provide information in calendar-year terms in this way. That is the issue. Because we account in financial years, which  
65       start on 1st April, providing a figure for the calendar year is a little harder. If the hon. Gentleman considers that he wants it for calendar year although we account for everything in financial years ... I do not think I have, in the information I have available, the calendar-year provision because we just do not keep the information in that way; it is not maintained in that way.

70       I would invite him to have the information in financial-year terms, in which case what he is asking me for is a further breakdown of the figures already provided for 2021-22, and I will refer him to 2022-23 when we have it. Otherwise, if he wishes to put the question again in respect of calendar year 2022, we would not take the issue that he is asking it again within six months, but it will require an exercise to be done to break down per month all of the amounts and provide it  
75       per calendar year.

**Hon. E J Phillips:** Is there any information contained in the answer by civil servants that would help us in any event?

80 **Hon. Chief Minister:** Yes, Mr Speaker, I believe I am able to give him, if he wants it, the figure of the sum spent on LNG and diesel on the basis that those are invoiced to us monthly, so I am provided with the figure on the basis of the costs for the months in 2022 – if he wants that? Okay, well, the expenditure on LNG for the calendar year 2022 is £24,895,600.95 and the expenditure on diesel, which is automotive gas oil, for 2022 amounts to £9,331,879.25.

85 **Hon. K Azopardi:** Thank you, Mr Speaker. I want to go back to Question 92, if I may. The Chief Minister has referred us to the Budget Book for 2021-22 in respect of that. I do not have it in front of me. The Budget Book will have a collective cost of overtime but surely will not give us a breakdown of overtime in respect of power outages, which is the question we are asking. So referring us to the Budget Book will not give us the specific answer.

90 **Hon. Chief Minister:** It will not give you the specific answer but you will have the amount for overtime, and then what you are asking me for is a breakdown of that overtime so that then I can tell you how much of that overtime in respect of that head relates to payments that arise from a power cut. But you are asking for it then in the context of each of the financial years. Otherwise, we have to do a breakdown by month of the overtime and see how much of that overtime by month relates to a power cut, and then bring, for calendar year rather than financial year, that amount. That is what I am saying to him.

100 **Hon. K Azopardi:** Given, therefore, that I will not find the answer in the Book – and he has explained the difference between the financial year and calendar year approach, which I understand – does he have a figure in front of him for financial year 2021-22 broken down in respect of power outages?

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

**Mr Speaker:** Next question.

#### Q93/2023

#### Civil servants acting as directors of private companies – If allowed and whether register is kept

**Clerk:** Question 93/2023. The Hon. R M Clinton.

110 **Hon. R M Clinton:** Mr Speaker, can the Government advise whether civil servants are allowed under General Orders to act as directors for private companies; and, if so, does the Chief Secretary keep a register of such individuals to monitor potential conflicts of interest?

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

115 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the General Orders chapter regarding private activities of civil servants was revised in 2021. This now provides more flexibility and clearer guidelines in relation to declarations of any involvement in financial interests, business activities, private work and private trading. This includes the declaration or request for permission to hold directorships of companies and private work amongst other business interests, as long as these do not conflict with their role within the Service or prejudice the Service in any way. This follows UK Civil Service practices.

120

The Human Resources Department keeps, for the Chief Secretary, a register of all declarations and requests of such activities and, where appropriate, continues to monitor post approval for any potential conflicts of interest.

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

I was wondering whether it is permissible to give us a copy of that revision to General Orders.

Secondly, would the Government consider it reasonable for us to ask for ... obviously, I do not believe he will give us names of people who have sought clearance from the Chief Secretary, but perhaps numbers of people according to classes of requests for permission – for example, directorships or things like that – without actually disclosing names?

**Hon. Chief Minister:** Mr Speaker, I have a copy here of the bulletin, which I am happy to circulate to hon. Members when the Clerk comes. Thank you.

I am happy to provide the hon. Gentleman, across the floor of the House, if he asks me for it, the information he has requested.

I have not checked with the Chief Secretary, but I do not believe it would be objectionable for hon. Members, if they wish to see the register, to ask to come and see it on the basis that it is shared with them in confidence, in the sense that they cannot then bandy those names around. In my view, that would be unfair.

I will give you the information you have asked for in terms of numbers and classes. Perhaps we could agree the sorts of classes they want. If they are interested in it, we could happily put that on the website as a statistic that is updated every three months – it does not necessarily have to be updated every month ... and to come and see the register on the basis that it is not a publicly accessible register, but in the context of Members of this House having oversight in respect of Government business, I have no difficulty with them seeing the register on the basis that they would not then use the names.

**Hon. R M Clinton:** Mr Speaker, I thank the Chief Minister again. I think what he has just said is entirely reasonable and it is something that we will obviously consider on our side. If I can just add by way of an aside, I am gratified to see that such a register is in place.

**Mr Speaker:** Next question.

#### Q94/2023

#### Departmental expenditure –

#### Totals for six months ended 30th September 2022

**Clerk:** Question 94/2023. The Hon. R M Clinton.

**Hon. R M Clinton:** Mr Speaker, can the Government provide, as in prior years, an analysis of total individual departmental expenditure outturn for the six months ended 30th September 2022?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the analysis of total individual departmental expenditure outturn for the six months ended 30th September 2022 is, subject to the usual caveats, in the schedule I now provide the hon. Member.



Answer to Q94/2023

Department	Estimated Expenditure as at 30/09/2022
Treasury	£13,327,196.29
No 6. Convent Place	£3,940,119.20
Customs	£5,395,694.28
Income Tax	£1,390,546.12
Parliament	£783,241.39
Human Resources	£2,459,751.51
Immigration and Civil Status	£821,514.64
Government Law Offices	£3,577,225.91
Financial Secretary's Office	£448,511.60
Drugs & Alcohol Awareness & Rehabilitation Services	£518,047.88
Office of the Deputy Chief Minister	£1,120,255.38
Civil Aviation	£813,873.50
Environment	£7,497,750.39
Utilities	£4,581,583.65
Collection and Disposal of Refuse	£4,131,379.18
Upper Rock Tourist Sites and Beaches	£3,132,612.04
Education	£25,453,539.47
Heritage	£847,293.48
Technical Services	£1,862,652.78
Driver and Vehicle Licensing	£852,386.84
Town Planning and Building Control	£568,870.42
Statistics Office	£178,065.90
Economic Development	£1,600,667.34
Procurement Office	£180,522.71
Housing	£1,681,942.98
Equality	£527,661.92
Health and Social Care	£453,651.90
Policing	£8,614,751.28
Prison	£2,123,469.91
Gibraltar Law Courts	£919,570.27
Justice	£877,334.47
Tourism	£709,889.77
Employment	£935,014.92

Department	Estimated Expenditure as at 30/09/2022
Maritime Services	£616,356.92
Social Security	£9,986,309.41
Civil Contingency	£749,785.37
Fire and Rescue Service	£2,842,525.02
Gibraltar University	£499,999.98
Culture	£1,693,638.15
Broadcasting	£2,648,571.43
Youth	£311,859.40
Sports and Leisure	£760,879.94
Financial Services	£1,564,092.39
Gambling Division	£424,497.25
Postal Services	£1,841,581.94
Gibraltar Audit Office	£595,835.26
Gibraltar Regulatory Authority	£1,200,000.00
Contribution to the Covid-19 Response Fund	£44,106,418.83
Information Technology and Logistics Department	£4,333,066.58
Office of Fair Trading	£300,841.97
Office of Chief Technical Officer	£162,709.08
Business	£308,919.67
Airport Fire and Rescue Service	£1,437,062.54
Digital Services	£798,435.05

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**Hon. Chief Minister:** Mr Speaker, whilst it is delivered to the hon. Member, I would just repeat that the usual caveats are that these are the interim financial statements for the period and are based on the Treasury's accounting records as they stood in about November. The figures contained in the schedule are, therefore, still subject to reconciliation by the responsible

Government bodies and may therefore be subject to corrections and, as such, should not serve as an indicator of the likely outturn for the year in any way.

**Hon. R M Clinton:** Mr Speaker, I am grateful to the Chief Minister for the analysis. Unfortunately, it does not have a total, so it is a bit hard for me to come up with any comment at this stage. If we may come back to this later on, with your permission? If not, I will lodge a question for the next session. Thank you.

**Hon. K Azopardi:** Just quickly, I appreciate that the question asks about Departments, so the answer might lie in that, but skimming very quickly through it, unless I have missed it I do not see a cost for the Gibraltar Health Authority.

**Hon. Chief Minister:** Yes, Mr Speaker, because the question is about Departments and the information I think we regularly provide is for the Department heads. We do not provide it for the agencies or authorities on the six-month basis.

**Hon. K Azopardi:** I thought that might be the case. However, I was asking the question because I did see on the list the Gibraltar Regulatory Authority.

**Hon. Chief Minister:** Because I think the accounts of the Regulatory Authority are managed more directly by the Treasury than the GHA, which has its own accounting infrastructure.

**Hon. K Azopardi:** Obviously, the Chief Minister will not have that information, but would he write to me with the equivalent information for the Gibraltar Health Authority?

**Hon. Chief Minister:** I will, Mr Speaker, if he writes to me so that I have something to reply to. I am just conscious that I could forget if I say I will, and I might not. I know that I have something to send him already from the last session, which I know is being prepared.

**Hon. R M Clinton:** Mr Speaker, as regards the Chief Minister's observation that in the past it has only been departmental expenditure, I would draw his attention to the Estimates Book, on pages 13 and 14. The Health Authority is included within total departmental expenditure, and if my memory serves me correctly, in the past the Health Authority has been included in the list we have been provided with in order that we can do a full analysis of estimate to outturn. So I would just like to make that point, that in the Estimates Book the GHA is included within departmental expenditure.

**Hon. Chief Minister:** The contribution is included by way of departmental reference, not ... the contribution, yes. The GHA is dealt with at the back of the Book. It is not dealt with by way of departmental expenditure.

I think it is important to clarify what the hon. Gentleman has said. What appears in the departmental expenditure section of the Book is the contribution. There is a reference, in the list I have given him, to Health and Social Care, which is a low amount. It is not the GHA proper. If the hon. Gentleman says that in the past when we have given it to him it has included the GHA, I am surprised because the same people who have prepared that have prepared this and given it to me on the basis of what is usually given, but I am quite happy to go back and, if they have added the GHA in the past, add it and/or, as lawyers love to say, also provide it to the Leader of the Opposition if he writes to me. I have no difficulty with the hon. Members having the six month outturn-ish, as we have said, on the basis of the caveats provided.

**Mr Speaker:** Next question.

**Q95-96/2023**

**Government housing –  
Expected reduction in waiting list; government rental flats**

220 **Clerk:** Question 95/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Does the Government know by what number the housing waiting list will be reduced following the release of the 161 flats in the government rental housing stock following, in turn, the affordable housing developments becoming available?

225

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 96.

230 **Clerk:** Question 96/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Does the Government have any intention to build any flats for government rental?

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

**Hon. Chief Minister:** Mr Speaker, as we discussed at length during the last meeting, the housing waiting list will be reduced directly by at least 161, in the first instance as a result of the sale of affordable homes. The subsequent reduction of the housing list cannot be provided with any accuracy now, but can be up to three or four times that. Additionally, the housing list would similarly be reduced by the move of elderly residents to the new government rental stock being developed for pensioners. These are 44 units at Chatham Views and 83 at Bob Peliza Mews. The new facility at Rooke will also likely relieve the list, and I should just say, as an aside, that I know the hon. Gentleman has another question on the Order Paper directly about that issue in relation to Rooke. As set out in relation to Chatham Views and Bob Peliza Mews, a number of government rental projects are already on foot.

**Hon. D J Bossino:** Mr Speaker, just by way of premise and by very brief preamble, the question arises as a result of a press release from Action for Housing which I think raised legitimate points following our exchange in this House, which dealt with ... I think it was described as the domino effect by the Hon. the Chief Minister, and questioned really the positive effect that that would or would not have on the government housing waiting list. I think he described it as ... well, he did describe it as – reading directly from the text of his press release – excessive and farfetched.

250  
255 His view is that the reduction is going to be three or fourfold in number. On what basis does he say that? I understand that he may not have any empirical evidence at this stage and he has already said it is impossible to do so at this stage, but on what basis does he come up with what is actually, I think, a very ambitious result?

**Hon. Chief Minister:** Mr Speaker, I think we had this debate ad nauseam at the time of the last House, before the Christmas festivities, but I am quite happy to explain again to the hon. Gentleman that our experience – having developed the affordable housing at Mons Calpe and the affordable housing at Beach View Terraces in the time that we have been in government this time round and the work that was done in the early 1990s as a result of the first affordable projects, and indeed, what we see was the management of the creation of the affordable and rental housing stock in their time – shows that if you properly manage the allocations of the houses that become available after people move to the affordable housing, you can take what they leave and use it to create that domino effect.

As I explained the last time but am happy to explain again, if people leave a five-bedroom house because they are going to an affordable home that they have bought, the five-bedroom house will be taken by somebody who is in a four bedroom waiting for a five, the four bedroom house will be taken by somebody who is in a three bedroom awaiting a four, the three-bedroom house will be taken by somebody who is in a two bedroom awaiting a three, the two-bedroom house will be taken by someone who is in a one bedroom awaiting a two, and the one bedroom house will be taken by somebody who is in a bedsitter awaiting a one. That is how you create the massive domino effect. You can take three, four or five people and move them as a result of one property being vacant.

Additionally – and this is the point that we also discussed last time and Action for Housing did not take into consideration in the letter they published in the press – there is also the rental housing being made available at Chatham and Bob Peliza Mews, which is not just, therefore, for 161. You have to add to the 161 the 83 and the 44, so that is 205 plus 83, 208 plus 80, 288. When you multiply that four or fivefold, you are able to move a lot of people from where they are on the housing list. When you add Rooke, which is going to add not housing but the sort of living that elderly people who need care need, and you move them from homes that they may be in ... It is impossible to say what number at Rooke. There is another question on the Order Paper I do not want to get into, but Rooke has 267 flats, I think, from memory, but a number of them may be taken by people who are in other areas, so we do not know how many would come from government flats that would become vacant – say a hundred. That is 388 moves from government property into new properties, the affordable, the rental and Rooke; 388 multiplied by five – okay, multiply it by four – creates a domino effect which deals in very large measure with the numbers on the housing waiting list. But then, of course, you have to break it down into the appropriate categories, so you might still have four or five people who are on the five RKB waiting list, even at the end of that, because although you have moved a lot of people and you might even have availability of three-bedroom properties, you have not got what they need, which is a five bedroom.

So it is not possible to say that you are going to completely get rid of the housing waiting list, because there may be some configurations where you might not be able to do so entirely for a short period, because there is always churn on the list, but you are going to be able to do what we say we expect to be able to do without that prediction being fairly described as excessive or farfetched, because if you factor in all of the information and one does not allow oneself to be led by the nose by the Opposition's view of 161 flats, you actually have all of the information at your disposal which we disclosed in this House – the 161 Rooke and the rental homes that we are building – and then you do get to do a calculation that gets you much closer to where you need to be.

**Hon. D J Bossino:** I think that is a very interesting exposé and explanation and I do acknowledge that a lot of what he said he did say in the last session of the House, but I wanted to drill down further because of the comments made by one of the NGOs that deals with this issue, and I thought it was important to raise it across the floor of the House, Mr Speaker.

I suspect the answer is going to be no, because I suppose it is a question really of suck it and see, but would he venture at this stage to say by what figure he thinks the housing waiting list – which I understand, and I have not checked this figure but according to Action for Housing, stands currently at 792 applicants – can be reduced by?

**Hon. Chief Minister:** Mr Speaker, I have done a lot of work with Action for Housing in the time I have been in government. I have a lot of time for their commitment. That does not mean I have to agree with their arguments. In fact, it is my job to deliver housing; it is their job to continue to put pressure on the Government to deliver housing. Those are two different jobs. One does not come with the level of responsibility that the other comes with because, of course, in delivering

housing we also have to deliver housing in the way that is the best value for money for the taxpayer, which is our other responsibility as custodians of the public purse.

So I am afraid that, given the hon. Gentleman has raised this across the floor of the House, it is not possible for the Government to accept that what we are doing is figure juggling to try to convince the general public that this exercise will go a long way towards resolving our chronic housing problem, quite the opposite. What Action for Housing are failing to do in the way they present their figures – and I am dealing with that because the hon. Gentleman has put it to me across the floor of the House – is to factor in not just the 161 but the 83 at Chatham, the 83 at Bob, the 44 at Chatham and the Rooke issue. When you put all that together, you are not figure juggling. You still cannot break it down in terms of the constituent room composition requests because it is dynamic and also because Hassan Centenary Terraces will be ready on one date, Chatham on another, Bob on another and Rooke on another, and therefore you are going to have a different housing waiting list at different times, which is not one picture.

This is not on 1st September everything is ready, what is the housing waiting list on 1st September, boom, it happens. It is dynamic, it happens at different times, so the effect of one, which is one of the affordable housing estates, will happen in part because it is in two phases during the period of the summer of this year. The second phase of Hassan Centenary Terraces, Bob Peliza and Chatham will happen on another date and the housing waiting list will be a different picture then, and Rooke will happen perhaps sooner than all of them, so the housing waiting list will be different and therefore you do not have one target that you are dealing with on one date.

That is why I cannot give him a figure, and if he were sitting where I am sitting he would be doing exactly the same thing, unless the argument is – and this is where I think it is completely wrong – you have to just build to the housing list. If what you are saying is build rental stock for the housing list, then you are not looking at value for money because if you are going to deliver an apartment for an elderly couple to which you are going to move them from a five bedroom but you are also going to build a five bedroom, what are you doing in terms of value for money for the taxpayer? Better you build, for the price of one five bedroom, three pensioner flats. That releases three five bedrooms, and in that way you move the list in the right direction.

That is the philosophical difference between us and Action for Housing. It is a good-faith philosophical difference because we both want to achieve the same thing. We have the obligation to achieve it not esoterically or philosophically, but looking at value for money for the taxpayer, and this is how we have demonstrated in the past it can be done and how we believe we will now demonstrate it can be done again.

**Hon. D J Bossino:** In relation to that final point, is it the case, because when Action for Housing ...? There is a call out there, by some sectors of our society, for another government housing estate, *à la* Mid Harbours, Varyl Begg and all the rest of it, which is, I think, where Action for Housing are ... basically the point they are driving at when they make the point that really the only solution ... They do not accept what the hon. Member opposite is saying, so they are saying the only way of breaking the back of this problem is to build another Mid Harbours, let's say.

Do I take it from the hon. Gentleman's answers that that is most definitely not the intention of the Government and that the rationale for that thinking is that it is not value for money for the taxpayer to go down that route? In respect of the specific question I asked, which related to government flats, he referred to the 44 and 83 in number that are being built, I think, for the elderly in the two affordable housing schemes that the Government is embarked upon and is about to start putting bricks on the ground, but apart from that, there is not a commitment to build a new – if I can put it in these terms – proper government housing estate?

**Hon. Chief Minister:** Mr Speaker, he has asked me, really, two questions, so let me start by answering the first, the idea that you can only resolve the housing list by building a new estate, that some apparently have taken the view is the correct position. By some, I assume he includes himself, because I understand this is the position they have taken: at the last General Election they

said they were going to build a new estate. Whether it is 'they' the GSD, 'they' Action for Housing, or 'they' the people who Mr Bossino says are saying this, they would be wrong to argue that the only way to deal with a housing list, as we have at the moment, is to build a new housing estate. I will demonstrate why they are wrong. In 1988, Gibraltar had a housing list which was greater than it had ever been. I think, from memory, it exceeded 2,000. By 1996, the housing list had been eradicated. No government housing rental estate had been built. The management of the building of affordable housing and the beginning of the provision of housing for pensioners, although not building but providing houses in existing estates for pensioners, had enabled us to do that. In fact, some were built for pensioners at the bottom of Gib5 and were provided as rental. So you can get rid of a housing list that is three times the size of what it is today without building an estate for rental. Full stop. Demonstrated. Empirical. There is the evidence.

You can build an estate for rental and not solve the housing list problem. I will demonstrate it. In 1996, the housing list was at its lowest ebb ever. In 2002, it was once again longer than it had ever been since 1988 and Mid Harbours had been built. So building a housing estate for rental does not solve it. The hon. Gentleman seems to take issue with some of the facts I am saying. Mid Harbours – *(Interjection by Hon. D J Bossino)* The dates are not wrong. *(Interjection by Hon. D J Bossino)* No, between 1996 when they took office, and 2011 when they left office, Mid Harbours had been built – *(Interjection)* Sorry. Mid Harbours had been built, but the housing list in 2011 was longer than it had ever been, except in 1988.

So you can build affordable housing, which they built, you can build pensioner rental, which they built, you can build government rental straight and still not deal with the housing list. But if you build affordable, if you build government rental for the elderly and you manage the elderly problem, you can get rid of the housing list, as we did between 1988 and 1996 and as we will do now.

One more final fact, Mr Speaker. Mr Clinton should perk up. An estate with 350 homes – the sort of size of estate you would expect to build – at £3,000 per square metre with an average of 70 square metres per apartment, which is the average: £73½ million. If you are going to reduce debt, if you are going to solve the housing crisis and if you are going to end the pay freeze, better hon. Members think a little about how we are proposing to deal with the issue without spending £73 million.

**Mr Speaker:** This will be the final supplementary.

**Hon. D J Bossino:** Mr Speaker, simply to make the point ... I am actually keeping a tally of my supplementaries, and indeed of hon. Gentlemen's and the hon. Lady's supplementaries. I think this will be my fourth of two questions, so on that basis I think it is a bit ... The replies are also long, and I am not complaining about that because they are full replies and I think it is an important social issue.

He talks about the rounded figure of £74 million, which he has calculated very quickly – we can check those figures ourselves, no doubt – but then there is also the ongoing maintenance cost, which also falls on the Government into the future; windows have to be fixed and all the rest of it, painted. That is a point on which I am assisting him in his argument. *(Interjection)* Yes, exactly. But in relation to the point when he was explaining the flats that would be made available, which would assist in bringing down the housing waiting list figure, he mentions Rooke but he does not mention the project which is on line to build by the Laguna Club. I think he knows which one I mean. Would that also assist? He is shaking his head, so maybe he can explain why he did not include it as part of his response.

**Hon. Chief Minister:** Mr Speaker, the reason I am shaking my head is because, as the hon. Gentleman, I think, will recall when I remind him, that project is to build for elderly residential for sale, principally for people who are living in existing affordable housing. The example that we imagine as we try to plot this and see whether it is an issue, is somebody who bought in the

affordable housing schemes in the late 1980s and early 1990s, has built a family there, now wants to sell, can sell for 10 times what they bought for, but 10 times what they bought for – which is a very tidy sum; if you bought for £35,000 you might sell for £350,000 to £400,000 – does not buy you a one bedroom in one of the private estates or developments near town, and you probably want to be near town because you are elderly. So to create churn in the affordable housing estates, even though they are at open market, we need to provide an opportunity for people to buy also at an affordable-ish rate but with different covenants going forward, which we discussed generally here we were going to make policy decisions on as the whole thing progressed. Indeed, I understand that today or tomorrow a press release will be issued by the Ministry for Economic Development asking for expressions of interest from people who might want to buy in those sorts of estates in the future, just to gauge the interest that we believe is there and to confirm that it is there to purchase those estates. Minister Bossano will be issuing a statement in that respect in coming days, which I urge people to look out for.

Mr Speaker, just to clarify my answer before, and so that we are talking on the same basis, I am reminded by the keen ear of former Minister and much-loved former Member of this House, Pepe Baldachino, who is watching and listening, that the housing waiting list in 1988 was 2,126. And just so that we are talking about the same numbers, the hon. Gentleman said he would like to check the calculation I have done, which I said before, but just to be very clear about it, is £3,000 per square metre to build, more or less, today, and 70 square metres per apartment – it is an average; you have bigger ones and smaller ones, but the average tends to be, for the purposes of working out the cost of developing, 70 square metres – and I calculated 350 flats in an estate. You can build a bigger one, you can build a smaller one, but if you build a smaller one do not pretend that you are going to be able to deal with the housing waiting list by building your way out of it, because then you would have to build 792, which I understand is the waiting list, more or less, now.

That is why we are saying the combination of the things we are dealing with, not the building of affordable homes for pensioners, because those are for people who are already in affordable homes and therefore are not housing-list fodder, so to speak ... The building of rental for the elderly, the building of affordable homes where people are given priority if they vacate properties that they hold which are government rental, and the building of adequate elderly residential facilities of the sort we are seeing at Rooke will be able to deal with the housing waiting list and we do not believe that this is a calculation that is excessive or farfetched.

I ask Action for Housing to take into consideration not just the domino effect on the 161, which is what they referred to in their public statement that the hon. Gentleman has raised with me, but also the additional homes that we are going to provide, the 83 and the 44 for elderly rental at Chatham and Bob Peliza Mews and the Rooke facility.

**Hon. D J Bossino:** Simply for the benefit of the House, I think the Hon. the Minister for Economic Development has already issued the press release – it is out – inviting people to write to him at 31 Town Range if they wish to express an interest in the flats he was referring to.

**Hon. Chief Minister:** I am grateful to the hon. Gentleman for clarifying that. I believed it was about to go out; I did not know it had gone out. I very much hope people will read the press release and indicate their interest, if they are interested, so that we can gauge how many of these units we have to build. We are convinced that there will be a serious take-up and that the project at Laguna will be only the first of many such projects which will address the point that the Hon. Sir Peter Caruana, the former leader of the party opposite, when he was already a backbencher on the other side, said was one of the key issues that we had to deal with: when do we stop building affordable housing and how do we deal with numbers then? Our view is that one of the ways – perhaps not the only way, but one of the ways – we deal with it is by creating churn in the affordable housing market with a way out ... I hesitate to say ‘at the end’ ... later in life when one is older and wants to buy a smaller unit. Thank you.

475 **Hon. K Azopardi:** Mr Speaker, I just want to ask a net question. I was listening carefully to what  
the Chief Minister said about creating churn, and to a very large extent of course we agree that  
creating churn alleviates the housing issue as well. I am not sure we are exactly where he is in  
respect of government rental housing. There are different arguments as to whether you can do it  
that way, in the way he has described – without going over that territory again – or whether  
480 actually, if insufficient rental housing is built over many decades, it causes a logjam because also  
you have to take into account the growth of the population, which is very obvious over the last  
few decades, the growth of the Gibraltarian population. But anyway, that is not the question I  
wanted to ask. I suppose that is the basis for a housing symposium that would lead us to perhaps  
different philosophical positions or different positions of approach.

485 What I wanted to ask him is, in relation to the 161 figure, does he have a number of how many  
of those are going to be released this year?

**Hon. Chief Minister:** Mr Speaker, it could, in fact, lead to a symposium, which would not, I  
think, start on the basis of the premise that he has set out – the idea that sufficient has not been  
490 built for rental over a number of decades, because if we look at the past decade and a half only,  
we have seen Mid Harbour Estate being built, we have seen Bishop Canilla House being built, we  
have seen Albert Risso House being built, we have seen Charles Bruzon House being built and we  
have seen Sea Master Lodge being built. If you take those last four, those are almost an estate for  
the elderly that has been built, and we are now adding two more, the block at Bob Peliza Mews  
495 and the block at Chatham. So the question is do you build for general provision or do you build for  
the elderly so that you also create the churn in the rental? I think that if anybody were looking at  
this objectively and were not trying to gain votes, they would say, 'It makes sense, of course, to  
do it in the way that you are proposing,' but of course it equally makes sense, if you are trying to  
gain votes, to go out and say that you are going to build for rental generally, so that people think  
500 there is the result.

What would certainly not work, what is economic madness, is to sell your existing rental stock  
of post-war housing, as hon. Members did when they were in government, because then you are  
undoing the asset that you have in rental. You are selling it and taking it out of circulation, and  
you are selling it at a 10th of its value and then building at five times the cost of sale. And that,  
505 looked at objectively, not looked at through the prism of what we want to say this year so that we  
might or might not win an election, looked at through the prism of what is good for the people of  
Gibraltar in the long term, is certainly the wrong thing to do, whilst doing what we are  
proposing – looked at objectively, not trying to gain votes, trying to do the right thing and trying  
to deliver value for money – is obviously, objectively, the right thing to do.

510 **Hon. K Azopardi:** Mr Speaker, that did not even come close to answering the question I put as  
to whether how many of the 161 are going to be released this year, so I will ask it again: how many  
of the 161 are going to be released this year?

But before I sit down, I really ... I prefaced my question with the statement – and I thought it  
515 was fairly neutrally expressed – that there might be a disagreement of approach as to what is the  
best way of solving the perennial decades-long housing issue. I did not say that their approach is  
some kind of Machiavellian approach to gain votes or whatever, and it is only our approach that  
is value for money. But the way the Hon. Chief Minister put it, their approach is value for money  
and any other approach – and he was pointing at us – is to gain votes. Ultimately, I am laying the  
520 ground to the position that there might be legitimately a difference of opinion on how to approach  
the housing crisis and both are taken from good-faith positions. That is what I am saying. But I ask  
again: how many of the 161 are going to be released this year?

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman is entirely right. I forgot to give him the  
525 answer to that because I was dealing with his first point, which I do not think was made in the way  
he has pretended. But I will tell him the answer to the first one first, before I deal with that, so I



do not forget the second time. I do not have the number of how many of those 161 are in phase 1 of Hassan Centenary Terraces and how many are in the rest of the phases of the other affordable housing.

530 Mr Speaker, the hon. Gentleman prefaced his intervention by saying one of the issues we could look at is if you have not built for rental in decades, it could create a logjam, and I was trying to deal with the point that in fact there has been building for rental in the past decade and a half, and considerable building in the past decade and a half. That was the point I was trying to make.

535 Of course we must assume that we all come here in good faith, and I do not assume that they do not, but having done the analysis, I do not believe that a person properly directed could reach the conclusion that there is a better value-for-money approach – and we must all want to deliver the best value for money – than the one we have set out, and I have demonstrated to the hon. Gentleman, I believe, in the way that I have done the analysis of the period 1988-96 and 1996-2011 ... can be seen in one instance to already have dealt with a housing list that was the  
540 longest we have had, which was 2,000 people. That is why I am making the point, because the issue must also be one of value for money.

**Hon. K Azopardi:** My final question, Mr Speaker, on this.

The hon. Member does not have the answer to the question I asked, so I will write to him and  
545 it would be helpful if he could give me that information.

Does he see the point that while he has given quite a lengthy explanation on the churn and I have agreed with him that churn is important, the problem with the explanation is that because it is tied in to the delivery of Hassan Centenary, Bob Peliza Mews and Chatham Views, all these numbers he has given – 161, 83, 8, 44 – and the expected completion dates of Chatham and Bob  
550 Peliza are not until maybe 2026 or 2027, the reality is that, broken down, it would be helpful to understand what the yearly churn is, because actually, when you break it down the yearly churn might be relatively small, deliverable, from all these estates over a period of seven or eight years and it will not have the dramatic effect he is hoping for? So I ask the Government to perhaps ... It would be helpful to them. I am sure they maybe even have this information, but if they do not,  
555 they should probably procure it, I would suggest, to see what the yearly churn of these figures is.

**Hon. Chief Minister:** Mr Speaker, I am happy to reply to him if he writes to me. We are going to start becoming pen pals at this rate, and I am only one third into my questions.

The period will not be seven to eight years. We are delayed on Chatham and Bob Peliza but the  
560 latest date by which they will be ready has already been provided and it is not seven or eight years from now, so he does not need to refer to seven or eight years from now.

The problem we have is that we are trying to catch up, because the important thing is to build at least 200 units a year in terms of housing. That is what we have insisted for some time now is what you need to do in order to stay ahead of the curve. If they had built 200 units a year in the  
565 16 years they were in government, then we would not have been in the situation we were in, in 2011. In the period 1996 to 2003 – which coincided with him being a Minister, but I am sure it is not relevant to him because he was not Minister for Housing – there was nothing built. Those are the issues.

The other point I think is important is that we simply reflect on the fact that the hon.  
570 Gentleman's alternative solution would suffer from the same affliction that he says ours now suffers. Of course, we have the difficulty that we were not able to build because of COVID. Okay, fair enough, so we are delayed, but if they win an election it is not going to be in a way that enables them ... Let's assume the worst and they win an election during the course of calendar year 2023. They cannot pretend to start building until 2024, so that means that their estate for rental, in the  
575 idea that they might be bringing an estate for rental into the mix, would not be ready until after Hassan Centenary phase 2, Bob, Chatham and Rooke have been delivered. So it would not for one moment enable you to pray in aid, as a way of resolving the difficulty that he says we have, that they are now going to go and build a housing estate, because the housing estate, ironically, is

going to be ready when we have broken the back of the housing problem with the issues I have already explained across the floor of the House. The delay cuts both ways.

**Mr Speaker:** Next question.

**Q97-98/2023**

**Eastern Beach car park additional storey –  
Cost and funding; eligibility for using**

**Clerk:** Question 97/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** What are the expected costs of the additional storey to the Eastern Beach car park, and which entity will fund it?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 98.

**Clerk:** Question 98/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Maybe one day! He will certainly be promoted!

Mr Speaker, who will be eligible to use the extra floor of parking being considered at the Eastern Beach car park?

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

**Hon. Chief Minister:** That's more like it!

Mr Speaker, the expected cost of the additional storey of the Eastern Beach car park is £2.8 million. The entity that will fund it is yet to be confirmed.

An announcement about the eligibility for the use of the additional floor of parking at the Eastern Beach car park will be made at the appropriate time.

**Hon. D J Bossino:** If the question of eligibility will be decided upon at some point in the future, why is this car park being built in the first place? As I understand it, there are two floors already. As I further understand it, I am told that they are not used to full capacity. So why is this extra floor in the car park – at a considerable cost, at first blush almost £3 million – being built? Who is it being built for?

**Hon. Chief Minister:** Mr Speaker, I do not know who is giving the hon. Gentleman that information, but there are times of the year when the car park is more than *abarrotado*. In other words, it is full and overflowing, and given the debate we have just had... I should not say that, Mr Speaker – you will tell me we should not have debates at Question Time. Given the exchange we have had at Question Time a moment ago, the hon. Gentleman is surprisingly appearing to overlook the fact that phase 1 of a new government affordable housing estate is going to be provided just across the road from that car park and phase 2 has already started, and those are a considerable number of homes. There is another question on the Order Paper about parking for that estate, and he will see that I will answer him, I will say no more other than positively in respect of that. But of course, in the area, although there are parking spaces available for each resident in the areas and estates that have been developed, most people do not have just one car, to the

chagrin of the Hon. Minister for Transport, but they have more than one car and therefore provision has to be made in the area.

625 The reason I have not given an answer about eligibility is because we need to work out as a matter of policy how we provide for that, and we expect to be making a statement, which will be quite detailed, about people in the area and the summer use of the car park etc., which we have not yet finalised. Therefore, we will be making a statement during the next few weeks, which sets out that eligibility criteria. The car park is expected to be finished by late May/June.

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**Hon. D J Bossino:** So, in short, is the answer not that this extra floor is being built for those people who are going to be living in the affordable housing? In effect, that is what he said. And does he not agree with me that this policy decision to spend £3 million for extra car parking spaces runs absolutely and utterly counter to the policy – which should be the policy of this Government, because it seems to be the policy of the hon. Gentleman sitting to his immediate left at the moment, the Minister for Transport – to encourage less use of cars? It just does not make any sense.

**Hon. Chief Minister:** Mr Speaker, no, I have not said the thing that the hon. Gentleman says I have said. I have said, in fact, the things that *Hansard* will reflect I have said, and not his summary as he wishes to present it.

There are going to be people at Hassan Centenary Terraces. There are people already at Beach View Terraces. There is a new private development across the road. The Government has seen already and Members opposite may have seen also at the DPC proposals for other developments along Devil's Tower Road. The Government has announced – we have not yet finalised but we expect to – a project to the south of Hassan Centenary Terraces, which is called the East Side project, which will provide some parking in some areas, which we have already talked about, but it is going to be just there. So the volume of people that there will be on the East Side – in a new city, in effect, that will be the East Side – will be massive, and not just those who are going to be at Hassan Centenary Terraces.

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What the Hon. the Minister for Transport wants is for cars to move less, and therefore car parks are an essential part of the strategy.

**Mr Speaker:** Continue with the Hon. Damon Bossino.

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**Hon. D J Bossino:** Mr Speaker, is he able to tell me how many parking spaces will be made available as a result of this construction? And further, is he also able to tell me what the totality of the car parking spaces will be, once the ... I think it is going to be the third floor ... is constructed?

**Hon. Chief Minister:** Yes, Mr Speaker, but it is publicly available information, I think ... Or not. Hang on, let me see. Sorry, I do not think it has been marked out entirely, so, no, I cannot give him the exact number, but let me see ... If he gives me a minute, I think I have the information. I do not think I have it here; I think I have it in my electronic portable device. Mr Speaker, because of the period that my device holds information for, I do not have it, but I am quite happy, during the next recess, to obtain the information of the estimated numbers of parking spaces – I think it is a very clear estimation – and let the hon. Gentleman have it.

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I would just add one additional point that I forgot to mention in the context of the explanation I gave him a moment ago but which is also relevant, and that is of course that that area is not just the area of the East Side project, Hassan Centenary Terrace, Beach View Terraces, the new residential private facility across the road, and others that are going to be developed. That area is also the area of the entrance into Gibraltar. In other words, if you are coming through the tunnel and you want to park and get a bus, that is going to be the area where you would want to park and get the bus because that is where the tunnel roundabout will be, and you will be able to go into that car park. So the park and ride concept also is relevant to this and is very much in keeping

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675 with the Minister for Transport's strategy. So everything he has said about this being contrary to our strategy is, in our view, entirely wrong, and given that it is our plan to build parking and our Traffic Strategy, we think we are getting it pretty right.

680 **Hon. D J Bossino:** Who is responsible for the development of the project? In the news published by GBC, which alerted me to this, it talks about the notice being submitted by a company called ANS Project Management Services Ltd. Is that the entity developing it, or is it a different entity?

**Hon. Chief Minister:** No, Mr Speaker, those are our project managers.

685 **Hon. D J Bossino:** So does he have the answer to the question?

**Hon. Chief Minister:** Mr Speaker, it is the Government developing it.

690 **Hon. D J Bossino:** And are any – all, some, I do not know – of the parking spaces going to be up for sale? Is that the intention?

**Hon. Chief Minister:** I do not think that is presently the intention, but of course if there was interest we would have to consider that possibility. But it is not the intention.

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

**Hon. R M Clinton:** Mr Speaker, the Chief Minister has just kindly mentioned that it is a government project, this additional floor, but perhaps he could point to where in the Improvement and Development Fund I could find it, because I have gone through it in some detail but I do not seem to find it in the estimates for 2022-23.

**Hon. Chief Minister:** Mr Speaker, I already told the House that the entity that will fund it is yet to be confirmed, but it is a government project.

705 **Hon. R M Clinton:** Mr Speaker, it has usually been the convention in this House that capital projects are in the Estimates Book through the Improvement and Development Fund, so if it is not in the Improvement and Development Fund and it has not been voted on by Parliament, how does he intend to fund a capital project like this?

710 **Hon. Chief Minister:** Mr Speaker, that convention is not the one that I learnt when I was elected to this House and the GSD were funding government projects through government companies. In the time that we have been here, we have had a number of arguments about this issue, so I am surprised the hon. Gentleman should think that a government project can only be developed through the I&D Fund. Indeed, we have developed a number of schools and his complaint has been that they have not been in the I&D. It does not mean that they are not government projects, even though they are funded through government companies. We have that debate annually, and he should not be surprised that we are going to continue to have it.

720 **Mr Speaker:** A final supplementary.

**Hon. D J Bossino:** Thank you, Mr Speaker.  
Who is the contractor? And is the £2.8 million a fixed price?

725 **Hon. Chief Minister:** Mr Speaker, will the hon. Gentleman allow me to respond to him after the recess, because I do not have the information here. I know the discussions we have had with

various contractors, but I am unable to tell him the contractor that was selected off the top of my head.

730 **Hon. D J Bossino:** And in relation to the fixing of the price, does he have that information either in his head or available to him in the papers he has in front of him?

**Hon. Chief Minister:** Yes, fixed price.

735 **Mr Speaker:** Next question.

**Q99-100/2023**  
**Forbes ex-Ready Mix site –**  
**When available and cost**

**Clerk:** Question 99/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** When will the parking at the Forbes ex-Ready Mix site at Devil's Tower Road, which the developer had committed to provide to the public, be made available?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 100.

745 **Clerk:** Question 100/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Has the parking at the Forbes ex-Ready Mix site at Devil's Tower Road, which the developer committed to make available to the public, been sold or are they being sold; and, if so, for how much?

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

**Hon. Chief Minister:** Mr Speaker, a number of different options were considered for the small car park under the Forbes development. It was felt that it would not be as economically viable to equip, prepare and maintain this car park for the purposes of rental and sale. Given that over 200 spaces have become available at Devil's Tower Road car park nearby, the decision was taken to sell the Forbes spaces back to the developer for a premium of £½ million.

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**Hon. D J Bossino:** The information I have been able to gather as a result of the information which is made public via the DPC was that one condition was that the public spaces which were on the site where the Forbes development is – and, so the public are aware, it is the tower which is constructed more or less opposite St Theresa's Church in Devil's Tower Road ... that there would be 24. I heard a higher number, but according to the documentation there were 24 public car parking spaces which were going to be lost as a result of the construction, and then there was a commitment, which was a condition of the planning process, which resulted in the commitment by the developer to make these parking spaces available. The hon. Member is now saying that it has been sold at a premium of £½ million? Is he able to confirm what the net sale price from the Government to the developer of each parking space is?

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**Hon. Chief Minister:** Yes, Mr Speaker, as could he. It is £½ million divided by 24, which would give you £20,833.

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**Hon. D J Bossino:** When was this arrangement arrived at? It strikes me that that sale has been effected, if one compares the going price of sale of parking spaces in the area ... I saw somebody on social media ... I think I had already filed the question, but I think very helpfully for the purpose of the point I am making ... that there was a parking space going in the Laguna area, if not on Laguna estate, for £40,000. Those are the prices that parking spaces are going for, so on the basis of that calculation, what rationale did whoever made the decision on his side of the House ... influence them to sell it at, in effect, half the price, so the Government has lost out – the taxpayer has lost out – by 50% because they have sold it at an undervalue? Can he comment in relation to the point that I have just made?

**Hon. Chief Minister:** Yes, Mr Speaker. I think the hon. Gentleman has lost leave of his senses. I think what he is saying is utterly nonsensical. The hon. Gentleman thinks that because there was a sale of a car parking space in Laguna estate for £40,000 inside the estate ... Indeed, as I am reminded by the Hon. Minister for Transport, that is not the sale price, that is the advertised price. Sometimes people go bananas when they see that an affordable home has been advertised at £½ million. Facebook erupts, it is on fire, and then when you look at the completion notice, it has been sold at £350,000 rather than the £½ million that was the asking price – although I go equally bananas when it is sold at £350,000, but at least we have the special stamp duty.

Here, the hon. Gentleman seems to forget that there was a premium paid for the property. A premium was paid. Part of the premium included the provision of the spaces. The spaces, when they are going to be handed to us, require us to maintain them and to enter into a covenant to maintain them with the individual who is going to run the property, keep the area secure if we are going to rent them etc. – in other words, add recurrent cost to the Government. Instead, what we have managed to do is add £½ million to the capital account of the Government.

The calculation the hon. Gentleman is doing is the most nonsensical one can come up with because by his measure, whenever we sell a plot we should take all of the profit that is going to come from it. In other words, when we sold a plot for anybody to put a block of flats on, in effect that party would sell the flats at say £½ million and the plot was sold to them for £2 million. The total sale value would be £15 million of the block. ‘The taxpayer has been denied £14 million,’ – yes, and the risk of building, the risk of marketing and all of the other risks that are involved. But he would believe that the only way to sell a plot of land and do fairness by the taxpayer is to take the full profit once the whole thing is going to be developed. And yet when the taxpayer is going to have an interest in developments in Gibraltar in order that the taxpayer does garner some of the benefit of development in Gibraltar – like, for example, Victoria Keys – what do we get? ‘It is disgraceful that the taxpayer is going to be involved in development and make profit from the sale of property.’ For goodness sake, you could not make this nonsense up.

So, Mr Speaker, I believe that the person who made the decision – who was the Deputy Chief Minister, as the Chairman of the Land Management Committee, with the whole of the Land Management Committee – made the right decision for Gibraltar. He made it looking at the recurrent costs that this would have meant for Gibraltar, he made it at the right time, he made it in the right circumstances, he made it with a Devil’s Tower Road car park in the area of the west of Devil’s Tower Road with the expansion of the Eastern Beach car park at the east of Devil’s Tower Road and understanding that this was exactly the right thing to do for the taxpayer, and without in that way incurring any of the nonsense that the hon. Gentleman has just suggested.

**Hon. D J Bossino:** Mr Speaker, the only nonsense which is being spouted in this House has just come from the hon. Member. The central point, the basic point that I am making still stands despite all the waffle, despite everything that we have heard. He has taken us round the houses. The basic point and the accusation still stands. This was a bad deal for the taxpayer. It is very clear. He is saying that that is the offer price – £40,000 – for that parking space in Laguna. The reality is that people are probably going to pay that money – that is the market price. If not £40,000, thirty-odd thousand. The hon. Gentleman to my right tells me that there are parking spaces in Notre

825 Dame School that have gone for £30,000. That is the going price in Gibraltar. And on this occasion the Government has decided to fob off 24 spaces which ultimately and fundamentally should have been made available to the public in the first place. We should not be having this discussion. The developer, once they built Forbes, should have made 24 parking spaces available to the public, but the Government decided to sell them to that particular developer at £20,000.

830 Mr Speaker, by way of question, may I ask the hon. Gentleman what premium was paid for the land?

**Hon. Chief Minister:** Mr Speaker, we all know what is happening here and we all know what we are seeing, but we are going to stick to the issue so that we do not bore watchers or listeners.

835 Anything the GSLP Liberal Government does is waffle, nonsensical and bad for the taxpayer, and everything the GSD Government did was magnificent and a golden legacy. But when you talk about premiums, does the hon. Gentleman remember the other car park that we developed at Midtown? There, parking spaces are being offered at about £35,000, in the centre of town, not in Devil's Tower Road – £35,000 in the centre of town, in some instances. *(Interjection)* Well, perhaps the offer price, but the sale prices that we are seeing ... We see the sale prices, not the offer prices. 840 The hon. Gentleman seems to forget that we developed a car park under St Anne's School and a car park under Notre Dame School. We offered for sale parking spaces there for £30,000. *(Interjection)* We could not sell any of them, they have all gone to rental, but it is our building. So I do not know where he gets the idea that you can sell for £40,000 when we could not sell for £30,000. We had to take all of those people who wanted to buy and put them in Bayside car park 845 instead.

So I think, Mr Speaker, the hon. Gentleman really needs to think a little beyond the opportunity to make suggestions that the Government has in some way provided less than the best value for the taxpayer, because we know when we tried to sell those just along that we could not sell them – in a much more populated area, because Laguna with Glacis opposite is much more populated 850 than Devil's Tower Road, very much so, and Devil's Tower Road and the church etc. have a car park already available for rental within very short walking distance. So it makes no sense.

I do not have the number of the premium for Forbes, but I am reminded by the Hon. the Deputy Chief Minister that it went to the highest bidder, so it was the highest premium on the table, to which we now add £½ million. And when it comes to premiums – I was reminding them about the 855 car park here – does he remember what the deal was when they handed over the naval grounds? They exchanged the naval grounds for the refurbishment of the Kings Bastion Leisure Centre, capped out at £10 million. How can I take lessons on what is good for the taxpayer and what is value for money for the taxpayer from the party that did that? When we were elected, we went back, we reduced the plot and built ourselves the car park and took more premium.

860 Mr Speaker, I think we are doing an excellent job for the taxpayer. I have demonstrated before that we have more premium per square metre for land in Gibraltar, even adjusted for inflation, than any amount they ever got per square metre for land in Gibraltar. We are doing an excellent job and we are going to continue doing so.

865 **Mr Speaker:** Next question.

**Q101/2023**  
**Wonderworks Media Ltd –**  
**Employees working within Government**

**Clerk:** Question 101/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Please state whether employees of Wonderworks Media Ltd or any other private entity work or have worked in/from/at the Ministry for Tourism; and, if so, how many, the duration of their employment contracts and the duties they are/were performing.

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 102.

**Clerk:** Question 102/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Please state whether employees of Wonderworks Media Ltd or any other private entity, work or have worked in/from/at any Government department – other than the Ministry for Tourism – government agencies, authorities or companies; and, if so, how many, the duration of their employment contracts and the duties they are/were performing including details of the entity under which they have been/are employed.

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

**Hon. Chief Minister:** Mr Speaker, no employees of Wonderworks Media or any other private entity work or have worked in, from or at the Ministry for Tourism.

In respect of Question 102, the information requested is in the schedule I now hand over for the month of December 2022.



## Answer to Question 102/2023

**Answer to Question 102**

Government Department Name:	Details of the entity under which they have been/are employed	Please provide reasons for employment	Please list the duties they are/were performing	Date employment commenced	Is the employee still working	Date when the employment contract is due to expire	Date employment Terminated
Department of Social Security	ETCL	Support with Clerical vacancies	Clerical duties	07/11/2022	No		06/01/2023
Department of Social Security	ETCL	Support with Clerical vacancies	Clerical duties	17/10/2022	Yes	10/09/2023	
Department of Social Security	ETCL	Support with Clerical vacancies	Clerical duties	07/11/2022	Yes	05/05/2023	
Department of Social Security	ETCL	Support with Clerical vacancies	Clerical duties	07/11/2022	Yes	05/05/2023	
Upper Rock & Beaches	GBIC Ltd	Staff shortage	Maintenance and Repairs	01/06/2022	Yes	31/05/2023	
Upper Rock & Beaches	GBIC Ltd	Staff shortage	Maintenance and Repairs	01/06/2022	Yes	31/05/2023	
Upper Rock & Beaches	GBIC Ltd	Staff shortage	Maintenance and Repairs	01/06/2022	Yes	31/05/2023	
Elderly Residential Services	ADA	VACANCY	Nursing Assistant	12/04/2020	YES	05/07/2020	
Elderly Residential Services	GHC/ERS	VACANCY	RGN	09/03/2020	YES	01/06/2020	NO. FTC
Elderly Residential Services	MEDDOC	LONG TERM SICKNESS	Nursing Assistant	20/09/2020	NO	13/12/2020	PERMANENT
Elderly Residential Services	MEDDOC	MATERNITY LEAVE	Nursing Assistant	02/01/2021	NO	27/03/2021	PERMANENT
Elderly Residential Services	MEDDOC/ERS	MATERNITY LEAVE	RGN	06/10/2019	YES	29/12/2019	NO. FTC
Elderly Residential Services	MEDDOC/ERS	VACANCY	Nursing Assistant	22/03/2020	YES	14/06/2020	NO. FTC

890        Additionally, the Gibraltar Health Authority has been unable to provide their responses in time for this Parliament session. The information can be made available in slower order, should the hon. Member wish to receive it.

895        **Hon. D J Bossino:** Mr Speaker, whilst I have a look at the schedule he has passed over in relation to the answer to Question 102, in respect of Question 101 I must say I am very surprised by the answer. The information I have – and there is absolutely no reason in my mind to the information I have received from various sources – is that, in fact, there are two employees who work from the Ministry for Tourism.

900        Let me remind the hon. Member – I hope he has prepared sufficiently for the supplementaries – it talks about a historical position and it talks about whether they are working in, from or at the Ministry for Tourism. I will make the point – he has the Hon. the Minister for Tourism to his right – I am told that there are two individuals who follow the Minister for Tourism, photographing him, videoing him and producing that type of visual stuff for him, and that those two who work at, from or in the Ministry for Tourism are employees of Wonderworks Media Ltd.  
905        Can he please provide a specific answer to that? He has said zero in his written reply.

910        **Hon. Chief Minister:** Mr Speaker, as ever, the hon. Gentleman is as wrong as he is vehement. I will repeat the answer: no employees of Wonderworks Media or any other private entity work or have worked in, from or at the Ministry for Tourism. None. Zero. Zilch. He is wrong, completely wrong. The information he has is wrong. It was wrong when he had it, it was wrong when he referred to it here. He has got it completely wrong. If he wants to refer to the two individuals he is referring to, he can. They are not employed by Wonderworks Media, so he is wrong.

915        I hope he has come sufficiently prepared to ask another supplementary based on that answer, which is correct, as the Hon. Minister for Tourism will indicate and as I can indicate to him, given my responsibilities for the public sector as Chief Minister of Gibraltar and the information I have been given by the Human Resources Department, which manages all of these contracts, and indeed the Employment Service, which would manage the contract of a third party.

So, wrong, Mr Speaker. Vehement, passionate, but wrong.

920        **Hon. D J Bossino:** Mr Speaker, I am quite relaxed. It is information that I have been provided and I am duty bound, in exercising my public service to this community, to ask these questions because had it been right, it would have been very serious.

925        Can he then tell me who those two individuals are employed by? Are they government employees? Are they employed by a different company? I dare say with the hon. Gentleman and the entire Government, pretty much, we cannot take anything they say at face value. There is always going to be a bit of fancy footwork in order not to answer the questions. This is why I still do not harbour doubts as to the information I have been provided. I will ask him that specific question: who are those two individuals who follow the Hon. the Minister for Tourism around, videoing him and photographing him, employed by?

930        **Hon. Chief Minister:** Mr Speaker, of course he is duty bound to ask the question. I never complained that he asked the question; I am just saying that however passionate and vehement he may be, he was wrong and the person who gave him the information was wrong. No doubt, given that everything they do is in good faith, he got the information in good faith and he brought it here in good faith. I do not challenge that, of course not, but I just remind him that however much passion he might put into things, if the information is wrong, it is wrong.

935        In terms of fancy footwork, I am not inclined to take that in any way other than positively because, of course, what he is saying to us is that we are right and that they sometimes find it difficult to work out how right we are, because I have told him that these are not employees of Wonderworks Media and I have told him that they are not employees of a private company. They  
940        are not. They are employees of a government company, so they are in the public sector. They are

employees of ETCL – Employment Training Company Ltd – and they are on an apprenticeship scheme and have been for some time. I am surprised that he got that information, given that these two are public sector employees through a government company. Footwork or otherwise, I hope that satisfies his curiosity.

**Hon. D J Bossino:** Mr Speaker, with the greatest of respect to him, I take everything he says – and I do not want to personalise it: almost everything that the Government says – with a pinch of salt. I have been on this side of the house for –

**Mr Speaker:** I do not think that is quite right and it is being disrespectful. I would rather you withdrew that expression.

**Hon. D J Bossino:** Mr Speaker, I withdraw it on your advice. Let me just put it in these terms, that everything they say I am put on enquiry and I need to check it. So I still stand by what I said earlier in respect of I think it was my first or second supplementary, but is he telling me that those individuals have never worked for Wonderworks Media Ltd and that there has not, at some point, as a result of the questions that we have been asking from this side of the House, been a bit of fancy footwork ... and had them transferred to ETCL, which he has rightly described as a government-owned company.

Mr Speaker, if I may, there is a long schedule that has been provided in respect of the answer to Question 102, and I would like a bit of time, if I may, to come back to that, but I will ask a question in relation to Question 102 now, which may obviate ... No, Mr Speaker, it arises from the same point that I am making, and I think it would assist him, but I am happy not to ask it.

**Hon. Chief Minister:** Just so that I can answer one thing at a time, otherwise I might have the 161 problem I had before.

Mr Speaker, even to say that the hon. Gentleman puts on enquiry the information that we have is, if I may say so with respect to him, unedifying. I am not going to say it is unparliamentary because that is a matter for you, Mr Speaker, but it is unedifying for this reason. The information I am giving him is provided to me by the brilliant people who prepare the Government for answering these questions – by the Parliament team at No. 6 Convent Place. They go to the Departments to obtain the information and then check it against the records at Employment and Human Resources to ensure that, insofar as possible, we do everything we can to ensure the information we give the House is accurate.

He has known me for longer than he and I care to remember. I have given him direct information. I have told him who they are employed by. He knows I am not going to give information that could enable him to embarrass me by showing that the information I have given him is wrong in the way I have been able to embarrass him by showing the information that he brought to the House and based his question on is wrong. *(Interjection by Hon. D J Bossino)* Well, he should be embarrassed, Mr Speaker, because he should have checked with his alleged source of information. The information that I have, therefore, is information provided to the Government through the Government in good faith to come to the House to put on the record of *Hansard*, and therefore there is not going to be any chance that anybody should legitimately be able to be put on enquiry by information that we provide in that respect. His suggestions about me are water off a duck's back and irrelevant, but his suggestions about the people who work for me and who work for the taxpayer are really unearned because they do their best to ensure that every piece of information that I give to this House is accurate.

The information I have is that in all of the time that these individuals we are referring to across the floor of the House have been working in the Ministry for Tourism, they have been employed by ETCL on this apprenticeship and that therefore it is completely wrong for anybody to have given him the information that they worked, ever, for Wonderworks Media. I do not know whether before they worked in the Government they might have served chips and doner kebabs for

Wonderworks Media if they have a takeaway somewhere; I do not know, but certainly they have never worked in the Ministry for Tourism for the hon. Gentleman, as he has suggested, for Wonderworks Media.

There has not been any attempt to change records as a result of that questioning. My goodness, he does ascribe to himself an incredible importance that a question from him across the floor of the House might suggest that we then go and change records, that we might create an erroneous and fraudulent paper trail on public documents to address a question that he put in this House in a way that would expose us to potential criminality and sanction. That is the sort of allegation he is making. He does not think through the things he is saying. That is the problem. The allegations that are loaded within the things that he says he does not think about, that we or public servants have changed the public record. No, it has not happened. These two ladies he refers to, who do an excellent job, (*Interjection*) do it for ETCL, seconded to the Ministry for Tourism on an apprenticeship from the day they walked into the Ministry for Tourism.

The hon. Member might want to reflect on the fact that he has cast huge aspersions – not on me, because we have known each other for long enough that we call each other every name and our friendship is unaffected, but on the public servants beyond me. Knowing him as I do, I do not think he intended to do that and he will want to extend an apology to the public servants who work with the Government in providing information to this House.

**Hon. D J Bossino:** Mr Speaker, the first point I would like to make is that ... The Hon. the Minister for Housing, in an unhelpful way, I suppose, is asking me from a sedentary position where the question is. I have just started to speak; a question will come, he can relax. When he says ‘alleged’ source of information, I would ask him to withdraw that on the basis that it is true, what I am saying. I do have a source and information has been imparted to me, so he is questioning the veracity of what I have said and I would ask him, please, to withdraw that.

But if I may ask the question, Mr Speaker – and this is the question I was going to ask in relation to Question 102, with the caveat that I would like to consider the schedule with a bit more time – is it the case that there have been transfers to these government companies – he has mentioned one, but I see that there are others; we have GBIC, which is a joint venture with a Chinese entity, and others – of people who had at one point worked with Wonderworks Media Ltd? In his answer – and this is why it needs to be unpicked – he says that at the time of ... and quite properly because the question arose from Question 101, which related specifically to the Ministry for Tourism, but is it possible that these individuals worked in other Government Departments before they were transferred to ETCL with Wonderworks Media Ltd? And I widen the question now, because I am able to as a result of the way that Question 102 was posed, to other employees.

**Hon. Chief Minister:** Mr Speaker, I will start with the request that I withdraw something: I should withdraw that his alleged source of information provided him information. I do not know what it is that the hon. Gentleman wants me to withdraw, and it is a bit rich coming from somebody who has said that everything that I say – by the way, Mr Speaker, it is 1639 by my watch: I hope he will take that for granted – he is put on inquiry about. He might want to check the phone that he is looking at: 1639. I hope that on that his inquiry leads him to the same conclusion, that I am telling the truth, because the idea that everything I say, even when I am telling the time, is something that puts him on enquiry is something which, if I was not so long in the tooth and if I did not have such a thick skin, I would say I would like to see withdrawn because it is an allegation that the things that I say are not reliable.

Forget the fact that I am talking to him, that I have known him for 38 years and that I have a sufficient personal regard for him that I would not mislead him – even if we were outside here, I would not say something to Damon Bossino, whom I have known since we entered comprehensive school together, which was untrue. I would not, because of the regard I have for him. But the idea that I have come to this House, where we have an obligation not to mislead, where we have an obligation to ensure that what we say on *Hansard* reflects the truth and that everything I say puts

them on enquiry, I can only mean as to the truth of what I say. Mr Speaker, if he does not withdraw that, I am certainly not going to withdraw what I am alleged to have said about the person who is alleged to have told him something. The fact that he has been told something ... I fully accept he has been told something. We are going to the thing that he has been told, and the thing that he has been told is untrue. That is the reality.

In terms of whether any of the people on this schedule that I have passed to him have been employed by Wonderworks Media, well, the hon. Gentleman might care to look at the schedule. The schedule has a date of employment commencing set out in one of the columns. From my memory, all of those dates of employment predate the controversy, as he has described it in this House, about Wonderworks Media, so I would have thought that a careful analysis of the schedule might have led him to the answer and not required that he put the question in the way that he has, which is designed to suggest that there is some, what he has described as fancy footwork, changing of things as a result of their questioning. As far as I can see, there has not. I have no information to suggest that any of these people have ever been employed by Wonderworks Media, and I hope that his enquiries lead him to the conclusion that this House has never been misled by me or any Member of this Government.

**Mr Speaker:** Next question.

**Hon. Chief Minister:** Mr Speaker, before we move on, I have some information that the hon. Gentleman asked me for before, in relation to the other questions.

I have the premium for the Forbes site. It was £1.8 million.

In respect of the Eastern Beach car park, the contractor is GJBS. I thought we had settled on GJBS, but I did not want to give the information to the House because I did not want to act from memory in case I misled the House.

The total number of new parking spaces is 144, which brings a total of 579 parking spaces to the car park – 579, £1.8 million premium.

**Mr Speaker:** We move on to the next question.

### Q103/2023

#### Hassan Centenary Terraces residents' parking – Whether sufficient

**Clerk:** Question 103/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Is there sufficient parking for all Hassan Centenary Terraces residents?

I think the hon. Member made a reference to this in response and he thinks positive news will be coming my way now.

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, yes, sir.

**Hon. D J Bossino:** He has kind of already answered this question, but in relation to ... Just by way of further supplementary, the affirmative response ... Just so I make myself clear, in other words, that is parking spaces ... Presumably there is one per flat within the entire development, or just split into two phases, phase 1 and phase 2, and he has given completion dates in respect of each. Is that understanding correct? He said that the extra floor being built at Eastern Beach is

1090 going to be providing extra parking and doing other things, but is going to be providing extra parking spaces for residents at Hassan Centenary Terraces. Is that understanding correct?

**Hon. Chief Minister:** Mr Speaker, the understanding is correct insofar as he is referring to one parking space per affordable home. The Hassan Centenary Terraces phases 1 and 2 are designed so that there is one parking space available per affordable home. It is the sort of criterion that the DPC imposes on private developers anyway.

1095 The use of the Eastern Beach car park extension in part by Hassan Centenary Terraces residents for their second cars is also for Eastern Beach, Beach View Terraces second cars, for the private development second cars, for areas in relation to the East Side project when completed, which will require more parking, and also the users of Eastern Beach. I gave him much more logic in relation to the Eastern Beach car park, Mr Speaker, so I hope that gives him the information.

1100 In the amount of costs, which was £2.8 million that I gave him a moment ago for the car park, by the way, the 144 spaces comes to about £19,400 per space, which means that we did quite a good deal on the Forbes one.

1105 **Hon. D J Bossino:** Is he not being overly ambitious that the – 144, I think he said – extra car parking spaces are going to be providing for so many? He has mentioned many developments plus other private developments. That strikes me as a very tall order as far as those 144 extra car parking spaces are concerned – but he is sniggering, so I am sure he will have an answer.

1110 **Hon. Chief Minister:** Sniggering, Mr Speaker, at the morass of contradictions that I face from him, and I am sniggering with affection because he started by telling me that the car park is empty. And so it is not the 144 that we have to calculate on, it is the 579, which will be the total number of parking spaces available in the car park, given that it is empty. But this is now going to be the entrance to Gibraltar when the tunnel finally opens. We are going to have a very large estate. The East Side project is going to be there. You are about to see completions in the private property which has just been completed across the road, and Beach View Terraces is there also. So it is not the 144 that is going to do the job, it is the 579.

1120 **Mr Speaker:** Next question.

**Q104-05/2023**  
**Gibraltar Airport –**  
**Recent flight diversions**

**Clerk:** Question 104/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Have the human resources issues which have been the cause of recent flight diversions at Gibraltar Airport been resolved?

1125 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 105.

1130 **Clerk:** Question 105/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** What contingency measures have been put in place in order to prevent flight diversions which have arisen as a result of a faulty telephone line in Spain and fuel bowser technical issues at Gibraltar Airport?

1135 **Clerk:** Answer, the Hon. the Chief Minister.

**Hon. Chief Minister:** Mr Speaker, if the question is related to the historic HR issues that NATS Gibraltar has, the information I have is that these are still not entirely resolved. This is highly unsatisfactory and I have personally made this point to the Commander British Forces and shall  
1140 raise the matter with the Defence Secretary if a satisfactory resolution is not forthcoming. However, flight operations have not been affected due to HR issues since 24th November 2022.

On diversions, it must be noted that the main reason for flights diverting at Gibraltar Airport is for safety reasons which, by and large, relate to weather or technical circumstances. The aviation industry is one of the most regulated and safe modes of transport and this is only achieved  
1145 because the strict safety protocols in place are adhered to.

Diversions and disruptions are very inconvenient to passengers and HMGoG would like to avoid these completely, but the reality is that they occur every day in many parts of the world and will never disappear completely, due to the complex nature of the operation and the aviation industry itself. For this reason, Gibraltar Airport has robust diversionary procedures in place, which are well  
1150 planned and executed, and although they add more travelling time they still achieve a continuity of service for passengers and deliver that key aspect of air transport, which is safety.

Mr Speaker, let me be very clear: the diversions caused because of communication issues at ATC were resolved by the MoD and any measures put in place are their responsibility and not the Government's. Gibraltar Airport is a strategic UK airfield and an important military base, and it is  
1155 not for HMGoG to report on what these plans are. Having said that, we did offer our support in trying to resolve their issues and we were kept fully informed of the problems they were facing at all times and have been assured that they will continue working to add resilience to what is already in place. In this instance, I understand that all three resilience options were down at the same time. The resilience needs to be checked, in our view, more often, so that Plans B and C are  
1160 available when required, when Plan A is not available.

Additionally, there were no diversions effected because of the fuel bowser technical issues. The technical issues encountered on the morning of 1st January 2023 were also related to safety and these were resolved on site. Again, on this, even the resilience failed. This is unacceptable and must be addressed urgently. We have assurances from the contractor that they are addressing  
1165 these issues. The first aircraft due that morning operated normally, although the next two were delayed outbound whilst this was resolved.

**Hon. D J Bossino:** All of these things ... it is almost like a perfect storm in the sense that you almost could not make it up, and because they happened, really, in such a short period of time.  
1170 As far as the fuel bowser and the Seville telephone line issues are concerned, they all happened, I think, within the same week, during Christmas, which is, to boot, a very busy period.

There is a lot of information that the hon. Gentleman has imparted in his response, and I hope not to miss any replies which I think are worthy of a supplementary question to elicit further information.

1175 Because this is such an important asset as far as our economy is concerned, because it is a means by which we communicate and travel, and that is hugely important, I am sure that, when I say that, I have the complete and utter agreement of the hon. Gentleman opposite that we need to make sure that we do everything absolutely possible to prevent these issues. I fully understand and acknowledge the remark that he has made. He has made it in the past. It is a fact and it is  
1180 obvious that this is an MoD airport at the end of the day, but we have an interest in it and our economy has a huge interest in it – just by way of, I hope, as brief as possible a preamble that I have been able to muster on this occasion.

In relation to the human resources issue, I think he said that the last occasion when that issue caused a flight disruption was in November. He gave us the precise date of 24th November. Can  
1185 he give us a firmer response as to whether these issues have been finally resolved? As I understand it, they are caused as a result of fewer personnel available than there used to be, and again, when

we have a bit of a perfect-storm situation where there are more than x number of individuals who are off sick and it results in the tower not being available for operation ... The mind boggles just saying that. Can he give us some further information in relation to that? And then I will ask him some supplementaries in respect of the other question.

**Hon. Chief Minister:** Mr Speaker, yes, this obviously became a perfect storm because if the airfield is unable to operate for civilian traffic, then although in the mind of the MoD the principal purpose of the airfield is to be an RAF airfield, as far as I am concerned the only reason I am prepared to put up with the risk of having it is because it provides civilian services. And, to boot, we pay an amount per month which goes towards the resurfacing of the runway and therefore the maintenance of the whole thing. It is, as I have said already in my first answer, entirely unacceptable that the MoD should not get its act together with its contractors to be able to provide a service that does not fall down. It is just unacceptable. As I have said before and the hon. Gentleman will have heard me say outside of this place and inside this place, we have reduced the amount that we pay to the MoD by the number of hours of operation that they have not been able to give us the running of the airfield as we expect to be able to have it for civilian operations, and we will continue to do that. I know that the MoD itself is reducing the amount that they pay to their contractors when their contractors are falling down.

Unfortunately, perfect storms happen. Hon. Members will have seen what happened in the United States last week. Every aircraft in the air in the United States, thousands of aircraft, had to land because the air traffic computer equivalent in the United States failed – remarkable – with aircraft in the air, and they were down for almost a day. This morning, Manchester Airport in the north of England had to close both its runways due to snow. Frankly, if you are in the north of England, I am surprised you have to do that, because I was in Finland in November and they did not have to close their airfields because of snow, which was bountiful and falling. We all know and have seen on our screens the issues affecting Heathrow Airport, the largest airport in Europe, and Schiphol Airport and Gatwick Airport.

We may all be told that these things happen because of a perfect storm. I find it entirely unacceptable and a failure of process that if you have three systems in order to be able to communicate safely with Seville Air Traffic Control in a way that provides a log so that you are able to have, for air-safety purposes, a proper recording of your conversations, the three go down on the same day. In other words, your usual system does not work, you go to your resilience option 1 and it does not work, and you go to your resilience option 2 and it does not work. My question is when did you last check your resilience option 1, and when did you last check your resilience option 2? If you did not check them because you have not had to use them for 15 years, well of course they are not going to work; they are going to atrophy. You need to be checking them. You need to ensure, every morning, that your three resilience options are operating, and if one of them is down you repair it on that day so that if, the following day, something goes down, it is provided for.

It is just unacceptable. If we were running the Airport we would be crucified, rightly. And so the message has to go out that this is not acceptable, to the MoD and to the MoD's contractor, because of the importance of the airfield for Gibraltar and, indeed, for the civilian importance of the Airport; also for people who work in the MoD who, when they are not working and flying on a services flight – most of them do not – also rely on the Airport to be able to go back home and see their relatives etc. It is just unacceptable.

In terms of a firmer response on the personnel issue, I do not understand how they have not been able to resolve this yet. It is just remarkable. They need to train new people. They need to have people here who are able to operate the airfield. Why didn't they do it already? How has this crept up on us? This is a key piece of national infrastructure, even though we do not run it. We make sure that nobody is able to leave a bolt on the runway, we make sure that this piece of critical national infrastructure is available in an emergency, and yet we do not see coming that we



are going to have this difficulty with personnel. As I have said before in this House, if Trevor Hammond had been running it, it would not have happened; he would have seen it coming.

1240 I do not understand what on earth it is that NATS does not understand about how important this asset is to Gibraltar, and because it is important to Gibraltar, its economy and its resilience economically, how important it is to the UK, of which the MoD is a part. In my view, they had better wake up and smell the coffee and get the operation of the Airport right, so that it can be properly relied on by the airlines that fly to it, by the people who depend on it and by the  
1245 businesses that depend on it, because otherwise one is left with the view that it is just not fair that they should continue to control such an important asset and that the people of Gibraltar would do a better job of running it.

**Hon. D J Bossino:** I hear the hon. Member. I hear the passion with which he is expressing  
1250 himself. He is certainly as irate as I think we all are as a result of the problems and he is a user of (*Interjection*) airlines because he travels a lot as a result of the work that he carries out. But how is that, dare I say irate reaction, anger and passion reflected on the ground? From everything that he has expressed now, putting to one side the manner in which he has expressed it, in terms of the substantive things that we as a government can do, other than, I think, at the end of his  
1255 comments he was almost suggesting – I would invite him to say something about that in his reply – that what, we would run it? Presumably we would not be able to afford it. I remember in the days when Sir Joe Bossano used to say, when he was Chief Minister, that if the MoD ever passed the running of the Airport to the Gibraltar Government he would have to close it the next day because it was simply impossible for us to pay for it. So we are, in that sense, lumbered with the situation  
1260 we are in, but I would invite him to comment in relation to that point.

But other than – just to carry on with the point I made earlier – the reduction of the amount that we pay, what else is there that we can do? In the press release attributed to a spokesman of No. 6 during Christmas was ‘we will continue working with ...’ He now says the Gibraltar Government is going to be supporting the MoD. And he pulls his hair out, saying, ‘How is it possible  
1265 that those three resilience measures ...?’ I would ask him also if he can specifically say what those are – A, B and C. He may not be able to, but I ask him to do so. How is it possible that that should have arisen? Is it things like that that the Gibraltar Government can assist with? In other words, I suppose it is a bit of a mix, what he has said. It is a bit of a carrot in the sense that we are here to support –

1270 **Mr Speaker:** Please –

**Hon. D J Bossino:** I am asking questions as I go along.

1275 **Mr Speaker:** Right. You can only –

**Hon. D J Bossino:** Let me, then, distil it, at the Speaker’s request, to that: what is it that the Gibraltar Government can do substantively by way of putting pressure in a ‘stick’ way? He talks about reducing the amount that we pay. Is there the possibility of seeking compensation for the  
1280 losses that we may suffer, or indeed increasing the reduction? And secondly, what is it that we can substantively do as a government to support the MoD, so that these incidents do not reoccur?

**Hon. Chief Minister:** Mr Speaker, let me start by saying that he is asking what am I doing. Answering as I have in this House is one of the things that I am doing, communicating the same  
1285 level of conviction that this is unacceptable to the Commander British Forces. I do not know whether he heard the answer I gave him: raising the issue, if necessary, with the Defence Secretary. In other words, the top of the Ministry of Defence. I do not discard, if things were not to improve quickly, raising the matter with the Prime Minister of the United Kingdom because this can affect the economic resilience of Gibraltar. All of the way that we have to go, we will go. I have

1290 expressed the views I have expressed in this House directly – in a way that does not require me to keep to the established level of polite language that this House requires me to keep in the way that I have expressed it more privately – to those who have responsibility.

What else can we do? Well, of course we can redact further the amount that we pay under the customer user agreement. We are doing it in quite a scientific way at the moment. I do not think  
1295 we can take over the running of MoD RAF Gibraltar, which is the sort of thing that Sir Joe Bossano used to say he would not do, but we can take over, for example, the running of air traffic control and train local controllers, and then we sell that service to the Ministry of Defence, because somebody is selling that service to the Ministry of Defence today. NATS is a UK company. It sells its service to the Ministry of Defence in all of its airports around the world, including Gibraltar. It  
1300 is falling down in Gibraltar. Well, look, we can employ those air traffic controllers in Gibraltar, we can train them for Gibraltar and we can sell our service to the Ministry of Defence in respect of that, because they do not do it themselves now. So there are options. But in terms of compensation, the hon. Gentleman should know this is pure economic loss.

1305 **Mr Speaker:** Final question. If you were to reduce the length of your preamble, then perhaps you can get ... Honestly – (*Interjection*) Just go ahead and ask the questions.

**Hon. D J Bossino:** Mr Speaker, yes, but I think it is fair comment to say that the answers are long. I do not criticise that. The answers are long. There is a lot of information, but the answers  
1310 are also long, not just on this occasion as a result of this exchange, but as a result of many of the questions that we pose, the answers from the Ministers tend to be long. I have not been keeping a tally of the number of supplementaries I have asked in respect of this exchange, but I do not think there have been that many.

When he questions the three resilience options – A, B and C – all of which failed ... I think he  
1315 said they are working to add resilience. Has the work towards that resulted in a permanent solution, so that, as best as possible, we have some form of guarantee that something like this will not happen again in the future?

**Hon. Chief Minister:** Mr Speaker, if the resilience options had been working, then what  
1320 happened would not have happened because what failed was one, and therefore if the other two had been working, or one of the other two had been working, there would have been a seamless period of transition to repair one and the other one would have continued.

What I am assured is that all three are being brought back up and all three will be checked more regularly, so that therefore there should not be a recurrence of it. But you can never say  
1325 never. If there is an earthquake and it does not affect us, but it affects the other side of *Los Barrios* and the east line goes between Gibraltar and Seville, then there is going to be nothing you can do. You cannot have a radar link between Gibraltar and Seville. So these things, subject to what could reasonably be provided for, I am assured are being provided for.

There is no Government of Gibraltar element in here and there is nothing that we can do in  
1330 terms of that link. Just so that we understand what we are talking about, we are talking about the black box recorder of air traffic control and that is why they have to be able to record everything in a way that is particularly time stamped etc.

**Mr Speaker:** You may ask another question, but just a single question. Do not group them  
1335 together. Let's have another question, but concise and straight to the point.

The Hon. the Leader of Opposition.

**Hon. K Azopardi:** Mr Speaker, I have one question and it is short, but before I do that, because I see the explanation ... The Hon. Chief Minister has said, and I see the value of him making those  
1340 comments publicly, as he has done, about how unacceptable it is that the airport infrastructure should be affected by those issues, and so that the message goes out loud and clear to the MoD

that this House speaks on a united basis on this issue, can I also add that the Opposition considers it wholly unacceptable that – barring acts of God, of course – things that can be planned better, things that are employee related, things that are related to the infrastructure or are about forward planning of the Airport should be done in a better way? So we are with the Chief Minister in relation to those remarks and the House speaks united on that basis.

Can I ask him, is there a joint forum between the Government and the MoD in relation to these types of issues? Or given that there have been, if there is not one, does the Government agree that one should be set up going forward?

**Hon. Chief Minister:** There is a forum, Mr Speaker. I am grateful for the hon. Gentleman's remarks. It is very helpful.

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

**Hon. D J Bossino:** Just one final question. I am grateful, Mr Speaker, for your guidance in relation to this.

The fuel bowser incident – was that not under our control? I am not sure. I am not sighted on the detail, but that was not an MoD thing. I think that was something ... I acknowledge and it was reported in the press to that effect, that that did not result in a flight delay, but something like that surely, again, is unacceptable and should not be happening. It is just because it happened at the same time. But in terms of the future, can he give any comfort to this House that that issue will not happen again within the possible ...?

**Hon. Chief Minister:** Mr Speaker, yes, that issue is not an MoD issue. That is a Government of Gibraltar issue. It is the Gibraltar Air Terminal that grants that tender. It was not granted in our time, it was granted by them. I do not think there are many parties who can do it. I, myself, became involved and the Minister became involved that day. We were receiving the reports from people who were sitting on the plane and given what they were being told. In fact, I must say that, there, the resilience failed, but the contractor brought the resilience back immediately. It was 1st January, but they brought people in and they very quickly dealt with the issue, and as a result of the resilience failing they are going to provide further and additional resilience to ensure that it does not happen again.

I can tell the hon. Gentleman I have been in an aircraft in Barcelona and the bowser failed. There, they have an alternative, which is that they take fuel directly from the runway. The runway has the fuel lines underneath. There was an electrical storm. They could not use the fuel from under the runway because it relies on metal connections, and my flight was cancelled – some years ago. So fuel issues arise. I have had fuel issues at Heathrow. Perhaps because I am a frequent flyer, I experience these issues often. I have had fuel issues at JFK as well. So these are issues which in fact arise only ex abundanti cautela In other words, you could refuel the aircraft but you have not got all the safety mechanisms, so you do not do it because there are passengers on board whilst you are refuelling etc. That needs to be fixed and the contractor has assured us that they will be providing additional resilience. I thank them because, on 1st January, getting people out to very quickly turn that around and be able to continue flight operations after only a short delay I think is a remarkable demonstration of their commitment to Gibraltar Airport. Would that they all acted like our fuel contractor did – we would not have these problems at the Airport.

**Mr Speaker:** Next question.

**Q106/2023**

**Red ID cards –**

**Applications filed and granted in 2022**

**Clerk:** Question 106/2023. The Hon. the Leader of the Opposition.

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**Hon. K Azopardi:** Mr Speaker, how many applications for red ID cards have been filed and granted in 2022?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, a total of 6,131 applications for red ID cards have been filed and granted in 2022.

**Q107-08/2023**

**Winston Churchill Avenue –**

**Future use; CEPSA petrol station**

**Clerk:** Question 107/2023. The Hon. the Leader of the Opposition.

1400

**Hon. K Azopardi:** Mr Speaker, when does the Government intend to wholly or partly decommission the use of Winston Churchill Avenue, and will this be pedestrianised?

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 108.

**Clerk:** Question 108/2023. The Hon. the Leader of the Opposition.

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**Hon. K Azopardi:** Will the CEPSA petrol station be relocated or shut down as a result of the proposed new Victoria Stadium project; and, if relocated, by whom, at what cost and to where?

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

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**Hon. Chief Minister:** Mr Speaker, there is no intention to decommission Winston Churchill Avenue. The section to the north of the runway will remain in use as at present, although there will be some changes introduced to cater for the discontinuation of the vehicular crossing of the runway once the tunnel is opened. The section to the south of the runway will also remain in use, although some changes are expected in the area arising from proposed new developments. The continued crossing of the runway by pedestrians and bicycles once the tunnel is opened will mean that some modifications will be made to Winston Churchill Avenue either side of the runway, such as the incorporation of cycle lanes.

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As the hon. Gentleman should already know, the CEPSA service station will be relocated due to the opening of the runway tunnel. Work on the new facility has already commenced. There is a lease in place between the Crown and CEPSA dating back to 1994, which states that in the event of the main traffic flow into and out of Gibraltar being diverted away from Winston Churchill Avenue, HMGoG will provide an alternative plot so that a new station can be built, which will then become the first. That is what CEPSA had confirmed by the GSD in 2010-11 when the works on the tunnel commenced – more than a decade ago, believe it or not. Therefore, the new Victoria Stadium project will not cause the relocation or closing down of the CEPSA station, the GSD tunnel

1430 project will. There is no direct relocation cost to the taxpayer, other than the provision of the new plot of land.

1435 **Hon. K Azopardi:** Mr Speaker, on the decommissioning of Winston Churchill Avenue, he has said there is no intention to decommission. The reason for the question was that I picked up a reference to the decommissioning of Winston Churchill Avenue in the design statement on the Victoria Stadium. There is actually a comment on it. It actually says it as a statement of fact. It says after completion of the tunnel and new access into Gibraltar, it is currently anticipated that Winston Churchill Avenue will be decommissioned. I thought that was odd, so I wanted to ask about it and give the Government an opportunity to confirm how, because I could not envisage how that was going to be decommissioned given the importance and length of Winston Churchill Avenue. But not only that, can I just say, in relation to it, that it does not come up in the most recent design access statement only, it comes up in a previous one that was filed about two or three years ago, which actually refers, I believe, to discussions with the Government. So can I ask whether it was ever considered by the Government as a decommissioning?

1445 **Hon. Chief Minister:** Mr Speaker, that design statement, the current one and the previous one, are not government documents, and the language of decommissioning is not the Government's language. I do not know whether a person who is preparing those things for the GFA considers that that is the right way to summarise what I have explained to him, but for example I can tell him that there needs to be a crash gate on either side of Winston Churchill Avenue to be able to have vehicular access to the runway continue in the event of there being an accident. The crash gate would be a necessary part of how you access the runway through there. There are other crash gates at different parts of the runway where you can access the apron as well. But, for example, we are not looking to build a wall on to the runway on either side, there will be crash gates, and therefore, for crash gates to be meaningful, the road still has to be there.

1455 The way that the road will be used will, of course, be different because it will be used by pedestrians, it will be used by cyclists, it will not just be used by vehicles, but that is not a decommissioning as we understand it. The four lanes might become two because of the cycle lane etc., but there is no decommissioning to speak of, and decommissioning is not the Government's word or language to explain what I have set out to the hon. Gentleman. Whether a third party who hears us might want to describe that as a decommissioning of part of Winston Churchill Avenue is a matter for them, but that is not how we would use the word 'decommissioning'.

1465 **Mr Speaker:** Next question. The Hon. Roy Clinton.

**Hon. R M Clinton:** Thank you, Mr Speaker, I just have one quick question in relation to Question 108. When the CEPESA station is relocated to the new site, given the opening of the tunnel, would I be correct in my understanding that the current site of the CEPESA petrol station would then revert to the Government? And is it the Government's intention to open up that site to expression of interest?

1470 **Hon. Chief Minister:** Mr Speaker, I believe that site is already agreed to form part of the GFA's plot from the time that we transferred the plot to the GFA some years ago.

1475 **Mr Speaker:** Next question.

**Q109/2023**

**Civil Service –**

**Employment opportunities for returning graduates**

**Clerk:** Question 109/2023. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Does the Government consider that returning graduates should join the Civil Service; and, if so, how will it provide entry opportunities for that to happen?

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government considers that returning graduates should take the most attractive jobs available that best suit their skills and qualifications. If these include the Civil Service, they should be very welcome.

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**Hon. K Azopardi:** Mr Speaker, from that generic answer the Government does not see any kind of special importance in ensuring that ...? Given that the Government obviously invests quite a lot in education and sending children to university, as all successive Governments have, or at least since the scholarship programme was first established and then enhanced, does the Government not see the value of a long-term plan facilitating the entry of graduates into the Civil Service, which will then also, together with any other new entrants into the Civil Service, provide for a long-term succession plan that strengthens the Civil Service?

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**Hon. Chief Minister:** Mr Speaker, yes, sir.

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**Hon. K Azopardi:** And given that, does the Government not consider there should be a specific plan to facilitate that entry?

**Hon. Chief Minister:** Mr Speaker, that assumes a specific plan is necessary. I can tell the hon. Gentleman from memory that when we last recruited AAs, I think we recruited 44 and I think 44 had degrees – they had been away to university, been through the programme that the hon. Gentleman refers to and then entered the Civil service – and that in the recruitment before that, I think ... Hon. Members can be put on enquiry about this because I am not sure, but I think 90% to 95% were also graduates, and in the recruitment before that, 95% to 100% were also graduates, and in the recruitment before that, ditto, and so on and so forth. So I think the effect of the scholarship programme has meant that when we get applications for the Civil Service, the best qualified have, of course, the five GCSEs, but most of them have also a degree, and many of them a master's degree to boot. So for the past ... I am going to even suggest 20 years, most of the people who have been recruited into the Civil Service – the question is about the Civil Service – have a degree, and if not, 95% to 100%. Because I have now gone to 20 years, 75% to 80% have degrees.

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And so I think that what the hon. Gentleman is saying is being achieved, because a lot of people who are coming through the ranks now are people who have degrees. Having said that, some of the best people I work with day to day do not have degrees because they come from another generation when they were not available, and they are exemplary and are leading the Civil Service today and giving an example to those who are joining the Civil Service, some of whom have degrees. But I would have thought that it is near-on a 100% hit rate that the new entrants have degrees through the scholarship programme already.

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**Hon. K Azopardi:** Mr Speaker, I am glad to hear it. Having gone to university when there was a points system in place, I do certainly remember that because of the constraint that the points system used to apply, sometimes a lot of people would either ... those closed-Frontier Gibraltar ...

1525 I am showing my age, but a lot of people would either then get into the private sector, maybe into banks, or a lot of very clever people would join the Civil Service. What concerns me, hence the question, and has concerned me for some time, is that now that there is not the points system, people are encouraged to obtain degrees but then somehow there is a lost generation that does not have the opportunity to join the Civil Service.

1530 Can I ask him whether the comments that he made in respect of the number of people who have degrees in the Civil Service are anecdotal or based on some kind of statistical basis? And if it is anecdotal and based on his experience, would it be useful to actually understand more precisely the kind of make-up of the current Civil Service in 2023?

1535 **Hon. Chief Minister:** Mr Speaker, I did not realise he was quite that old. I did not think he had gone away to university when the Frontier was closed; he went away to university when the Frontier was open. *(Interjection)* It had opened a year. Exactly, it had opened, so I was not wrong. When he went to university, the Frontier had opened because the Frontier opened for pedestrians in 1982 and he did not go away to study in 1982, and it opened for vehicles – *(Interjection)* The points system, yes, but he said ‘the closed-Frontier Gibraltar from which I went to university’.  
1540 *(Interjection)* No, exactly, that is what I thought. When you were at school, right, okay.

I went to university when the points system was no longer there. Happily, I would have been able to go even if the points system had been there, but a lot of people who joined the Civil Service before the points system was done away with would very easily have been able to go to university without the points system, and so the Civil Service was the beneficiary of people who were going  
1545 to the Civil Service instead of going away to get a degree, and it was providing them the university of life and administration. Now they get their university degrees and they come back to the Civil Service and to other jobs in Gibraltar, but the Civil Service is taking its lion’s share.

You could also argue this in another way. You could argue that we are sending people away to university to obtain degrees, they obtain degrees in fields where Gibraltar might be able to benefit  
1550 from them in the private sector, but the Civil Service terms and conditions are so attractive that they do not stay in the private sector, they go into the Civil Service. So there are arguments about this which go round and round.

I am talking anecdotally, because I have met the 44 and I could see that they were all people who I knew had been away to university, but I will ask the Chief Secretary to give me a breakdown  
1555 of the last three intakes of the Civil Service and indicate how many of those who are in the intake have a degree.

One of the things that has been done very successfully also is that the Civil Service has offered the opportunity for continuing professional education and to take degrees, in particular in fields of management or further degrees in their fields of study. So people have continued to study  
1560 whilst at work in the Civil Service – in the Open University, I think also with Sheffield University – and so people have become graduates whilst in the Civil Service, also a very laudable way of ensuring that those who work for Gibraltar are able to continue to develop their own studies for the improvement of the work that they do for Gibraltar and indeed for their work after retirement.

Anything which is education enjoys the support of the Government, and although he is not  
1565 here, we all agree that Joe Bossano was a visionary in that respect when he insisted on the abolition of the points system in the teeth of opposition, and he has been proved right. When we were re-elected in 2011 he was also insistent that we should go further and get rid of any requirement in terms of master’s degrees, and people can now do a first master’s degree as a mandatory grant, as we used to hear our teachers refer to it in comprehensive school.

1570  
**Hon. K Azopardi:** Mr Speaker, my final question. We are in agreement, of course, that a lot of people who could have aspired to go to university had the current system been in place in those years joined the Civil Service, but of course it has now been so long that probably a lot of those people have retired. That is the reality since the change in the removal of the points system, which  
1575 is more than 30 years ago now. Hence the concern.

The Chief Minister talked about their entry at a AA level. Is the route available to returning graduates at that level, or would the Government consider any other entry point for graduates, as perhaps they do sometimes in the United Kingdom? And will there be another AA round at some point soon?

1580

**Hon. Chief Minister:** Mr Speaker, I do not think that last question arises from this question.

1585

The Government already provides for graduate entry in respect of some grades and not just in the clerical Civil Service, but beyond. For example, Crown Counsel is a degree entry grade. Of course, in the GHA and in other areas you require a degree qualification in order to be able to apply – a mechanical engineering degree for certain of the technical services. At administrative grade we are looking at recruitment with degrees as a better qualification, which qualifies the individual applying and raises them up the ladder of those who are likely to get the job.

1590

Graduate entry to the Civil Service would require negotiation with the unions of that possibility. The Government has not raised that with the unions at this stage because we think this is happening organically. The hon. Gentleman is right to point to the fact that the points system was abolished – 35 years ago in May, I think – and so we have the benefit of 35 years of graduates now in effect in the Civil Service. If the hon. Gentleman, the Hon. Mr Feetham and the Hon. Deputy Chief Minister do not mind me disclosing, I believe that their age is now the retirement age for a clerical grade in the Civil Service, although they all look much younger than that – of course, the Deputy Chief Minister in particular. I would therefore suggest that we have, in effect, now a whole lifetime of civil servants who are benefiting from a recruitment process that has enabled HR and the Public Service Commission to take on those who have turned up with degrees at the time of application. And so very senior people in the service, either because they went away and had degrees when they joined or because they took degrees when they were in the service, have the benefit of degrees, and equally senior people are magnificent and nobody can hold a candle to them even though they do not have degrees.

1595

1600

**Mr Speaker:** Next question.

#### Q110-11/2023

#### Administrative posts in Government Departments – Number of vacancies; posts occupied on acting or temporary basis

**Clerk:** Question 110/2023. The Hon. the Leader of the Opposition.

1605

**Hon. K Azopardi:** Mr Speaker, can the Government confirm how many vacant administrative posts there were in Government Departments on 10th January 2023 and provide a breakdown of where these vacancies arise by Department and by grade?

1610

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 111.

**Clerk:** Question 111/2023. The Hon. the Leader of the Opposition.

1615

**Hon. K Azopardi:** Mr Speaker, how many officers were occupying administrative posts in Government Departments on an acting or temporary basis at ... the question says 11th January, but it really should have been 10th January, broken down by particular clerical grade and by the Department in which the particular officer is occupying the post?

1620



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

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

**Answer to Q110/2023**

DEPARTMENT	GRADE
DIGITAL SERVICES	PERSONAL SECRETARY
DIGITAL SERVICES	ADMINISTRATIVE OFFICER
ECONOMIC DEVELOPMENT	EU FUNDS FINANCIAL CONTROLLER
ECONOMIC DEVELOPMENT	ADMINISTRATIVE ASSISTANT
EMPLOYMENT	ADMINISTRATIVE OFFICER
EMPLOYMENT	ADMINISTRATIVE OFFICER
EMPLOYMENT	ADMINISTRATIVE OFFICER
EMPLOYMENT	EXECUTIVE OFFICER
EMPLOYMENT	SENIOR OFFICER
EMPLOYMENT	ADMINISTRATIVE ASSISTANT
ENVIRONMENT	HIGHER EXECUTIVE OFFICER
EQUALITY	SENIOR EXECUTIVE OFFICER
FINANCIAL SECRETARY'S OFFICE	SENIOR EXECUTIVE OFFICER
FINANCIAL SECRETARY'S OFFICE	SENIOR EXECUTIVE OFFICER
FINANCIAL SECRETARY'S OFFICE	ADMINISTRATIVE ASSISTANT
GIBRALTAR AUDIT OFFICE	ADMINISTRATIVE ASSISTANT
GIBRALTAR LAW COURTS	SENIOR EXECUTIVE OFFICER
GIBRALTAR LAW COURTS	EXECUTIVE OFFICER
GIBRALTAR LAW COURTS	ADMINISTRATIVE OFFICER
HUMAN RESOURCES DEPARTMENT	HIGHER EXECUTIVE OFFICER
HUMAN RESOURCES DEPARTMENT	HIGHER EXECUTIVE OFFICER
HUMAN RESOURCES DEPARTMENT	HIGHER EXECUTIVE OFFICER
HUMAN RESOURCES DEPARTMENT	EXECUTIVE OFFICER
HUMAN RESOURCES DEPARTMENT	ADMINISTRATIVE OFFICER
HUMAN RESOURCES DEPARTMENT	ADMINISTRATIVE OFFICER
HUMAN RESOURCES DEPARTMENT	ADMINISTRATIVE ASSISTANT
INCOME TAX	SENIOR EXECUTIVE OFFICER
INCOME TAX	SENIOR EXECUTIVE OFFICER
INCOME TAX	HIGHER EXECUTIVE OFFICER
INCOME TAX	ADMINISTRATIVE OFFICER
INCOME TAX	ADMINISTRATIVE OFFICER
INCOME TAX	ADMINISTRATIVE ASSISTANT
INCOME TAX	ADMINISTRATIVE ASSISTANT
INCOME TAX	ADMINISTRATIVE ASSISTANT
INCOME TAX	ADMINISTRATIVE ASSISTANT
INCOME TAX	ADMINISTRATIVE ASSISTANT
INCOME TAX	CLERK/WORD PROCESSOR
MARITIME SERVICES	HIGHER EXECUTIVE OFFICER
NO.6 CONVENT PLACE	SENIOR OFFICER
NO.6 CONVENT PLACE	SENIOR EXECUTIVE OFFICER
NO.6 CONVENT PLACE	HIGHER EXECUTIVE OFFICER
NO.6 CONVENT PLACE	HIGHER EXECUTIVE OFFICER
NO.6 CONVENT PLACE	EXECUTIVE OFFICER

DEPARTMENT	GRADE
OFFICE OF FAIR TRADING	EXECUTIVE OFFICER
OFFICE OF FAIR TRADING	ADMINISTRATIVE OFFICER
OFFICE OF FAIR TRADING	ADMINISTRATIVE ASSISTANT
PARLIAMENT	USHER (ADMINISTRATIVE OFFICER)
POLICING	ADMINISTRATIVE ASSISTANT
POLICING	CLERK/WORD PROCESSOR
POLICING	TYPIST
POSTAL SERVICES	EXECUTIVE OFFICER
PRISON	ADMINISTRATIVE OFFICER
PROCUREMENT OFFICE	ADMINISTRATIVE OFFICER
PROCUREMENT OFFICE	EXECUTIVE OFFICER
PROCUREMENT OFFICE	EXECUTIVE OFFICER
PROCUREMENT OFFICE	HIGHER EXECUTIVE OFFICER
SOCIAL SECURITY	SENIOR OFFICER
SOCIAL SECURITY	EXECUTIVE OFFICER
SOCIAL SECURITY	EXECUTIVE OFFICER
SOCIAL SECURITY	ADMINISTRATIVE OFFICER
SOCIAL SECURITY	ADMINISTRATIVE ASSISTANT
SOCIAL SECURITY	ADMINISTRATIVE ASSISTANT
SPORTS AND LEISURE	ADMINISTRATIVE OFFICER
TECHNICAL SERVICES	ADMINISTRATIVE OFFICER
TOURISM	ADMINISTRATIVE OFFICER
TOWN PLANNING	EXECUTIVE OFFICER
TREASURY	ACCOUNTANT GENERAL
TREASURY	SENIOR EXECUTIVE OFFICER
TREASURY	EXECUTIVE OFFICER
TREASURY	EXECUTIVE OFFICER
TREASURY	ADMINISTRATIVE OFFICER
TREASURY	ADMINISTRATIVE ASSISTANT
TREASURY	SENIOR EXECUTIVE OFFICER
TREASURY	SENIOR EXECUTIVE OFFICER
TREASURY	HIGHER EXECUTIVE OFFICER
UPPER ROCK TOURIST SITES AND BEACHES	EXECUTIVE OFFICER

## Answer to Q111/2023

## Answer to Question 111

GOVERNMENT DEPARTMENT	OFFICER'S SUBSTANTIVE GRADE	GRADE ACTING FOR
Central Arrears Unit	Administrative Assistant	Executive Officer
Central Arrears Unit	Executive Officer	Higher Executive Officer
Central Arrears Unit	Higher Executive Officer	Senior Executive Officer
Civil Status & Registration Office	Executive Officer	Higher Executive Officer
Department of Employment	Senior Executive Officer	Senior Officer
Department of Equality	Higher Executive Officer	Grade 5
Department of Social Security	Administrative Assistant	Administrative Officer
Department of Social Security	Administrative Assistant	Administrative Officer
Department of Social Security	Administrative Assistant	Administrative Officer
Department of Social Security	Administrative Assistant	Administrative Officer
Department of Social Security	Administrative Assistant	Administrative Officer
Department of Social Security	Administrative Officer	Executive Officer
Department of Social Security	Administrative Officer (TP)	Executive Officer
Department of Social Security	Administrative Officer (TP)	Executive Officer
Department of Social Security	Executive Officer	Senior Executive Officer
Department of Social Security	Administrative Officer	Executive Officer
Department of Social Security	Administrative Officer	Executive Officer
Department of Social Security	Executive Officer (TP)	Higher Executive Officer
Department of Social Security	Grade 1	Administrative Officer
Department of Social Security	Higher Executive Officer	Senior Officer
Department of the Environment	Administrative Officer	Executive Officer
Department of the Environment	Administrative Officer	Executive Officer
Department of the Environment	Executive Officer	Higher Executive Officer
Department of the Environment	Grade 1	Administrative Officer
Department of the Environment	Typist	Administrative Officer
Digital Services	Administrative Assistant	Administrative Officer
Digital Services	Administrative Assistant	Administrative Officer
Digital Services	Administrative Officer	Executive Officer
Digital Services	Senior Officer	Chief Officer, E - Services and Innovation
Digital Services	Typist	Administrative Officer
Driver and Vehicle Licensing Department	Vehicle Tester	Driver & Vehicle Examiner
Economic Development Department	Administrative Officer	Executive Officer
Economic Development Department	Executive Officer	Higher Executive Officer
Economic Development Department	Grade 1	Grade 2
Economic Development Department	Higher Executive Officer	Senior Executive Officer
Economic Development Department	Higher Executive Officer	Senior Professional Technology Officer
Education	Administrative Assistant	Administrative Officer
Employment	Administrative Assistant	Administrative Officer
Employment	Executive Officer	Higher Executive Officer
Employment	Grade 1	Administrative Officer
Employment	Grade 2	Executive Officer
Financial Secretary's Office	Executive Officer	Higher Executive Officer
Financial Secretary's Office	Executive Officer	Higher Executive Officer
Financial Secretary's Office	Higher Executive Officer	Senior Executive Officer
Financial Secretary's Office	Higher Executive Officer	Senior Executive Officer
Gambling Division	Executive Officer	Higher Executive Officer
Gibraltar Courts Service	Administrative Assistant	Administrative Officer
Gibraltar Courts Service	Administrative Officer	Executive Officer
Gibraltar Fire and Rescue	Typist	Administrative Officer
Gibraltar Maritime Administration	Administrative Officer	Executive Officer
Gibraltar Maritime Administration	Executive Officer	Higher Executive Officer
Gibraltar Maritime Administration	Senior Marine Surveyor	Chief Surveyor
Government Law Offices	Administrative Assistant	Administrative Officer
HM Customs	Assistant Collector of Customs	Collector of Customs
HM Customs	Assistant Collector of Customs	Collector of Customs
HM Customs	Customs Officer	Executive Customs Officer
HM Customs	Senior Customs Officer	Assistant Collector of Customs
Housing Department	Administrative Assistant	Administrative Officer
Human Resources Department	Administrative Assistant	Administrative Officer
Human Resources Department	Administrative Assistant	Administrative Officer

Cont..

**Continued Answer to Question 111**

GOVERNMENT DEPARTMENT	OFFICER'S SUBSTANTIVE GRADE	GRADE ACTING FOR
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Administrative Officer
Treasury	Administrative Assistant	Executive Officer
Treasury	Administrative Officer	Executive Officer
Treasury	Administrative Officer	Executive Officer
Treasury	Administrative Officer	Executive Officer
Treasury	Administrative Officer	Executive Officer
Treasury	Administrative Officer	Executive Officer
Treasury	Administrative Officer(TP)	Executive Officer
Treasury	Executive Officer	Higher Executive Officer
Treasury	Executive Officer	Higher Executive Officer
Treasury	Executive Officer	Higher Executive Officer
Treasury	Executive Officer	Higher Executive Officer
Treasury	Executive Officer	Higher Executive Officer
Treasury	Executive Officer	Higher Executive Officer
Treasury	Grade 1	Administrative Officer
Treasury	Grade 1	Administrative Officer
Treasury	Grade 1	Administrative Officer
Treasury	Grade 1	Administrative Officer
Treasury	Grade 2	Executive Officer
Treasury	Higher Executive Officer	Senior Executive Officer
Treasury	Higher Executive Officer	Senior Executive Officer
Treasury	Higher Executive Officer	Senior Executive Officer (GDC Ring Fenced)
Treasury	Messenger	Senior Messenger
Treasury	Senior Messenger	Head Messenger
Treasury	Treasury IT Officer Level 3	Director, Treasury Info Systems
Treasury	Administrative Officer	Executive Officer
Upper Rock & Beaches	Administrative Assistant	Administrative Officer
Upper Rock & Beaches	Administrative Assistant	Administrative Officer
Upper Rock & Beaches	Administrative Officer	Executive Officer
Upper Rock & Beaches	Upper Rock Site Officer	Upper Rock Shift Leader
Upper Rock & Beaches	Upper Rock Site Officer	Upper Rock Shift Leader

**Continued Answer to Question 111**

GOVERNMENT DEPARTMENT	OFFICER'S SUBSTANTIVE GRADE	GRADE ACTING FOR
Human Resources Department	Administrative Assistant	Administrative Officer
Human Resources Department	Administrative Assistant	Administrative Officer
Human Resources Department	Administrative Assistant	Administrative Officer
Human Resources Department	Administrative Assistant	Administrative Officer
Human Resources Department	Administrative Assistant	Administrative Officer
Human Resources Department	Administrative Officer	Executive Officer
Human Resources Department	Executive Officer	Higher Executive Officer
Human Resources Department	Executive Officer	Higher Executive Officer
Human Resources Department	Executive Officer	Higher Executive Officer
Human Resources Department	Executive Officer	Higher Executive Officer
Income Tax Office	Administrative Assistant	Administrative Officer
Income Tax Office	Administrative Assistant	Administrative Officer
Income Tax Office	Administrative Assistant	Administrative Officer
Income Tax Office	Administrative Assistant	Administrative Officer
Income Tax Office	Administrative Officer	Executive Officer
Income Tax Office	Administrative Officer	Executive Officer
Income Tax Office	Executive Officer	Higher Executive Officer
Income Tax Office	Executive Officer	Higher Executive Officer
Income Tax Office	Executive Officer	Higher Executive Officer
Income Tax Office	Executive Officer	Higher Executive Officer
Income Tax Office	Executive Officer	Higher Executive Officer
Income Tax Office	Grade 1	Administrative Officer
Income Tax Office	Higher Executive Officer	Senior Executive Officer
Income Tax Office	Higher Executive Officer	Senior Executive Officer
Ministry of Housing, Employment, Youth & Sport	Administrative Assistant	Administrative Officer
Ministry of Justice	Executive Officer	Higher Executive Officer
No.6 Convent Place	Administrative Assistant	Administrative Officer
No.6 Convent Place	Administrative Assistant	Administrative Officer
No.6 Convent Place	Administrative Assistant	Administrative Officer
No.6 Convent Place	Administrative Assistant	Administrative Officer
No.6 Convent Place	Administrative Assistant	Executive Officer
No.6 Convent Place	Administrative Officer	Executive Officer
No.6 Convent Place	Administrative Officer	Executive Officer
No.6 Convent Place	Administrative Officer	Executive Officer
No.6 Convent Place	Administrative Officer	Executive Officer
No.6 Convent Place	Administrative Officer	Higher Executive Officer
No.6 Convent Place	Executive Officer	Higher Executive Officer
No.6 Convent Place	Executive Officer	Higher Executive Officer
No.6 Convent Place	Executive Officer	Higher Executive Officer
No.6 Convent Place	Higher Executive Officer	Senior Executive Officer
No.6 Convent Place	Higher Executive Officer	Senior Executive Officer
No.6 Convent Place	Senior Executive Officer	Senior Officer
No.6 Convent Place	Grade 1	Grade 2
No.6 Convent Place	Grade 2	Grade 3
No.6 Convent Place	Grade 3	Grade 4
Royal Gibraltar Police	Administrative Assistant	Administrative Officer
Royal Gibraltar Police	Administrative Officer	Executive Officer
Royal Gibraltar Police	Administrative Officer	Executive Officer
Royal Gibraltar Police	Clerk Word Processor	Administrative Officer
Royal Gibraltar Post Office	Administrative Assistant	Administrative Officer
Royal Gibraltar Post Office	Administrative Officer	Executive Officer
Statistics Office	Statistics Officer Level 2	Statistics Officer Level 3
Statistics Office	Statistics Officer Level 2	Statistics Officer Level 4
Technical Services	Professional & Technology Officer	Higher Professional & Technology Officer
Technical Services	Professional & Technology Officer	Higher Professional & Technology Officer
Technical Services	Professional & Technology Officer	Higher Professional & Technology Officer
Technical Services	Technical Grade 1	Professional & Technology Officer
Technical Services	Technical Grade 1	Professional & Technology Officer
Town Planning and Building Control	Administrative Officer	Executive Officer

Cont..

1625 **Hon. K Azopardi:** Mr Speaker, while I look through the schedule, if the hon. Member looks at my questions, my questions were in two parts, really: first of all, how many; and then provide a breakdown. I think the schedules provide the breakdown but they do not provide the totals. I wonder whether the hon. Member has that information, given the wording of the question was how many and provide a breakdown.

1630 Sorry, did the Hon. Chief Minister say he does not have one?

**Hon. Chief Minister:** I do not have it. I have the same schedule he has.

1635 **Hon. K Azopardi:** Mr Speaker, I will count them, but ... It is quite a long schedule, for the listener and the watcher of this.

**Hon. Chief Minister:** Sorry. I think that the numbers I have are the relevant numbers he has asked for. I think that it is 76 in Question 110 and 167 in Question 111. I think that is what he is asking me whether I have the numbers on, and I just did not know whether this was an explanation to me about some aspect of it. I think that is the total, actually, of the two questions. He should check it, but I think given what I can see here and what those two numbers ... I think that is correct.

**Hon. K Azopardi:** I am grateful, Mr Speaker, and yes, I will have a look myself just in case that reference is to something else, but given the length of the schedules, it looks like it is probably right. That being so, on that assumption, 76 vacant administrative posts and 167 officers occupying administrative posts on an acting or temporary basis is a fairly large number, over 250 in total, but taking vacant administrative posts first, and indeed looking collectively at the acting officers in the various administrative posts in a number of Departments – Digital Services, Employment, Financial Secretary's Department, Human Resources, Income Tax, No. 6, Treasury ... You can go on. It is many, many Departments. What is the process that the Government is following to fill these posts?

**Hon. Chief Minister:** Mr Speaker, I do not necessarily agree that it is many. I think it is many less than I inherited when I was elected – I understand that the number was much higher than that – first of all. Second, you cannot add 76 and 167. I do not think it makes any sense to do that because the 76 are inclusive of the 167, and to the extent that there will be people acting into the 76 in many great respects. So it is not 250 by any stretch of the imagination. At most it is 167, but the actual number of vacant posts would be 76.

What happens is that when you are filling a vacant post and somebody acts up, somebody else acts up and somebody else acts up. It is a little like the domino effect in respect of the housing. One vacant post can lead to two or three acting positions. So I do not think it is a very high number in that respect. Seventy six out of the total complement of the Civil Service is probably quite a low number.

I can tell him, for example, that just one of them is certainly a new post. That is to say it is not a post that was there before and is going to be filled; it is a post that the Government has accepted, after representations, we should create, which is a senior officer in the Employment Department. The process is that the Office of the Chief Secretary, the PSC and the HR Department deal with the opening of vacancies etc. This is quite a jigsaw puzzle. You open one and you create another vacancy because by filling, for example, the vacancy for a senior officer, you are creating the vacancy of senior executive officer. The next step is to fill that senior executive officer vacancy, which creates the HEO vacancy – I hope I am getting my grades right – etc., ad infinitum. That is a process that this Government, certainly that I lead, does not get involved in. It is a process that is run by the Office of the Chief Secretary and the Human Resources Department, and in my view it is not, at the moment, a huge issue in respect of the 76 vacant posts.

At this stage, when we are looking at the last quarter of the financial year, we would probably also be looking at whether any of those posts should continue or not continue. In the same way as you create new posts, you can also discontinue posts with the agreement of the union etc. in consultation, as we come up to the finalising of the Book and the complements for the year to come.

**Hon. K Azopardi:** Mr Speaker, just scanning quickly ... If I may, on the vacancies, there are 76 vacancies and obviously different grades, but I do notice, doing a quick look through the schedule, that there are 15 AAs and around 16 AOs – administrative assistants and administrative officers – so, AA being the entry grade, I ask again: I assume, obviously to fill in those vacancies, you would have to have a round of recruitment – is the Government planning an AA entry round soon?

**Hon. Chief Minister:** Mr Speaker, at this stage the Government is not planning to do anything that increases the recurrent expenditure because, as the hon. Gentleman should know, if we

increase the recurrent expenditure the only place we are going to do it is by increasing the debt because we have not got a surplus to be digging into. He has started the week by saying that he wanted to bring debt down, and therefore I would have thought we would all agree that we would need to keep the recurrent costs down if we are going to bring recurrent debt down and we are going to bring the deficit down.

So the Government is not planning in this respect, because he has identified that there are AA and AO vacancies, to do an AA or AO round. There are other ways that we can provide, for example by providing GDC employees who can assist in these areas, and in particular, given that the complement of the Civil Service is much higher than it was when we were elected, it is outside our electoral commitment in respect of the Civil Service to have to maintain those grades if they are beyond what the complement was on 9th December 2011.

**Hon. K Azopardi:** Mr Speaker, the reason I ask is because ... I am asking about government policy and the Minister for Financial Stability ... He is not here right now, but he has said publicly, I think several times now, that when there are vacancies the Government would just take the view that they would assess the particular requirements of the particular posts and decide whether or not to fill the vacancies. He has not made the point generically that there would be no vacancies, but rather that they would test the case for it. I am asking whether, given this list of vacancies, they have assessed whether any of these AA entry posts should be filled, and if so, whether they are going to hold an entry round. That is really what I was asking.

**Hon. Chief Minister:** But, Mr Speaker, that is really what I have said to him in other language. I have said as we are in the last quarter of the year, we are doing the assessment of whether, when we settle the complements for the Departments, a particular grade should remain or not remain, and only then would you be making a decision as to running a recruitment round.

**Hon. K Azopardi:** Can I just ask specifically: the Accountant General Post is vacant? Is that correct?

**Hon. Chief Minister:** Yes, Mr Speaker, because the Accountant General has just become the Financial Secretary.

**Hon. K Azopardi:** Presumably, this is a post that the Government does intend to fill. Is that right?

**Hon. Chief Minister:** Of course, Mr Speaker, it is a statutory post, but that has nothing to do with AAs or AOs.

**Hon. K Azopardi:** Of course it has not got anything to do with AAs and AOs, but I was not asking in that way. And so, given that, can I just ask about ...? Because a Financial Secretary was appointed – *(Interjection)* Well, he says just become, but it is at least four months since he became the Financial Secretary. I thought the previous Financial Secretary had stood down from the end of September, so that is nearly four months ago, isn't it? We are now in late January, so what process of recruitment is there of the Accountant General ongoing?

**Hon. Chief Minister:** Mr Speaker, it is a process of recruitment that does not involve me. It is a process of recruitment that started the day the Financial Secretary took his post, on 1st October, which is run by the Chief Secretary and the Public Services Commission. It is not anything to do with the political Government. We are not standing in the way of it. It is a process that is running. In fact, I understand that it is something that started even before the Financial Secretary took his post because when he was going to take his post, he immediately started the process of recruitment of his successor.

**Hon. K Azopardi:** Mr Speaker, I am not suggesting that the Government is standing in front of that process. I do not think anything I have said suggests that. I am simply asking for clarification as to the process. Does the Chief Minister have an expectation of when there will be a new Accountant General?

1745

**Hon. Chief Minister:** Mr Speaker, the hon. Gentleman has been a Minister. This is why I am surprised at his questions, unless they did things in a very different way, which was not to leave the Civil Service to its own devices when it came to recruitment. We leave the Civil Service to its devices.

1750

The Financial Secretary, who became the Accountant General, who became the Financial Secretary, immediately started a process, as I have told him, with the PSC, the HR Department and the Chief Secretary for the recruitment of their successor. This is an internal recruitment process and it is ongoing.

1755

When are they going to be able to have a new Accountant General? I do not know whether they announced one yesterday, I do not know whether they are about to announce one tomorrow or whether the candidates for interview have asked for a longer date for the interviews because of personal issues. I cannot give him an answer, but it is not a ministerial responsibility – at least it is not a ministerial responsibility in my time – that he would expect to be running if he were Chief Minister in a government like the one we are running. That is my point, Mr Speaker.

#### Q112-13/2023

#### No negotiated outcome scenario – Macro-economic impact; means of mitigating outcome

1760

**Clerk:** Question 112/2023. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Does the government have any updated figures on the macro-economic impact of a no-deal Brexit scenario?

1765

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 113.

1770

**Clerk:** Question 113/2023. The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** In his New Year speech, the Chief Minister states that ‘if there is no deal for reasons we cannot control, I assure you we will be ready to mitigate such an outcome’. Could the Chief Minister explain the substance of how he plans to do this?

1775

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

1780

**Hon. Chief Minister:** Mr Speaker, the hon. Lady is asking me to provide the substance of how the Government intends to mitigate, insofar as possible, the socio-economic impact of a no negotiated outcome (NNO). However, as she must surely understand, it would be to give those who may seek to gain leverage over us in the negotiations the ultimate lever should I reveal publicly in this House the measures we have taken and will continue to take to mitigate such an outcome.

As the hon. Member should already know, the Government has, for a number of years now, been working flat out in planning for an NNO. The NNO Board is led jointly by the Deputy Chief



1785 Minster and successive UK Ministers for Europe, now the Hon. Leo Docherty MP. It meets again this week – in fact, I think it met this morning.

The hon. Lady will have, undoubtedly, read our press release last month announcing the latest NNO Board meeting following a table-top exercise which was held at the end of November last year. This exercise proved to be extremely useful in highlighting areas of potential difficulties which may arise in the event of a no negotiated outcome and has reassured the Government of our preparedness, insofar as is absolutely possible, for such an outcome.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, if I can just take the supplementaries because of the two questions. Even though maybe the Chief Minister cannot share the information with us, can he confirm whether his Government has prepared a detailed forecast of the impact of a potential no deal?

**Hon. Chief Minister:** Yes, Mr Speaker, we have.

1800 **Hon. Ms M D Hassan Nahon:** Thank you, Mr Speaker.

We know about the table-top exercise, and obviously that is all positive and gratefully accepted, I think, by the people of Gibraltar, but does the Government intend to conduct any campaigns to inform the public of the impact of a potential no-deal Brexit in order to mobilise and create public awareness and expectations in the event of no deal, prior to such an event actually happening?

**Hon. Chief Minister:** Mr Speaker, we have already distributed a book to every house in Gibraltar, called 'Guidance to Citizens – No UK-EU Treaty on the Future Relationship of Gibraltar'. It has a preface signed by me and the Deputy Chief Minister. It extends to 36 pages and was distributed last year, I believe.

When I see what she has said today to *El País*, I am surprised that she is asking me the question. She says that what I am doing is educating and reminding people that there will be things on which we will have to bend down, and others on which we will not. The quote in Spanish is, '*Picardo* *Está educando, recordándonos que habrá cosas en las que tendremos que agacharnos y otras en las que no.*' Well, Mr Speaker, I do not believe I am doing that. I do not believe I am trying to tell people in Gibraltar that we are going to have to bend over, because we are not going to bend over. We have already distributed a lot of the material to every household in Gibraltar without giving our opponents the levers they would need. I hope that our potential opponents become our partners, that we will be able to deliver an agreement and that she will join in agreeing that the negotiated outcome that we bring, if we bring it, is a good one for Gibraltar.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I am sorry to see that the Chief Minister has taken my words badly. I was actually trying to be complimentary to him by telling a journalist that our Chief Minister is trying to prepare us for an eventuality that might not be to our satisfaction. Having said that, obviously I could not comment on the substance, in terms of what I am trying to get today, in terms of how much information we can have and how much the Chief Minister himself can tell us on the eventuality.

One more supplementary. I do not know if he is willing to answer this, but as in other moments in Gibraltar's history where Gibraltar has received financial aid from the UK in difficult economic times, is the Gibraltar Government looking at receiving financial aid to see us through these potentially difficult times, as we have seen in the past, given the size of our indirect debt?

**Hon. Chief Minister:** Mr Speaker, I am not taking it badly at all. I just want her to understand that I do not agree with her words. In politics, the least we can say to each other is that we do not agree with our words. She is being quoted by a Spanish newspaper, the leading Spanish newspaper, on an issue like Gibraltar, where I decided not to give an interview to this newspaper for reasons that I think will be obvious, but she did, and she is being read in Madrid this morning as saying that my words in my New Year message in respect of the agreement – not the absence of agreement, her words are quoted in respect of the agreement – are that I am trying to prepare people so that they understand that we are going to have to bend. *Agacharnos* is translated by Google Translate, and probably by most of us, as ‘bend’. I want to be very clear to anybody who may be watching us from Madrid, who has read a Gibraltarian MP’s view of what I said in my New Year message, that I was not preparing the people of Gibraltar to bend because I am not going to ask the people of Gibraltar to bend – it is clear – and so that is the issue I am taking with the hon. Lady.

In terms of financial aid, we are already receiving commitments from the United Kingdom, which we have published, in respect of financial aid. For example, the United Kingdom has committed to provide the Government of Gibraltar with funding for the provision of e-gates down at the North Front Four Corners entry point into Gibraltar. That will be funded half by the Government of Gibraltar and half by the government of the United Kingdom. The Hon. the Deputy Chief Minister referred to that, I believe, in this House during the course of the Budget debate at estimates time this year. There have been other such commitments and the Government of Gibraltar reserves the right to seek further financial assistance from the United Kingdom in the event of a no-negotiated outcome for a Brexit that we did not choose.

**Mr Speaker:** Is the Chief Minister planning to recess for a short break? Before he does that, I believe –

**Hon. Ms M D Hassan Nahon:** Mr Speaker, can I just ask one more supplementary, please?

**Mr Speaker:** Right.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, based on the answer that the Chief Minister has just given, can I establish that the Chief Minister will not support any agreement which might require some bending or concessions on our part?

**Hon. Chief Minister:** Mr Speaker, I could not have been clearer in my New Year message. I said there was absolutely no question of us for one moment considering any concession in respect of British sovereignty, for rights of access to the European Union, for rights of flights etc. It is all there, clearly set out in my New Year message. I do not think I could have been clearer. I do not think we, together, could have been clearer in this House that that would not be acceptable to the people of Gibraltar.

I have also said that I will only bring an agreement to this House if the Gibraltar Government has approved it, if the Cabinet has approved it, and there is no member of this Cabinet sitting to my left or sitting to my right who would approve an agreement that required us to bend on issues of sovereignty which are fundamental to us. I have expressed it as vehemently and as clearly as I could. In fact, I seem to recall that that part of my speech said no spin, no nuance. It could not be clearer, so I am surprised that she felt it could be interpreted in this way and that it could be communicated to the leading Spanish national newspaper as my having said that, because I think, with the very greatest of respect – and I am sure that she did not intend to do this – it does a disservice to the negotiating position of the Government of Gibraltar.

**Mr Speaker:** There was one supplementary question which the Hon. Edwin Reyes wanted to ask in connection with Questions 111 and 112. (*Interjection by Hon. K Azopardi*) On this one, fine.

1885 **Hon. K Azopardi:** Mr Speaker, the Chief Minister answered, in relation to Question 112, that the Government has carried out an impact assessment on the economy. Is the Government willing to share that report confidentially with the Opposition?

1890 **Hon. Chief Minister:** Mr Speaker, we are prepared to consider doing so. I would have to take advice on whether we should at this stage. The hon. Gentleman should know that that report is so sensitive it does not live electronically on our servers. We are, of course, very concerned about the opportunity for digital interference with information that we have. We have considered that information to be so sensitive that it has only been seen by a small number of the members of the Cabinet because we do not want to share it electronically. We have had a discussion about it in Cabinet, but it is extraordinarily sensitive. Even where we discuss it is sensitive, so we are careful  
1895 even about where we talk about it.

**Q111/2023**

**Administrative posts in Government Departments –  
Posts occupied on acting or temporary basis –  
Supplementary question**

**Mr Speaker:** The Hon. Edwin Reyes.

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

1900 It is a small, pedantic thing, but in case one adds up all the posts that are being acted for, the Chief Minister, in the schedule referring to the answer to Question 111, if one looks six and seven lines from the bottom in respect of the Customs department, the post of Collector of Customs seems to be recorded twice as being acted for by Assistant Collector of Customs. It is either a typographical error or there are indeed two Assistant Collectors of Customs who are taking it in turns to act for the Collector of Customs. A clarification on that would help us to make sure we  
1905 have the right total when we have the whole number of posts.

**Hon. Chief Minister:** Mr Speaker, I think that post has now been filled. It was being acted for by somebody who was temporarily promoted and that person who was temporarily promoted was away on leave, I understand. That is why you see the numbers do not always tally, because  
1910 there are different moments when you can have two people, in effect, acting in a post.

**Mr Speaker:** Is the Chief Minister going to ...?

1915 **Hon. Chief Minister:** Mr Speaker, the timetable published for today seeks to provide an element of accuracy and sets out that I would answer questions at three o'clock and the Hon. the Minister for Financial Stability would answer questions at six o'clock. Given the number of questions I had, I thought we would have been finished in good time to enjoy a convivial cup of tea. In fact, we have four minutes to enjoy a convivial cup of tea. But given that people will be watching now, I am quite happy – understanding that whilst the rest of us have been able to come  
1920 in and out, you have not – to propose that we should adjourn for 15 minutes and that the Minister for Financial Stability should start answering questions at 6.15.

**Mr Speaker:** The House will now recess until 6.15.

*The House recessed at 5.57 p.m. and resumed at 6.17 p.m.*

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

**Q90/2023  
2022 Census –  
Entity engaged and cost**

**Clerk:** We continue with Answers to Questions.

1925 **Question 90/2023.** The Hon. Ms M D Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** What entity outside of the Civil Service's Statistics Department was engaged to carry out the 2022 Census, and at what cost to the taxpayer?

1930 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

**Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, to my knowledge, there has been no entity outside the Statistics Department engaged to carry out the Census.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I was under the impression that a company had been engaged to carry out this project, but in any case, can the Minister tell us when the results of the Census are expected to be published?

1940 **Hon. Sir J J Bossano:** I am not sure that it follows from whether there was a company or not. I will find out the answer to that question, but it does not follow logically from whether there was a company or not.

1945 **Mr Speaker:** No, it does not.

**Q61-62/2023  
Public finances –  
Update**

**Q63-66/2023  
Loan notes –  
GSBA Ltd, Gibraltar Community Projects Ltd, Community Supplies and Services Ltd**

**Q67/2023  
GSBA Ltd –  
Use of £40 million loan from GSB**

**Q68 and Q70/2023  
Gibraltar Community Projects Ltd –  
Reason for lending to Community Supplies and Services Ltd at 4%;  
whether only borrowing from GSBA Ltd**

**Q69/2023**

**GSBA Ltd, Gibraltar Community Projects Ltd, Community Supplies and Services Ltd,  
Gibraltar Community Initiatives Ltd and Wonderworks Media Ltd –  
Appointed auditor**

**Q71/2023**

**GSB debentures –  
Whether new issues stopped**

**Q72-76/2023**

**Prefabricated modular units –  
Number shipped to Gibraltar on the *Great Faith*; cost;  
whether paid for in advance of shipment;  
whether for sole use at Rooke development and expected number of units per floor;  
warranties obtained**

**Clerk:** Question 61/2023. The Hon. R M Clinton.

**Hon. R M Clinton:** Thank you.

1950 Mr Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date, being 1st December 2022?

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

1955

**Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this question with Questions 62 to 76.

**Clerk:** Question 62/2023. The Hon. R M Clinton.

1960

**Hon. R M Clinton:** Mr Speaker, can the Government advise the balance on the General Sinking fund on the following date, being 1st December 2022?

**Clerk:** Question 63/2023. The Hon. R M Clinton.

1965

**Hon. R M Clinton:** Mr Speaker, can the Government advise the total value of loan notes purchased by GSBA Ltd from Gibraltar Community Projects Ltd, including term and interest rate?

**Clerk:** Question 64/2023. The Hon. R M Clinton.

1970

**Hon. R M Clinton:** Can the Government provide a copy of the loan notes and term sheets for the loan notes purchased by GSBA Ltd from Gibraltar Community Projects Ltd?

**Clerk:** Question 65/2023. The Hon. R M Clinton.

1975

**Hon. R M Clinton:** Can the Government provide a copy of the loan notes and term sheets for the loan notes purchased by Gibraltar Community Projects Ltd from Community Supplies and Services Ltd?

1980

**Clerk:** Question 66/2023. The Hon. R M Clinton.

**Hon. R M Clinton:** Can the Government advise how does it expect Community Supplies and Services to be able to repay the three-year loan notes issued for the construction of the Rooke Nursing Home?

1985

**Clerk:** Question 67/2023. The Hon. R M Clinton.

**Hon. R M Clinton:** Can the Government advise how GSBA Ltd has used the £40 million borrowed from the Gibraltar Savings Bank for five years at a rate of 6%?

1990

**Clerk:** Question 68/2023. The Hon. R M Clinton.

**Hon. R M Clinton:** Can the Government advise why Gibraltar Community Projects Ltd is lending money to Community Supplies and Services Ltd at 4% whereas the cost of borrowing from the Savings Bank by GSBA Ltd is 6%?

1995

**Clerk:** Question 69/2023. The Hon. R M Clinton.

**Hon. R M Clinton:** Can the Government advise who is the appointed auditor for each of the following companies: GSBA Ltd, Gibraltar Community Projects Ltd, Community Supplies and Services Ltd, Gibraltar Community Initiatives Ltd, Wonderworks Media Ltd?

2000

**Clerk:** Question 70/2023. The Hon. R M Clinton.

**Hon. R M Clinton:** Can the Government confirm that Gibraltar Community Projects Ltd is borrowing only from GSBA Ltd?

2005

**Clerk:** Question 71/2023. The Hon. R M Clinton.

**Hon. R M Clinton:** Can the Government advise whether the early redemption discretions for new issues of Gibraltar Savings Bank debentures have been stopped?

2010

**Clerk:** Question 72/2023. The Hon. R M Clinton.

**Hon. R M Clinton:** Can the Government advise, further to its Press Release 7/2023, exactly how many prefabricated modular units have been shipped to Gibraltar on the *Great Faith*?

2015

**Clerk:** Question 73/2023. The Hon. R M Clinton.

**Hon. R M Clinton:** Can the Government advise the landed unit cost in sterling and total cost of the prefabricated modular units shipped to Gibraltar on the *Great Faith*?

2020

**Clerk:** Question 74/2023. The Hon. R M Clinton.

**Hon. R M Clinton:** Can the Government advise if the total cost of the prefabricated modular units has been paid in advance of shipment?

2025

**Clerk:** Question 75/2023. The Hon. R M Clinton.

**Hon. R M Clinton:** Can the Government advise if the prefabricated modular units that were shipped on the *Great Faith* are entirely for use on the Rooke Nursing Home site, and what is the expected configuration/use of units per floor?

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**Clerk:** Question 76/2023. The Hon. R M Clinton.

2035

**Hon. R M Clinton:** Can the Government advise what warranties have been obtained and by whom in respect of the prefabricated modular units for defects and for what period?

2040 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

**Hon. Sir J J Bossano:** Mr Speaker, the gross public debt, the aggregate debt after the application of the Sinking Fund to gross debt and the cash reserves and net debt figures were, on 1st December 2022: gross public debt, £872.7 million; aggregate debt, £845.3 million; cash reserves, £80.9 million; and net debt, £764.4 million.

The balance of the General Sinking Fund on 1st December 2022 stood at £27.4 million.

GSBA has not purchased any loan notes from Gibraltar Community Projects.

The Government will not provide copies of the documentation of government companies' commercial transactions.

2050 The repayment of the loan notes by Community Supplies and Services will be from the cash it will have by the time the maturity dates of the loans are reached.

Of the £40 million raised by GSBA through the sale of loan notes to the Gibraltar Savings Bank, some has been invested in the purchase of real estate, some has been used to invest in loan notes from government companies and some is still in cash.

2055 The cost of borrowing from the Savings Bank by GSBA is not linked to the arrangements between Gibraltar Community Projects Ltd and Community Supplies and Services Ltd.

The auditor of the two Government companies is PwC. The selection of an auditor by private companies is a matter for those companies.

Gibraltar Community Projects loan notes can be held by any government company.

2060 No early redemption discretions in respect of Gibraltar Savings Bank debentures have been stopped.

I am informed that the vessel *Great Faith* has transported 226 prefabricated modular units.

The costs of the different stages of the elderly residential home at Rooke are a matter for the developer of the project.

2065 The prefabricated modular units for the Rooke site have been paid for as agreed between the suppliers and the purchasers of the unit.

As far as the Government is aware, all the modular units are needed for the Rooke project, which is not intended to be a nursing home. The configuration in the layout of the modular units is a matter for the developer and the construction company and will become evident once the modules start being installed in a week's time.

2070 The guarantees that may have been obtained by the developer in respect of the Rooke development is a matter that will have been agreed between the developer and the supplier on terms that are standard for this type of construction.

2075 **Hon. R M Clinton:** Mr Speaker, you will appreciate that there are 15 questions in there and it may take me a little while to work my way through them.

If I may start perhaps with the easiest one, in respect of Question 62 it would appear the Sinking Fund has increased by £1 million compared to the Minister's answer from last month. I would be grateful if he would give me an indication of what that £1 million represents.

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**Hon. Sir J J Bossano:** Mr Speaker, the £1 million is a result of the sale of government property to GSBA, which the legislation allows can be credited to the Sinking Fund rather than to the Consolidated Fund. It is something that I have initiated because, in the provision we make in the Consolidated Fund estimates for the year, since the interest rates are now higher than they were, there would be very little scope for adding to the Sinking Fund; so for the future movement of

2085

assets where the money is being placed in the Sinking Fund rather than in the Consolidated Fund, so that we are able to continue the Sinking Fund growth.

2090 **Hon. R M Clinton:** I am grateful to the Minister for that explanation. How do you distinguish which properties go into the Sinking Fund in terms of sale proceeds and which do not? Is it only those that GSBA is engaged in? How is that determination made? Or does the Minister have a target amount each year that he wants to put into the Sinking Fund?

2095 **Hon. Sir J J Bossano:** We are able to increase it by the amount that it has been increasing by in the past years, at least. At the moment, it can apply to any sale of government property. The law provides that the sales of government property can be provided to the Sinking Fund instead of the Consolidated Fund, and that is what I am doing at the moment.

2100 **Hon. R M Clinton:** So that I understand the Minister correctly, basically there is no set formula as to how this will happen – if I am incorrect, by all means correct me.

In terms of the property the GSBA purchased from the Government, would he be able to identify that for us?

2105 **Hon. Sir J J Bossano:** In this case, the property is the one that we are planning to use for the elderly people's flats, where initially – as I explained, I think, to the hon. Member previously – GSBA purchases the original lease and then grants a sublease to the construction entity or the developer of the site. It is a site in Laguna estate.

2110 **Hon. R M Clinton:** Mr Speaker, in answer to Question 63, I believe the Minister answered no, in that GSBA Ltd has not purchased any loan notes from Community Projects Ltd, but if I my memory serves me well, I think in last month's session he indicated that Community Projects Ltd obtained its funding from GSBA Ltd, and I may have assumed incorrectly that he had been following the same formula as for Community Supplies and Services and was purchasing loan notes. So how is GSBA Ltd transferring money to Gibraltar Community Projects? Or rather, more simply, on what basis?

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**Hon. Sir J J Bossano:** GSBA buys the loan notes from other government companies and Community Projects buys loan notes from those companies that have the funding, but it does not do it directly. The origin of the money is GSBA.

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**Hon. R M Clinton:** Sorry, Mr Speaker, I thought I had understood the structure last month, in that there was a relationship between GSBA Ltd and Gibraltar Community Projects Ltd. I thought that was a direct relationship. Obviously it would appear that that assumption is incorrect.

2125 If the money is originating in GSBA Ltd and GSBA Ltd is purchasing loan notes from another government entity, could the Minister fill in the gap for us in the missing link between GSBA Ltd and Gibraltar Community Projects Ltd?

2130 **Hon. Sir J J Bossano:** *[Inaudible]* the hon. Member thinks there is a missing link. The money that eventually is received by Gibraltar Community Projects has originated in GSBA, but it is not necessarily all the money that has been obtained from GSBA by another government company. If there is £x in loan notes that have been bought by GSBA from one or more companies, there could be the whole of that amount that has gone, eventually, into Gibraltar Community Projects, or less than that. But in any event, whatever the amount is, whether it is the same or less, the origin is GSBA because GSBA is the one that buys assets, which can be either real estate ... As I have already told him in answer to the other question, the money is either in real estate or in loan notes from other companies, or in cash.

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2140 **Hon. R M Clinton:** Yes, I understand what the Minister is saying, but what I am trying to do is get a full picture of the structure. To simplify things rather than trying to ask a big question, I ask one simple question: from which government companies – I do not know if the Minister has the information available with him – is GSBA buying loan notes, and the amounts?

2145 **Hon. Sir J J Bossano:** The hon. Member has asked me how the £40 million is used. The £40 million is used in either buying bonds from companies, buying land assets which then get resold or subleased, or is kept in cash for when it is needed to do either one or the other. I am not prepared to give him more information than that because that, in effect, gives the picture of what is happening, but it can be any company that we choose to use.

2150 **Hon. R M Clinton:** But, Mr Speaker, a loan note – forgive me for perhaps going back to 101 on finance – would be for a specific period of time at a specific interest rate with specific terms on it. The Minister has just clarified that the GSBA buys loan notes from government companies. I just want to know which government companies have been issuing the loan notes that the GSBA is buying. And then, of course, my question that will arise from that eventually is which one of these companies is lending money to Community Projects?

2155 **Hon. Sir J J Bossano:** I have told him that there is no reason for one or the other specifically. There is a question and I have said GSBA is lending to companies, meaning any company we choose – all companies or one company, whatever we choose to do – and I have told him that Community Projects in turn can issue loan notes to any company. That is the mechanism. Which company it is and how much it is ... I am not prepared to give him more information on that.

**Hon. R M Clinton:** Mr Speaker, why on earth not?

2165 **Hon. Sir J J Bossano:** The level of information that I have already given him far exceeds anything that has ever been given in this House to anybody else. I think at the end of the day what the hon. Member wants is to be the 11th Member of Government and be told every detail of everything we do from the time we get to the office in the morning until we clock out. *(Interjection)* He is not going to get it from me.

2170 **Hon. R M Clinton:** Mr Speaker, I think the Chief Minister might regret that offer, but ... *(Interjection by Hon. Chief Minister)*

2175 With the greatest of respect to the Hon. Minister, what I am trying to do on this side of the House is not run Government, but just hold Government to account. That is my job, as I am sure he recognised in the past when he called me a one-man public accounts committee. All I am trying to understand is the mechanism and all the various links in this mechanism.

2180 I have a question later on saying if Community Supplies and Services is borrowing at 4% and GSBA's cost of funding is 6%, where is the difference coming from? That is just not financially sensible, so what I am trying to understand is if GSBA is borrowing at 6% and it is issuing loan notes to someone ... If they are actually lending money to some government company, can he at least tell me at what rate they are lending? Is he going to tell me it just depends on the day? Surely he will have to tell me that if GSBA is borrowing at 6% for five years, it must be lending at more than 6%, otherwise GSBA is making a loss or getting money from somewhere else. This is what I am trying to understand. I am trying to understand how this mechanism works, because it is not clear to me.

2185 **Hon. Sir J J Bossano:** In the answer to the other question he has referred to I have told him there is no connection between the two. GSBA does not borrow three-year money at 6%. He is saying if they borrow 10-year money at 6%, why do they lend three-year money at 4%? Well, because the rate that the Savings Bank pays on three-year money is 3%, so that is the cost of the

2190 money. But there is no link. There is a logic to the length of the repayment period and the interest rate, and if a company has recourse to the resources of the Savings Bank for investing in a development that is not going to take 10 years, why should they borrow 10-year money?

2195 **Hon. R M Clinton:** Mr Speaker, the Hon. Minister knows perfectly well that if the funding costs are 6%, it does not matter what period it is, you have to make more than 6%; otherwise you will de facto make a loss. All I am trying to understand are all the various links in the chain – which he does not seem to want to tell me – as to how this money is eventually spent.

2200 He has already said in this House that Community Supplies and Services gets its money from Community Projects, which gets its money, we now know, ultimately from GSBA, which we know is a subsidiary of the Savings Bank, which we know has borrowed £40 million from the Savings Bank. All I am trying to understand is exactly how all this flows down the chain. That is the simple question.

2205 What the Minister does not seem to be willing to tell me is that element of the chain between GSBA and Community Projects. That is the element I am trying to link up and I cannot understand why the Minister is so reluctant to give me that piece of information. If he tells me, 'I have Gibraltar Government company X that has bought today' – he could argue that I have not given him a point in time, but you could choose a point in time – '£10 million of loan notes that they have issued to GSBA for a period of three years and they are paying x% per cent, and then they, in turn, are issuing loan notes to Community Supplies and Services for £x, or Community Projects,' and carry on down that ... I can understand the flow. That is all I am after.

2210 If he does not want to tell me now, I will ask specific questions of the links and then he can perhaps give me the answer then, but it would be a waste of this House's time if I have to come back and ask the same question.

2215 **Hon. Sir J J Bossano:** The question that the hon. Member puts ... The answer that I get leads to a whole range of other questions. It does not matter how much I give him, he has an insatiable appetite and therefore there is a point at which I am not prepared to give him more information beyond what I have given him.

2220 The money is in the Savings Bank. The money from the Savings Bank is invested in bonds or loan notes issued by GSBA. GSBA, in turn, issues loan notes to a number of other companies and one or more of those companies issues loan notes to Gibraltar Community Projects. That is not enough. He wants to know the date, the time, the amount, the rate. Well, he is not going to get any more detail. That is all I am telling him, okay?

2225 **Hon. R M Clinton:** Mr Speaker, Gibraltar Community Projects Ltd is ultimately owned by the Gibraltar Development Corporation. The Minister can confirm that or not by one entity and then another entity above it, and ultimately it is the GDC. It is a government company. Is the Minister telling me that he would refuse to answer a question in this House as to what loan notes Gibraltar Community Projects has issued and to whom?

2230 **Hon. Sir J J Bossano:** To whom – presumably so that people outside think we are giving money to outsiders. He knows to whom: ultimately, to building homes for our people; ultimately, to building a stadium for Gibraltar; ultimately, that is where the money is finishing up. But that is not enough for him. He needs to have a trail through the jungle – to get to where? To see if there is something that he can criticise the Government for. Well, criticise me for not providing the answer; it is faster.

2240 **Hon. R M Clinton:** Mr Speaker, with your indulgence, because I really did not want to get into this type of argument, but he has just described his own structure as a jungle, and that is what it has become: it has become a jungle. So basically I have a ... I am going to use this word, which he

will not like. We have a black hole between GSBA and Community Projects, and he is not willing to tell me what the link is. Is that his position?

2245 **Hon. Sir J J Bossano:** The position is that I am prepared to give a level of information, and beyond that I am not prepared ... The hon. Member has been asking since this arrived, and continues asking in every meeting, where every account is in the Government, in every company, and we tell him we do not ... And it does not happen anywhere. He knows where the Government starts with the money and he knows where the Government finishes. That is not enough. He has to be able to go through a trail to understand every bit. Well, look, understanding every bit is  
2250 something you need to do when you are in Government. In Opposition you are entitled to know how it is we are funding things, and we have told you how we are funding things. Why we put it in one company or another is not asking for information, it is asking for you to be given an explanation of how the Government proposes to do things in the way they think it is necessary or efficient to do it. We have this position again and again. He does not seem to know where to draw  
2255 the line.

**Hon. R M Clinton:** Mr Speaker, I accept that the Minister is not willing to give me any more information. I must say I am disappointed at the Minister because he normally is very helpful in this House in providing information. If that is his position, so be it, but I do not think it is a fair  
2260 position to adopt and I will make it clear in due course, when the time arises.

If I can move on to other – (*Interjection by Hon. K Azopardi*) Yes, certainly. Can I give way to ...?

**Hon. K Azopardi:** Mr Speaker, before my hon. colleague moves on, can I just ask the Hon. Minister ...? He has used this phrase ... Why does it have to be a jungle? As he has described it, the  
2265 money is going from the Savings Bank to companies, maybe different companies, then ultimately it may go through a trail – through the jungle, as he says – then ends up in community projects. Why does it have to be a jungle? What is the rationale of it being so complicated?

**Hon. Sir J J Bossano:** Mr Speaker, what I described as a jungle is the situation in which the hon.  
2270 Member finds himself. I am not in the jungle. I know exactly where the things are. They may be in the jungle, but I am not. He is behaving as if he was in a jungle and he wants me to take him by the hand and lead him through the jungle. Well, look, that is not my job and I do not think he is entitled to do that.

The hon. Member knows that the previous Government wisely invented a cash pool where all  
2275 the companies that were in surplus were netted against all the companies that were in deficit. That is something that is still there. This, we are doing as an alternative to the cash pool so that there is greater tracking of the money than there was before. I am doing it only because the money that moves from GSBA into another company is ultimately finishing outside the Government, albeit on projects that the Government is sponsoring as part of the National Economic Plan and  
2280 where the Government knows exactly where it is going because the actual deliverer of the construction is a government joint venture.

**Hon. K Azopardi:** I am not sure, with respect, that the hon. Member has answered the question. Apart from explaining that it is not a jungle to him ... I am trying to understand why. Is  
2285 there an economic case for it being a complex structure from company to company? What is the reason? Why can't it just go from the Savings Bank to Community Projects? Why do there have to be interposed companies? What is the reason for that?

**Hon. Sir J J Bossano:** Very simple: the money that goes initially from GSBA to another company  
2290 may be used by the other company for another purpose relevant to the company's activities other than community projects. It is not that there has to be a matching. When I told the hon. Member where the money came from, it was because the money will be coming ultimately from the

Savings Bank through GSBA, then it passes from GSBA to different companies that want to use money by raising loan notes from GSBA, and then some of those companies can, if they want ...  
2295 or if we think that a particular company in a particular location has more liquidity than another one, then we use the one that has more liquidity, depending on the point in time when the money is needed. The money that goes into Gibraltar Community Projects goes as a ... basically demand driven by the progress of projects, not for any other reason. The money that may be sitting in one company or another ultimately does not make any difference because it is the same as the cash  
2300 pool – except that it is not the cash pool, it is identified.

**Hon. K Azopardi:** And for me to be clear, who is making these decisions? When a company takes the money, then moves it to Community Projects indirectly, having received it from the Savings Bank, GSBA or whatever, who is making these decisions on the movements of the  
2305 moneys? Is the Minister ultimately taking these decisions?

**Hon. Sir J J Bossano:** By the need that the company may have in the activities of the company. All the companies have directors and the Treasury is responsible for all the movements.

**Hon. K Azopardi:** The Government is making the decisions?  
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**Hon. R M Clinton:** Mr Speaker, I at least take some comfort from the fact that the Minister has said that he is tracking this money more closely than perhaps he would other money that is in the cash pool, and that it is obviously all trackable through these loan notes which he has described  
2315 already.

Going to Question 64, in which I asked for a copy of the loan notes – and I guess this would also cover Question 65 – I think his answer was that he would not provide copies of these loan notes. I do not know why, because they cannot possibly be commercially sensitive since most of this is intragovernmental or intragovernmental company borrowing, but can he tell me who drafts these loan notes? Is there a law firm involved in drafting them?  
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**Hon. Sir J J Bossano:** To my knowledge, I am not paying anybody outside to draft loan notes. To my knowledge, it is just drafted internally. I do not know what complexity a note that is basically an IOU between one government-owned company and another government-owned company needs in drafting, but as far as I am aware, we do not pay anybody outside the Government to draft anything for this.  
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**Hon. R M Clinton:** So is the Minister effectively saying that these loan notes are drafted internally by Treasury?  
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**Hon. Sir J J Bossano:** Mr Speaker, I do not know how they governed, but when we are in government I do not say I want the name of the person who was drafting this or the person who was drafting that. We have processes that happen, thousands of processes, while you are in government, and there are people working, doing things, and I am sure that if we spent the level  
2335 of time in monitoring every movement of every civil servant like the hon. Member seems to want me to do, then the system would take even longer to deliver anything.

The answer is things have to be done, they get done. I do not ask who has done it or how have they done it. These people are employed to deliver something and they do it, the same people who would have drafted a loan note before. What I can tell him is that we have not gone outside  
2340 the Government to pay for somebody externally to draft a loan note, because if that had happened I would know that there was a cost.

**Hon. R M Clinton:** Mr Speaker, if I can move on to Question 66, which is in relation to how Community Supplies and Services is going to be able to repay the three-year loan note, I think, if I

2345 recall, his answer was cash it will have on maturity of the loan note. Can the Minister give us an idea of how he expects Community Supplies and Services to actually have the cash to pay in redemption?

2350 **Hon. Sir J J Bossano:** Community Supplies and Services is not giving the money away, it is investing it in assets which will ultimately be owned by people who want to invest in them, all of which I have explained to the hon. Member before. Ultimately, it does not mean, necessarily, that we are going to have to wait three years, because we would not put Community Supplies and Services in the position that they had to keep on paying interest if the money was no longer required. The three-year term is because we do not expect projects to take that much longer. The construction projects, in the main, are things that should take less than three years, and therefore 2355 three years is the maximum, but if the project is completed before and there is a transaction that they receive money before, then they will probably come back and say, 'We want an early repayment, to stop having to pay interest.' But ultimately what they will have, I have no doubt, is the cash to pay if that does not happen.

2360 **Hon. R M Clinton:** The Minister talked about investors once the project is completed. So just to be clear, is it the Minister's plan basically that the entire site would be sold as a single unit to an investor or group of investors? Is that what the plan is, to realise the asset, as he describes it, in order to repay the loan notes? Is that the overall thinking?

2365 **Hon. Sir J J Bossano:** The Rooke will be sold as one, yes, but obviously in Laguna it will be individuals buying the apartments, and the cash will come back very quickly because the people who are expressing an interest are already property owners who will sell for more than they are going to be buying.

2370 **Hon. R M Clinton:** Again, I apologise to you, Mr Speaker, because this is a complex process of understanding.

We anticipate that within three years we will have an asset that is saleable to an investor or group of investors. I just have two questions. One, which I do not think I have had the answer to, 2375 or may not have asked as part of the questions I have asked before, is what is the actual maturity date of that three-year loan note? And does he have an investor or group of investors that have already expressed an interest in purchasing the Rooke site as a whole?

2380 **Hon. Sir J J Bossano:** To the second question, I have more than one.

The loan notes are not issued all at once. They draw on the loan notes as they need to pay for the ongoing work, so the loan notes are three years from the drawdown, not three years from a specific date.

2385 **Hon. R M Clinton:** Mr Speaker, the Minister has indicated that he may have two potential purchasers for the site as a whole. What is it that the investors would be buying? I know the architect's plan described it originally as a nursing home, and in his answer today he has said no, it is not a nursing home, so what would he call it and what is it that the investors would be getting in terms of an income or yield on the project?

2390 **Hon. Sir J J Bossano:** The only thing that investors in property get is rent from the users of the property. I do not know of anything else that is done with property other than that.

**Hon. R M Clinton:** And finally on this particular question, Mr Speaker, does the Minister envisage having some kind of option agreement built into whatever arrangement he comes to 2395 with the investors in order to buy the facility at some future point in time?

**Hon. Sir J J Bossano:** I have no preconceived ideas. I am willing to listen to the people who are interested in buying and if I think what they are prepared to offer and the terms that they want are beneficial, then I will consider it; and if not, not. But at the end of the day, the importance is that the Rooke Home is going to be used for people who are on the waiting list for going to Mount Alvernia, and consequently what we are looking at is the ultimate cost to the Government of the facility. Clearly my involvement is in making sure that the cost to us, as potential users, is not excessive. I expect it to be less than we are paying now.

**Hon. R M Clinton:** Mr Speaker, following on from what the Minister has just said, it is not a nursing home, it is an old people's home – that would be the correct description of it? And is it the intention, as part of this project, for the Government to effectively guarantee a block leasing of units in the building, or will it be a mixture of external people that the Government will not provide accommodation to and they are doing it off their own bat, and a chunk of the building may be leased by the Government to make provision for our own community?

**Hon. Sir J J Bossano:** At this point, what I am thinking is the cost per bed. So we would take the number of beds we need. What we have is priority. If we have the demand to take everything, then there will not be anything available to anybody else because at the end of the day it depends on, once the thing is finished and people see it, how many people want to go there.

The hon. Member must understand that everything we are doing ... He is asking questions all about what will happen in the future, and what will happen in the future is not one single path with one single option. It depends on the people we are dealing with, it depends on the money they put in, it depends on how many people want to be there.

**Hon. R M Clinton:** And just a quick question on the building itself in this respect. These are all one bedroom, bathroom ...? What is the internal configuration, just so I understand, when it comes to the investors, what it is they are buying?

**Hon. Sir J J Bossano:** I have not been able to see yet the finished product, but my understanding is that the rooms are big enough to be double rooms or single rooms. They are all the same size, but I think one floor could be for married couples and the rest for single people. It has a kitchen on every floor and a dining area, and a bigger kitchen and a restaurant at the top, and there is a shower and all the accessories you need for people with disabilities in these rooms. And each one has a balcony.

**Hon. R M Clinton:** So just by way of comparison, this is the layout of the standard Calpe House type room, where you have an ensuite bathroom/toilet and a main room which may have some other facilities, but that is about it – the bed and ensuite. Is that correct?

**Hon. Sir J J Bossano:** Not quite, because Calpe House was something that we bought where the structure was there already and we adapted it. This has been designed for this purpose. It has been designed as a place that is going to be a home for people with disabilities because of their age, who are incapable of keeping themselves in their own homes. In some cases, the Government is having to provide quite a lot of support in their houses. Gibraltar, like everyone else in Europe, is facing an increasing ratio of people with dementia. The people on the waiting list ... There are something like 68 who are between 95 and 100. There are a lot of us living a long time, as I intend to do, so eventually there will be a place for me in the home as well, but not just yet!

**Hon. R M Clinton:** So the waiting list we are talking about is the waiting list for Mount Alvernia – is that right?

2450 **Hon. Sir J J Bossano:** Mr Speaker, it will relieve the pressure on Mount Alvernia and the pressure on the GHA, which has a ward with people who really cannot be discharged to go back to their homes and cannot be discharged because Mount Alvernia has not got, at the moment, the capacity to take them.

2455 **Hon. R M Clinton:** And what, in real terms, is the difference between Mount Alvernia, which I always thought was a nursing home, and Rooke? What would be the difference in facilities? Or is it just a question of what label we put on it, but effectively people will get the same service?

2460 **Hon. Sir J J Bossano:** Mount Alvernia did not start as a nursing home, it started as a residential facility for elderly people, but I think as people have got older ... The movement of people in and out of Mount Alvernia in the old days, when people did not live so long, was much quicker. Now what happens is that people actually age in Mount Alvernia and really they get to the stage where they need medical treatment, and therefore in Mount Alvernia we have a level of medical treatment that is not too distant from what a hospital is.

2465 This is not what this is going to do. This is not going to be replacing the responsibilities of the GHA to provide medical treatment, so I am investigating whether ... Once it is finished, I am getting somebody from the UK to come out and advise me – free of charge, from a company that is a close friend of ours and has 25 homes in the UK – whether the layout and the facilities we have here would be suitable for having, say, one floor for dementia if we found that we were having problems in adequately fitting the number of cases we have in the facilities we have.

2470 At the end of the day, we need to be clear about one thing: this is only the beginning of what we need to do. The reality of it is that we can expect to have ever-increasing numbers of people over the age of 70 in Gibraltar, as in every other developed country in Europe, and sooner or later, however fit they may be, they will get to a point where they really cannot cope on their own – and that is what this is intended to be.

2475 **Mr Speaker:** The Leader of the Opposition.

2480 **Hon. K Azopardi:** Can I ask on this issue, before my hon. colleague moves on again ...? I had understood, actually, that in due course, once this is built, everyone in Mount Alvernia will be offered a transfer to this new facility, but of course, what would make it attractive is not only that this is a new-build in the centre of town – I suppose that would be a plus – but that in practice it would offer all the services that Mount Alvernia is offering to the current residents, including whatever access to nursing care they have. Is the hon. Member, in effect, saying it is not going to be like that? And if that is the case, well then does he not agree that it will, therefore, impact on people's attitudes to a transfer?

2485 **Hon. Sir J J Bossano:** It was there for many years without being structured the way it is now, and giving very good service to people. At the end of the day, having two or three doctors in Mount Alvernia, where there are 140 people, is a ratio of doctors to patients which does not exist anywhere in the world. This place is very near the Hospital and it will have a room as a clinic for doctors to see patients, so that they do not have to leave the building. It is certainly a better location than the location of Mount Alvernia.

2490 What we are doing is trying to meet need in a way that will be possible for us to finance the cost of the individuals, effectively. We believe that because the size is bigger and there are economies of scale, this will be the case. The need is there and it has to be met – we cannot escape it – but not everybody is in need of permanent nursing care 24 hours a day. That is not what this is going to be providing. This is not a nursing home, it is a residential home. The residential home is a stage in the process. What we have had in Mount Alvernia is a mixture, with people at different stages, and the people at the stage where they need most medical attention are there simply

because they have been there for a very long time, not because they went in like that. That is the difference.

**Hon. K Azopardi:** I understand that, but I have seen a slight transition. The hon. Member first explained how people will be approached, as they will be made an offer, but then I was also taken by a phrase that he was reported to have said to the *Chronicle*, that the new residential place will eventually replace Mount Alvernia. I am not sure if that is an accurate quote, but if it was accurate I am not sure I understand how you are going to get there, because however many people there are at Mount Alvernia right now, there will be some who do require certain nursing care because they are older. It is fine, Mount Alvernia has changed and all of that throughout the decades, but the reality is that those people will not be attracted to be transferred to somewhere where they are not going to get that more immediate, permanent staffing assistance that they have at Mount Alvernia.

And the other issue arises, I would have assumed – again, maybe I am making the wrong assumption because it is not in the plans of the Government, in their thinking, but I would have assumed that the attraction of a transfer would then also impact on staffing issues at Mount Alvernia, and then maybe some of those people would go into new employment at the new home. But again, that may not be something that the Government is thinking about.

**Hon. Sir J J Bossano:** It is all speculative and in the future, but we may well find that we need to increase the capacity for people with dementia. That is a possibility and we may have to do a new centre. But certainly the Mount Alvernia building is increasingly unfit for purpose and would cost more money to put right than a new building would cost.

**Hon. R M Clinton:** Mr Speaker, I move on now to Question 69. I think, if I heard the Minister correctly, he said the auditor for the government companies is PwC, and I would identify those – and if I am wrong, the Minister, I am sure, will correct me – as GSBA Ltd and Gibraltar Community Projects Ltd. If the other three entities, which I think he said was a matter for the companies and the directors ... Given that these are effectively the building blocks for his National Economic Plan, would he obviously not have an interest that they are audited and would he not know, or at least can he tell us if he knows, whether there is an auditor appointed? And presumably he must know who they are.

**Hon. Sir J J Bossano:** Mr Speaker, if I was interested, it still would not be my responsibility to say who they are to him or anybody else. I am not answerable for whether they have or they have not, or who they choose or do not choose. But in any event, my understanding is that you do not need an auditor if your profits are under £1.25 million. These people are a long way from that figure, so I do not know what he thinks ...

We are in the process of starting something and the hon. Member puts questions that may be relevant sometime in the future – not when something has been going for two weeks, I would have thought.

**Hon. R M Clinton:** Mr Speaker, I would have thought the Hon. Minister was hoping for more than £1 million profit in the short term from these entities.

The problem is that we are dealing with this chameleon-type entity where it is obviously in the National Economic Plan and we all know it is in the National Economic Plan, but then anything to do with the actual mechanics, the nuts and bolts, the mechanism, whatever – no, it is nothing to do with the Government. The dilemma we have on this side of the House is that the Minister has created the structure under a registered charity and then disclaims any responsibility for it. He cannot have it both ways, Mr Speaker. Either it is in his National Economic Plan, for which he has full responsibility, including the structure, or it is not.



**Hon. Sir J J Bossano:** I can have it both ways, Mr Speaker. If I have an obligation to produce more housing for elderly people, which the National Economic Plan does, I do it in the way that is most effective, given my other responsibility for restoring financial stability, which I think is a very reasonable thing to do.

2555 If we did what they did, for example, when they were in government and they got an outside person to run the £1.2 billion programme that there was in 2010, because of its expertise and because in the private sector people charge the Government more than they charge private entities, then it would never have occurred to us to want to know every single transaction between the Government and that individual. And we never did. We accepted the rationale of the  
2560 policy of the Government, and that is it. That is what they did. They did things how they thought was the best way to do them, and I am doing things in the best way to do them. Clearly, if we had not found ourselves with the results of COVID and the results of the drop in revenue that has come after COVID, we might have done it differently, and probably finished up spending more money given the position of the previous administration – which is probably true – than ... If the  
2565 Government is the client, the money goes up, the cost goes up. We found a way, that I have devised, which ensures that I am able to deliver the goods by outsourcing the work, which is not something new because every time the Government builds an estate ... There are lots of companies involved in building an estate, but there is no question of when did you pay them, what did you pay them, how many invoices, how many people do they employ? It does not work like  
2570 that.

We have a responsibility to try to deliver what we set out to do, two years late. We are doing it in the way we think is most beneficial for Gibraltar because we think it will minimise the direct cost to the Government. We are confident – I am confident – that the results will justify the way we are doing it, and I think when the Members opposite see the results they will have to agree that it is.  
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**Hon. R M Clinton:** Mr Speaker, I just want to finish off on this particular question as to auditors. Can the Minister at least confirm to the House that he expects auditors to be appointed for any entity within his National Economic Plan?

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**Hon. Sir J J Bossano:** No, Mr Speaker, I cannot say that because I have just told him ... These companies are charities, and the charities that are going to be involved ... Gibraltar Community Initiatives is there because we had a need to do something and there was no other way of doing it with the Government and no other way of doing it with the private sector. Then we found a new  
2585 vehicle to do it, and that new vehicle will comply with whatever the laws of Gibraltar require – not because I tell them, but because they have a legal obligation to do it. So if they have to have an auditor, I am sure they will have an auditor. Why on earth should they not want to have an auditor if they need to have one? Why should I expect them to have one? Well, I am not qualified to decide that if their turnover is a couple of thousand pounds a year, they have to have an auditor.  
2590 My understanding is that there is a threshold, which in fact the professionals in audit have asked the Government to raise, so that there is less work for the auditors with very small companies. At the moment, they are very small. How much bigger they will get I do not know, but I do not expect them to become multinationals.

2595 **Hon. R M Clinton:** Mr Speaker, if I can just finish off on this, at the end of the day it is a creature of his creation which we will credit him for having created, but it is his creation and whether it has an audit or not it is not a question of simply complying with the law. At the end of the day, he can determine and the companies can determine the whole structure. He can design it. He is the designer, the creator of this structure. He can say 'I want an auditor' tomorrow. He does not have  
2600 to wait for the legal threshold to be triggered.

I would have thought, given that he is responsible for the Savings Bank and given that all the Savings Bank money is flowing through this entity, he would want to have at least that assurance,

even at the very beginning, that everything is as it should be, because at the end of the day it is not his money. The money belongs to the savers of the Savings Bank and therefore I think it is entirely reasonable that he would be extra cautious, as he has already demonstrated he is trying to be by tracking every penny all the way down the chain. And yet when it comes to the appointment of auditors, he just says, 'Nothing to do with me, it is up to the companies.'

That is the only point I want to make, Mr Speaker, and if he does want to accept that point, I will leave it there and move to the next question.

**Hon. Sir J J Bossano:** It is not that it has nothing to do with me, it is that if I decided to do it, I would not have to tell him because it is nothing to do with him. That is the point. He cannot say to me that I have to give information about what I do or do not do in relation to what I say to a private entity, because he is asking me questions in this House about things that are in the public sector, and these are people who are contractors.

Maybe if he had been advising the previous Government they would not have found themselves losing lots of money with lots of companies that disappeared over the horizon. These people are not going to disappear over the horizon. They are here and they are doing something as a commitment to Gibraltar. These are not people who are lining their pockets. The situation is if they feel there is a need or I feel there is a need at any point in time that they should have an auditor, then I will consider discussing it with them, but I am not going to say to them, 'You must have an auditor', just so that some auditor gets more money and the thing cost us more money. No way.

**Hon. R M Clinton:** Mr Speaker, if I can move on then – I am obviously flogging a dead horse on that one. I think we have had an answer to Question 70 already. On Question 71, about the early redemption discretions, whether there have been any changes in government Savings Bank debentures, I think the answer was a simple no. Can the Minister confirm that those discretions – as I recall them, and my memory could be faulty and have to be corrected ... I think it is at the discretion of the Financial Secretary, the purchase of a government affordable 50-50 or perhaps the death of the holder of the debenture, in which they nominate somebody to receive the money. Those are the three conditions that still exist for the breakage of a debenture, which is of a term, yes?

**Hon. Sir J J Bossano:** Those are the three conditions that are standard, and of course somebody may come with a particular calamity that has affected them, which is not covered by those three, and then it is at the discretion of the Financial Secretary whether he says yes or no.

**Hon. R M Clinton:** And just to confirm that if that discretion is exercised – apart, perhaps, from death or even the purchase of government property – there will be some sort of a penalty applied.

**Hon. Sir J J Bossano:** If there is a penalty, depending on the nature of the ... I think it is possible ... For example, in the most recent debentures that were issued for pensioners, we actually allowed up to 25% to be withdrawn without penalty, so the person can withdraw 25% over the 10 years, and if he does not draw anything down in the first year he accumulates the percentage. So there, there is no involvement of the discretion. If somebody has done that, in that particular issue, normally there would not be a discretion to withdraw even more than that, because there is already a facility there.

**Hon. R M Clinton:** And the new pension debentures, do they still have that 25% withdrawal facility in them?

**Hon. Sir J J Bossano:** As far I am aware, there has been no change in that either, but it is limited to the 10-year debenture for pensioners.

2655 **Hon. R M Clinton:** Mr Speaker, I move on to Question 72. I believe the Minister said there were 226 units shipped to Gibraltar on the *Great Faith*. If I can combine this with Question 75, in terms of the use of the units and configuration, I was not quite clear as to whether they were all for the Rooke site. And in terms of the configuration, I think he said it was a matter for the developer, but if we were to take ... I think there are eight floors, maybe nine floors, but if there are eight floors, 2660 with 226 units that is 28 units a floor. Can the Minister enlighten me in any way as to what he thinks the layouts or the usage of these units will be? First of all, I guess the simple question is are all these 226 units going to be used at Rooke; and, if so, how many units per floor?

**Hon. Sir J J Bossano:** Mr Speaker, I do not have the information and I do not intend to ask them for the information, but I will invite the hon. Member to come to the Rooke and count them for himself when they are all there.

**Hon. R M Clinton:** Yes, I have had a look, but I shall wait.

In terms of Questions 73 and 74, the Minister, I think, replied, in terms of the costs, that it is a matter for the developer, and to whether they have been paid in advance I think the Minister said 2670 'paid for as agreed'. If I take the last question first, 'paid for as agreed', we know Community Supplies and Services has issued loan notes of about £22 million. What I am trying to establish is whether that £22 million will cover the cost of purchase of the modular units.

2675 **Hon. Sir J J Bossano:** This is a level of detail that the hon. Member wants me to obtain from a private entity that is delivering something which, at the end, is going to be bought by a private investor where the Government is going to be the user of some or all of the units. I do not go asking them these questions, and I do not think he is entitled to expect me to ask them.

2680 **Hon. R M Clinton:** Mr Speaker, with the greatest respect to the Minister, this is his National Economic Plan. I expect him to know every aspect of the project, including how many nuts and bolts have been used, because at the end of the day it all boils down to the cost on the bottom line. The fixtures and fittings, which I have not asked about, is probably something that the Minister has been intimately involved in because it all goes down to the final cost, which all goes 2685 down to the viability of the project and the cost to the Government as the ultimate user. I would have expected that at least he would have a little bit more visibility as to costs because that is what drives the economic viability of this kind of project and his ability to recover the money that the Savings Bank has put into this project in that obviously he wants to recover the money from potential investors.

2690 He keeps on saying it is a private entity on which I cannot ask questions, but it is his National Economic Plan and again I come back to the same conundrum, where it is in the National Economic Plan but I cannot ask questions about it. Does the Minister understand my frustration here?

**Hon. Sir J J Bossano:** Well, I do not want to forsake him – I am very fond of him – but he needs 2695 to understand that the Governments of Gibraltar over the years have used private contractors for lots of things, and the level of information that the hon. Member is seeking about the behaviour of those contractors has never been asked before. Nobody has asked how much did the foundations cost in Hassan Terraces and how much does a window cost and what is the layout of the room. You have a contractor, the contractor is given a brief and the brief is to deliver 2700 something. I am not the project manager of the operation. At the end of the day, it is something that is happening on the basis that I know what we want to finish up with, we are doing it in a way which I think is the most cost-effective way to do it, and we are doing it with entities that are not from outside of here. We are doing it with a joint venture, a construction company, and with people who are local people. These are not people who are going to disappear over the horizon, 2705 as has happened in the previous projects of the Government of Gibraltar in the last administration, where, regrettably, people left, and left a lot of debts from local suppliers. Perhaps if every inch

of every contract had been examined, that might not have happened, but then, unfortunately, he was not in that Government to do it.

2710 What he needs to understand is that the level of lack of confidence in the people who are there and the level to keep an eye on them is not heightened by what I am doing, it is lessened by what I am doing because we are not dealing with people who put in a contract price and then, as often happens in the construction industry, you are shown the specimen room the first time ... I remember many years ago when I was working in the construction industry, when I came back in 1972, in Varyl Begg, when the government contract surveyor came along to see how the walls  
2715 were plastered they were plastered with gypsum, which was quite expensive, and then when he went, the rest of the rooms were plastered with something else, which cost much less money. That happens in the industry, so even if you examine one room, they will fiddle you on the rest and there is nothing you can do about it because when it is all painted and finished, it all looks the same.

2720 Can that kind of thing be prevented? No. Is this kind of thing likely to happen with this? I think less so than with dealing with strangers, less so than with dealing with people from outside who are here today and gone tomorrow. So, if his concern is about the quality and the cost of the thing, then all I have to say to him is I am confident that he will find, when it is done, that the concern was unnecessary. If I accept that all he is expressing is concern, then I can tell him I am confident  
2725 that the concern is not required, that the degree of control that he says there should be is not required, and I am confident that I can demonstrate that to him. And these things are going to be finished by the summer, by the way, not in 20 years' time.

**Hon. R M Clinton:** Mr Speaker, I am grateful to hear that the Minister is so confident.

2730 I am moving on to the last question now, Question 76, in which I asked about the warranties and by whom, in terms of defects, and for what period. I believe the Minister said that guarantees would be agreed between the developer and supplier in some standard terms on this type of construction, or words to that effect.

2735 In the Minister's last contribution, he talked about nobody disappearing over the horizon, but he may have seen an article that appeared in *Construction News* in August 2021 where I think, according to the article, one of the entities within the group – I think it is China International Marine Containers, and I think that is the name that is plastered on the side of the containers that we see here in Gibraltar – ran into some alleged defects at hotels in England, and they subsequently, for whatever reason, decided to put the UK entity into liquidation. So I have a real  
2740 concern about defects. They obviously had problems in the UK with defects, or allegedly problems with defects. I think one particular complaint was settled, or they offered a settlement at £1.1 million. This is why I am asking about warranties on this project.

2745 It is a big project. It is costing, we know, at least £22 million. I would have thought that the Minister would have some kind of feel or some sort of idea of what kind of warranties ... because bear in mind that if he tries to sell this on to external investors, they will want the benefit of those warranties, especially since we are talking about modular construction. I am no expert on this particular methodology, but obviously it is all steel framed. How on earth do you maintain these units? What happens if unit number 10 in the middle of the structure suddenly develops a defect? How do you remedy that? And to what extent is the supplier of the module responsible? Or is it  
2750 the person who assembles it on site? Or is it GBIC? Or is it somebody else? I would like to know, first of all, are there any warranties that the Minister is aware of that the supplier of the modules has given the developer?

**Hon. Sir J J Bossano:** I know that there have been UK personnel in the factory supervising the  
2755 whole process, that every single joint and every single thing has double signatures, that it meets ISO things, that the guy involved has actually travelled with the units here to Gibraltar and is here supervising it and that the workers engaged in the erection are from the UK, a Manchester company, UK people who have been doing this in the UK. The assurances that I have been given I

2760 believe. I think they want the business and they want the relationship with us. They have gone, I think, to whatever lengths they need to, to give us comfort that they have been looking very carefully at everything. Apart from that, if there are pieces of paper in the contracts between them I do not know, but I know that we have been insisting from the beginning that it had to be UK standard and that even if it cost more we would not accept anything less and the UK had to guarantee that. Frankly, the advantage that we have is the relationship with the company in China, 2765 which has used its senior people to make sure ... The only problem, sometimes, with bringing things from Asia is that what you see when you go to buy it may not be what they put in the container, but they are not likely to do something like that if, in fact, their partner company is our partner as well, and therefore it is an in-house relationship which, the way it has been explained to me by the guy here who did it all, has been very thorough, checking almost everything.

2770 **Hon. R M Clinton:** This is my final supplementary, unless the Leader of the Opposition has anything, or anybody else wishes to ask anything.

In conclusion, I understand what the Minister is saying in terms of the efforts he has made to ensure that the product he receives here is a product that he desires, but can he tell the House 2775 one way or another is he aware or does he have no knowledge of whether any warranties have actually been obtained in the legal sense? Is that in his knowledge, or not?

**Hon. Sir J J Bossano:** I do not know.

2780 **Mr Speaker:** Next question.

**Q77-80/2023**

**Disability Benefit applications and appeals –  
Numbers determined since 1st July 2022; numbers outstanding;  
numbers successful and unsuccessful**

**Q81/2023**

**Vacancies in government-owned companies –  
Number at 22nd December 2022**

**Clerk:** Question 77/2023. The Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, how many applications for Disability Benefit or appeals from the refusal to provide Disability Benefit have been determined since 1st July 2022?

2785 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

**Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this question together with Questions 78 2790 to 81.

**Clerk:** Question 78/2023. The Hon. D A Feetham.

2795 **Hon. D A Feetham:** Mr Speaker, how many applications for Disability Benefit remain outstanding for (a) less than a year, (b) more than one, two or three years?

**Clerk:** Question 79/2023. The Hon. D A Feetham.

2800 **Hon. D A Feetham:** How many appeals against a decision to refuse Disability Benefit remain outstanding for less than one year, and how many remain outstanding for one, two or three years?

**Clerk:** Question 80/2023. The Hon. D A Feetham.

2805 **Hon. D A Feetham:** Mr Speaker, of those applications for Disability Benefit or appeals against a refusal to provide Disability Benefit that have been determined since 1st July 2022, how many have been successful and how many have been unsuccessful?

**Clerk:** Question 81/2023. The Hon. D A Feetham.

2810 **Hon. D A Feetham:** Following on from the answer to supplementary questions to Question 560/2022, can the Government now state how many jobs or positions within government-owned companies are vacant as at 22nd December 2022?

2815 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

**Hon. Sir J J Bossano:** Mr Speaker, since 1st July 2022 to date, 28 cases have been determined for Disability Benefit; of these, 16 were approved and 12 disallowed.

2820 Ninety eight applications for Disability Benefit remain outstanding; of these, 71 cases are less than one year and 27 cases are up to two years.

To date, 12 applications for Disability Benefit which were not approved and requested to be reconsidered, remain pending; of these, four cases are less than one year, six cases are for one year, one case is for two years and one case for three years.

2825 On the date mentioned in the question, there were no vacancies within government-owned companies.

2830 **Hon. D A Feetham:** Mr Speaker, I will have to take this in stages. In answer to Question 77 – I thought it was Question 77; certainly the first part of the answer was Question 77 – he said that 28 cases have been determined since 1st July 2022, 16 approved and 12 disallowed. That is a combination of answer to Question 77 and answer to Question 80. But can he tell me, of the 16 that were approved and the 12 that were disallowed, how many were first applications for Disability Benefit and how many were appeals? The hon. Gentleman will see that Question 80 splits it down between applications and appeals. I just want to know what the ratio is.

2835 **Hon. Sir J J Bossano:** I am told, Mr Speaker, that of the 28, five were applications requesting the decision to be reconsidered, and two were successful and three disallowed of the five.

2840 **Hon. D A Feetham:** Mr Speaker, in relation to Question 78, what he said was there are 98 applications that remain outstanding. I think when I asked this question before the summer recess, there were 149. He says less than a year, 71, and then over two years, 27. Do I have that last figure correct? So am I right in saying that, therefore, no applications for Disability Benefit remain outstanding for longer than two years?

2845 **Hon. Sir J J Bossano:** It would be a logical deduction from the information I have been provided with, yes.

**Hon. D A Feetham:** And does that include also cases where, for example, an application may have been made three years ago, which was refused, therefore determined, there is then an appeal and that appeal remains outstanding? In other words, that the total process is over two

2850 years? Can he confirm that when you take appeals into account, none have been outstanding, taking into account the whole process, for longer than two years?

**Hon. Sir J J Bossano:** I cannot confirm that, Mr Speaker, because the alternative interpretation is also possible from the information that I have been provided, and that is that they only count the time from the last time that something happens and not from the time before that, when an appeal was made and then it was rejected. It is quite possible that they are counting it from the last time that some action was taken. I do not know. I can find which of the two it is.

**Hon. D A Feetham:** I may come back to this next time round, to get a clearer picture, but can he confirm that he understands that when I have asked the question how many applications for Disability Benefit remain outstanding, obviously that is the original application for Disability Benefit – not the appeal, but the original application for Disability Benefit?

**Hon. Sir J J Bossano:** I would have read the question like that. I do not know necessarily that the person who wrote the answer interpreted it that way, but I will find out. I would agree with him that that would be the correct interpretation of what he has said.

**Hon. D A Feetham:** He said, in relation to Question 79, that there are 12 appeals outstanding – which seemed to me quite a low number, but that is the answer he has given me – four below a year, and then I think he said six between one and two years and one above – (*Interjection by Hon. Sir J J Bossano*) All right.

**Hon. Sir J J Bossano:** Yes, and then six cases are one year.

**Hon. D A Feetham:** Well, it must be above one year.

**Hon. Sir J J Bossano:** Well, no, that is not what I have been told. It could be that they are one year exactly and the others are one day less than a year. (*Interjection by Hon. D A Feetham*) And one case is for two years and one case for three. Obviously, I do not know the individuals or their names or anything, so I cannot tell him anything other than the numbers that have been provided by the Department.

**Hon. D A Feetham:** Yes, I think that is unlikely, given the question.

Let me ask this. We have one appeal that is at least outstanding for two years. Does he agree with me that that is a very long time for somebody to wait for an appeal to be determined?

**Hon. Sir J J Bossano:** I agree entirely that the whole thing takes a very long time, but the reality is that the volume that the Department deals with nowadays is not what it was 11 years ago when he was in government. There was a huge increase in cases of disability when the criteria were changed. Some of them may be very urgent, difficult cases, and some of them very superficial, but I think they are not dealt with in order of importance, shall we say, but rather chronologically. They tell me that you cannot rush the people who are doing this and they will not be told to hurry because they say they have a professional assessment to do and if they take time, well, that is it.

I do not really know what the answer is, because other than trying to find more doctors to do it and provide more resources, I cannot see ... As I have told him before, what worries me is when I look at this and when I look at what is happening with children needing support in classes, where the figure this year has been astronomical. Members will see, when they see in the Estimates the growth that there has been in the resources we have to provide, that if there is indeed a real increase in children having disabilities and in adults having disabilities beyond what was normal before, then we need to do something about investigating what is going on. It is not just simply saying do more, because it is a very worrying thing, if it is happening.

**Hon. D A Feetham:** I do not mean this as a criticism of the hon. Gentleman or anything like that, but I think the answer he has given me, which is dealt with in chronological order ... I am not sure that can be the case, given the fact that there is a case that is longer than two years and some of the other statistics that he has provided.

But let me just drill down, because my concern is to search for the reasons why some of these are taking longer. Does he know how many, for example, panels there are determining these applications? Is it one panel, is it two panels, is it three panels? Of course, that is then going to impact on how quickly these applications and these appeals are determined.

**Hon. Sir J J Bossano:** One panel. I do not know of more than one.

**Hon. D A Feetham:** From my own knowledge, I am not sure that can be ... If he does not have the answer ... I am not sure that can be the case, because of course there is one panel in the sense that it is the panel that advises the director, but the panel is composed of various doctors, and I think there has to be more than one panel because, for example, there may well be situations where there is a conflict and somebody else has to come in – for just a simple reason like that – and I think, from my own knowledge, there is more than one. There are more than three or four people. There is a pool of people who basically are then convened into a particular panel to advise on particular cases. But I will ask about that, unless he knows.

**Hon. Sir J J Bossano:** What I have been told is that there is a panel for adults and a panel for children. That does not mean that the panel is always the same people. They can be different people, but at any one time there is only one panel.

**Hon. D A Feetham:** It has been me that has confused you by asking the question as to how many panels. Does he know how many pools of doctors there are from which you convene a panel, and also how many doctors on each panel?

**Hon. Sir J J Bossano:** Three on each panel. I do not know what the pool is, but I will find out.

**Hon. D A Feetham:** And of the applications that remain outstanding ... Well, let's deal with Questions 77 and 78, arising from a supplementary answer that the hon. Gentleman has given me. Out of the 28 cases that have been determined, does he know how many were children and how many were adults?

**Hon. Sir J J Bossano:** I have just given the questions put as they are written to the Department, and that is the information they have given me.

**Hon. D A Feetham:** I presume, therefore, that he does not know, but please could he confirm whether he does not know, out of the ones that are outstanding, how many are adult and children?

The next supplementary is this. Seeing that there have been considerable delays in relation to this ... This is probably an issue where if you are affected, it affects you very personally, so of course you are going to do everything you can to contact your MP or somebody else to try to help you out, and because I have asked a lot of questions I probably get more people coming to see me about this than anything else. I accept these are small numbers in the context of the people who live in Gibraltar, but there have been delays and there are people who are waiting for a long time. Has he attempted at least to drill down as to the reasons for that? And has he attempted to convene a meeting with the director in order to see how the decisions can be speeded up?

**Hon. Sir J J Bossano:** No, I have not done that, but from what I have seen, the variety of definitions of disability seems to be very wide, both here and in the case of special learning needs.



The system that there was before was a straightforward thing because it was a list of medical conditions and either you had it or you did not have it, so the decision was clear cut. The system we have today is ... For example, should mental illness be a disability that gets a disability allowance? And if so, should every person who has a mental illness get it? Because the system has been made subjective ... Before, it was arbitrary. A condition entitled you to it and another condition did not entitle you to it. Now it is irrelevant, really, what the condition is. It is whether you are able to cope with your daily life. This is a very difficult thing to assess, in my view, and not everybody would agree with the assessment, because it is totally subjective. The person who is claiming it obviously thinks they cannot cope with their daily life. The person making the judgement – I do not know how they reach these decisions.

I think we need to maybe go back and analyse how we define the people who require help and get it to those people, because I think the ever-growing number is ... There really is no limit, in my view, to what you can say is causing you an inability to cope with the daily chores of your life, because there is no criterion laid down. The criterion is not what is the condition, the criterion is how are you managing the condition. So if you manage it reasonably well, you get no help. If you say, 'I cannot get out of bed,' they have to give you help. It is not a system that makes a lot of sense to me and I think maybe what we need to do is make sure that we are putting all the help in the place where it is needed, not having a system that is clogged up because the number of applicants keeps on growing every year. Therefore, how much, in terms of medical resources, do we ... if you keep on widening it? If somebody is depressed because they have had a quarrel with somebody, do they get Disability Allowance? And for how long? How do you judge when they are no longer depressed and now happy?

I think the system is problematic. I think it is a difficult system to get delivery of what is required. But it is not something that I have sat down with the director to discuss. I try to understand. From the explanations that have been given to me of the range of things that people claim are preventing them from leading normal lives, I would say half the population would fit the bill.

**Hon. D A Feetham:** But this is why I have been an advocate in this House for a number of years – probably more than four years now, asking questions about disability, about Disability Benefit – for there to be a statutory definition or a statutory test with defined criteria that then allow the panel to refer to the test, and people to then also know where they stand and essentially the criteria that they need to meet in order to qualify. What people out there, unfortunately the people who come to me, say is, 'I have a disability,' and I say to them, 'That is not enough because it is not the disability, it is the effect that it has on your daily life.'

Of course, you say how do you determine it, it is subjective. In a sense, that is always going to be a problem with any decision by any court, any tribunal, anything, because tribunals make decisions on the basis of evidence. You produce evidence – medical – of the disability and the effect that it has through a report from a doctor, and then the tribunal basically makes a decision. But if you have a statutory test with defined criteria, with the evidence that you might require – for example, a report – it makes it much more stringent but everybody knows where they stand, and the people who need it will get it, and the people who do not need it will not get it. I commend that to the Minister and I ask him whether he agrees with me in relation to that.

May I ask another supplementary? I have just two more, Mr Speaker. The other supplementary is the lady I wrote to you about who has a leg that has been amputated and several other conditions: has he been able to look at that? I am very keen to try to help that lady because she is going through a very difficult time.

**Hon. Sir J J Bossano:** Mr Speaker, I am not sure if that has been dealt with without going back and asking.

On the first one, I will think about the arguments he has put because I think they have merit.

**Hon. D A Feetham:** If he wants, I can help him with that. I do not think anybody outside ... I do not even know if those who administer it have actually thought about it in those terms. I have given it a lot of thought. If he wants me to help, I am perfectly prepared, pro bono ... I see him there looking at me with a suspicious face. This is not me angling for any legal work or anything like that. This is pro bono.

The final supplementary is I could not help but notice when he answered Question 81/2023, which asks how many jobs or positions within government-owned companies are vacant, he said there are no vacancies within government-owned companies. Of course, last time round when I asked how many vacancies are there in government-owned companies, he said to me government-owned companies do not have any vacancies, and then it produced an exchange. That is why I used the words 'jobs or positions'.

What I do not want is, if I may say so ... This has been a jovial exchange. I do not want any funny business in terms of returning to the original answer that he has given me, that there are no vacancies in the formulistic sense. I am asking whether there are any jobs or positions that are needed within those companies, that are going to be filled. I just use language – I know he understands me perfectly, but language that all of us would understand because I asked originally about vacancies and he has now returned with the answer 'vacancies'. So is he saying that there are no jobs or positions within government-owned companies that are vacant?

**Hon. Sir J J Bossano:** Mr Speaker, I am not trying to misunderstand what he is saying. I explained to him already that in a company, when somebody goes it does not necessarily leave a vacancy, position or anything else, because government companies are not government Departments that have a list of things and you say, 'How many vacancies are there?' and you ask because of what you see in the Book. There are a number of companies that have been shrinking now for quite a few years. What we are not going to do is go down the route of saying there has to be a fixed number of positions in a company if the company does not have the work available to require to replace somebody who goes.

At the moment, the companies are not recruiting anybody, have not opened any vacancies in the ETB and I do not know whether they will in the future, but on the 22nd certainly they were not doing it.

**Hon. D A Feetham:** There were no vacancies?

**Hon. Sir J J Bossano:** No vacancies that required filling.

**Hon. D A Feetham:** But no vacancies open in the ETB, yes?

**Hon. Sir J J Bossano:** Yes.

**Mr Speaker:** Next question.

#### Q82-83/2023

#### Rooke and Victoria Stadium developments – Number of government flats to be released; plans re hotel

**Clerk:** Question 82/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** How many Government flats will be released following the allocation of apartments at the Rooke residential development for the elderly?

3050 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

**Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** Mr Speaker, I will answer this together with Question 83.

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**Clerk:** Question 83/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Please state whether there is still an intention to build a hotel as part of the Victoria Stadium development.

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

**Hon. Sir J J Bossano:** Mr Speaker, as I explained in a recent interview with GBC, it is not possible to provide an accurate figure at this stage of the impact the Rooke residential development will have on releasing government rented housing because we do not know how many people will want to take it up and I do not think it is possible to know until the thing is finished and people see it.

On the question of the Victoria Stadium, as far as I am aware, there are no changes to the original design that was produced, which included the hotel development, but I can tell Members that there have been approaches to me by two different groups of people who are interested in the development and in providing the finance. In fact, I had a meeting yesterday with one group from the UK, where I said from my point of view the Government, as long as it meets what is required for the GFA and UEFA ... if somebody is interested in funding the whole thing, we will just pull out. If they want to fund part of it and they want us to stay, then we will stay in. We want it to happen, basically. If it has to happen with us providing 100% of the funding, then we will have people locally who are involved locally, interested in the project and advising what they think the project should contain in order to be viable from the point of view of paying for itself. If somebody comes from outside, they may have different ideas.

At the moment, we are getting ready to start on the project because we do not want to hold it up, but we still have an open mind as to how it is likely to finish up. I think the idea of the hotel is one that has logical attractions because of course if the people who come to watch the football in the place and they are coming from outside ... It is probably the only place where you can land at the Airport, walk across the runway, get into the hotel, wake up in the morning and watch the match, so it may have some attractions.

**Hon. D J Bossino:** Mr Speaker, if I can start with that last answer first, the reason why I am asking this question is because he did make a reference to various things that are going on, on that site – and that included a hotel – in a programme on GBC, but looking at the design and access ... I think he said in the answer also that it still features in the current plans, but in the design and access statement for outline planning permission as submitted by the GFA, there is no mention of a hotel. There are mentions of the apartments and commercial units, but absolutely no mention of the hotel. Does he know why that is the case? And should he correct the answer he has given me, or have I misunderstood?

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**Hon. Sir J J Bossano:** Remember that the people have been trying for a number of years to get this going. When they finally thought they were not going to get it and they would finish up with no stadium here and having to go forevermore to Portugal, they came to me to see if the Government could help. I told them, 'The Government cannot do it because we are having enough problems trying to pay for the things we need to pay for, so we cannot give you money, but we will look to see if there is something else we can do to get you the result that you want. We will

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incorporate your project in our National Economic Plan and sponsor it and give you the technical support and make funding available. Ultimately what we want is that it should happen, and we will make sure that it happens if we have to fund it, but only if it makes money. There is no question of subsidising it.'

In those conversations, the people who came to see me said they thought it would be a very attractive proposition to have a hotel in the complex, and therefore when I have talked to other people I think the idea of the hotel has always been seen as a positive thing, a multi-purpose thing that would have offices, accommodation, shopping centre, hotel. The more variation you can get, presumably the better the project is in terms of raising finance and making money.

**Hon. D J Bossino:** When he answered the question initially, he was talking about talking to different people and that he had had a meeting last night. When he is referring to 'the development', he is talking about the whole thing, not the hotel – is that correct? – and because he is speaking to various investors, some investors may think it is a good idea to have a hotel as part of the complex. Is that understanding correct?

**Hon. Sir J J Bossano:** With the people who have come to see me I have said we are not in this because it is particularly something we want to be doing, because otherwise we would have put it in the manifesto in the first place; this is something we are doing because we see a need and something has to be done about it, and we have decided to get involved on the basis that the product that we are financing will not be something that needs a subsidy from the Government. That is the criterion.

In terms of people wanting to come in, they only want to come in, obviously, if it makes money as well; they are not going to come in to lose money. Since there are different groups that have approached me, I have said to them, 'I think it is better if you discuss these things with the people in the GFA, who are going to be the ones who finish up with the stadium – we are doing this to help them – and then, depending on what you agree, we are prepared to look at different options from different people, and the one that makes most sense ...' Frankly, if somebody comes and takes over the whole thing and we are confident that it is going to happen, we will be quite happy to withdraw from the project and devote that money to doing something else, because there are lots of things that we intended to do and we have not done in the construction area.

So the answer is quite simple, really. At this stage, how it is going to finish up will depend on whether we are the only ones there or there are other parties, or whether we are not there at all. That could change the configuration, because if somebody comes along and says, 'I will do it, but only if it contains this because I am a professional property developer in the UK' – these people are from the UK – 'and I believe that this would bring more money than what you want to do,' I cannot argue against that because I do not have the knowledge to argue about what is the best property development – as long as we make sure that the people who come in do not then disappear, as has happened on many occasions with other projects that have never got off the ground. We want this to happen and it is important that it should happen in the timescale that we want, so that we have as little time as necessary with our players having to go outside. If it is something serious and the people there convince me that it is going to happen, that it is the best thing for football and the best thing for Gibraltar, then what I am saying today about its configuration may not be what materialises.

**Hon. D J Bossino:** I understand, Mr Speaker. Just so I have understood the position, is it the case that, as he has explained it, the Government, through the Savings Bank, which is part of the National Economic Plan, is providing the funding and it will hopefully reap the benefits as a result of this? The plans, as they currently stand ... Let's assume no developer comes forward that the hon. Member is happy will provide results. Is there some flexibility – talking about the hotel – within the current plan? Is it fair to assume that the plans as they are currently submitted by the GFA before the Planning Commission, which do not include a hotel ... and should there be no

3155 developers coming forward – other developers, other investors – that this project would not include a hotel? Or is there also flexibility there which the hon. Member would consider as, in effect, the prime investor in the project?

3160 **Hon. Sir J J Bossano:** My own view is that the hotel would add value and it is quite obvious that we do not have enough hotel beds at the moment. There are other people who have contacted me recently who are interested in coming in to invest – not in this, but in providing hotels and investing in the tourist infrastructure of Gibraltar. So it may be that if there are investors for hotels elsewhere, it may not matter too much if it is not here, but if that is not there, I would strongly argue that there is a need for the hotel, and I think it would do very well financially.

3165 **Mr Speaker:** Next question.

**Hon. D J Bossino:** No, Mr Speaker, please, I do not have any supplementaries on Question 83. I have asked three supplementaries on Question 84, which dealt with the hotel – sorry, Question 83, which has dealt with the hotel, but I have now got questions on Question 82.

3170 **Mr Speaker:** You may continue.

3175 **Hon. D J Bossino:** I am grateful. In relation to Question 82, which was how many government flats, he was not here, but we had a question and answer session with the Chief Minister in relation to that. I understand that it is, at this stage, not possible to have an empirical analysis of how many government flats will be released when the Rooke flats are made available and occupied, and there is an element of people making decisions as to how they want to proceed in their lives, but in terms of statistics, do I take it that we have ... I think it was 267 flats available at the Rooke development that is currently being constructed, and we have 300-odd applicants currently to Mount Alvernia, and there are 140, I think he said, residents in Mount Alvernia? Are those statistics correct?

3185 **Hon. Sir J J Bossano:** I think the list of people who supposedly wanted to go to Mount Alvernia is an exaggeration. I think the number is much less than that. Having asked for the list, there are people who are in their 50s. I think there has been, historically, a situation where, just like every 18-year-old puts his name down for the housing list so that eventually he goes up the list, every 55-year-old who came out of the Civil Service put his name down for Mount Alvernia, hoping he would get there eventually. So the list that I have been shown has people who are urgent cases, who may not be the people we can care for, depending on their medical condition, and then there is a list of the people who are between 90 and 101, some of whom are very fit, and they are likely to be the ones on that list, out of the 368. That is the kind of number that is most likely to be the people who would want to move now, although there may be people younger than 90 who may be less agile and less fit than the ones over 90. The list is divided into the urgent cases, the over-90 cases and the rest, and in the rest there are certainly some very young people who I would not expect to want to go there at this point but might want to be scoring points on waiting time to get there eventually.

3195 **Hon. D J Bossino:** And would he know, of the 368, how many are in government rental flats? It is possible that within that demographic there could be private dwellers.

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**Hon. Sir J J Bossano:** I do not have an exact figure, but from my recollection of the list they showed me, I think probably over 60% would be government tenants.

3205 **Hon. D J Bossino:** One final question. I think it is a very interesting statistic and I want to think about it a bit more, but because there is a number of 260-odd, I think it was, available units at

Rooke, assuming everybody says yes, the supply will not necessarily meet the demand, and then – it arises and it is relevant to the question – that will have a correlating effect in terms of the availability of government flats for rental. Would that understanding be correct from the figures that we have available?

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**Hon. Sir J J Bossano:** *[Inaudible]* meet the demand, from the figures that I have seen, because I think there are people who are not ready to move there yet – quite a big number of people, I think. But it all depends. Once they see the quality of the place, if they are there and they have been accepted as being on a waiting list, if they say they want to move and they leave a government house that can be rented to somebody else, we will not say no. If the actual usage for pensioners is low because people are not ready to move now but want to move some years down the road, then subject to the advice I get from the expert I am getting from the UK being positive, in terms that we can dedicate one of the floors to people with Alzheimer's or dementia so that we can have one floor where perhaps the manning levels and the skills mix is different, we will consider that.

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I do not know what the answer is going to be. The reality is that obviously we want the place to be occupied, but we want to occupy it for the best possible use. If the advice I get is that this is not suitable, then it is not going to happen because we are not going to force people into a place that is not suitable.

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**Mr Speaker:** Next question.

**Q84-89/2023**

**Victoria Stadium development –**

**Tender and construction commencement dates; financial feasibility plan;  
UEFA rules re number of seats; cost without residential and commercial development;  
determination and approval re extent of residential and commercial elements**

**Clerk:** Question 84/2023. The Hon. the Leader of the Opposition.

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**Hon. K Azopardi:** Mr Speaker, when is it expected that the construction of the new Victoria Stadium and adjoining residential/commercial complex will commence, and when will the contract for the works go out to tender?

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

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**Minister for Social Security, Economic Development, Enterprise, Telecommunications and the GSB (Hon. Sir J J Bossano):** I will answer this question with Questions 85 to 89, Mr Speaker.

**Clerk:** Question 85/2023. The Hon. the Leader of the Opposition.

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**Hon. K Azopardi:** Who has undertaken a financial feasibility plan for the projected new Victoria Stadium and has the Government or Savings Bank received a copy?

**Clerk:** Question 86/2023. The Hon. the Leader of the Opposition.

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**Hon. K Azopardi:** Has the Government been told by the GFA whether it is currently permissible under UEFA rules for the proposed new stadium to be of a smaller size than 8,000 seats?

**Clerk:** Question 87/2023. The Hon. the Leader of the Opposition.

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**Hon. K Azopardi:** Is the Government aware what the projected cost for building a 5,000-seater and/or 8,000-seater new football stadium would be without the proposed residential and commercial development?

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**Clerk:** Question 88/2023. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Has the Minister for the Savings Bank approved the extent of residential and/or commercial configurations of the proposed new Victoria Stadium project; and, if so, on what basis?

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**Clerk:** Question 89/2023. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Who is determining what the size of the residential or commercial parts of the proposed new Victoria Stadium should be and how many apartments should form part of the project?

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

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**Hon. Sir J J Bossano:** Mr Speaker, there is no start date identified yet for the construction of the stadium complex project, but preliminary site-clearing work should be starting later this month. At the same time, packages for different parts of the project are being considered and quotes may be invited once planning permission has been obtained.

Neither the Government nor the Savings Bank have been given a copy of a financial feasibility plan for the projected new Victoria Stadium.

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The Government has not been told by the GFA whether under UEFA rules it is permissible for the proposed stadium in the complex to be smaller than 8,000 seats.

As far as I know, there is no standard cost comparison between a 5,000 and an 8,000 spectator capacity stadium, but I have been given to understand that the difference is not very big in terms of cost.

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I am not involved in the operational details of the commercial configuration of the stadium complex and I am not qualified to make such a judgement on the extent of residential and commercial configurations, which would determine the profitability.

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**Hon. K Azopardi:** Mr Speaker, I will take these in turn in a minute, if I may, but let me just ask a broad question that strikes me, having heard all those answers, which in effect, I think, is that the Government has not seen the financial feasibility study – at least the Minister has not seen it and he is not involved in the configuration, he is not aware of the specific costs and he is not aware whether UEFA rules allow a smaller stadium. In the context of all that, given that backdrop of his lack of knowledge and lack of sight of the financial feasibility study, on what basis has he been able to come to a conclusion to allow funding of the project?

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**Hon. Sir J J Bossano:** The project is subject to the project happening because it is profitable and viable; otherwise it will not happen. I made that clear in answer to the previous questions. We have made an offer that will permit this to happen on the basis that the people involved are confident that they can deliver a project that will, in fact, meet all the questions that he is asking now, even though so far there is nothing concrete that is taking place.

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I have told the previous questioner that if there are a number of parties interested, what would be the final thing and the feasibility would be different. If we have somebody coming along with one suggestion on the configuration and one result on the feasibility, and somebody else, I have

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already said in that question that when we look at it we will then decide. If there are a variety of proposals and a variety of feasibility studies from different partners, from different people who want to get involved, we will pick the one that we think is best in Gibraltar's interest. If, indeed, it happens that somebody comes along and wants to take it out of our hands and do the whole thing, the answer is there will be no more questions to answer on this because we will not be needed.

**Hon. K Azopardi:** Yes, Mr Speaker, I understand it is all about the financial feasibility of the project, but that is precisely where I am going: he has not seen the financial feasibility study, if there is one.

The design and access statement that was filed by GFA National Stadium Ltd for the planning application sets out a fairly precise meterage of the shopping centre at 9000m, the residential area at 11,700m – it is quite precise – and commercial offices at 3,500m. Somebody must have designed this project and put it together. You would have thought that this would have had a financial feasibility study underpinning it to precisely decide whether it is profitable or not, one way or the other. The hon. Member is saying that he has not seen it, so I am trying to probe on what basis then he has given this project his backing.

**Hon. Sir J J Bossano:** I repeat what I said before so it might finally penetrate into the brain of the hon. Member opposite. I said, before he stood up, that there are a number of variable possibilities that may change the piece of paper he has in front of him: that we may not be involved at all, but that if we do get involved, as we are willing to get involved, it will be because we are satisfied that the thing is going to make money and not lose money and cause us to have to provide a subsidy. That is the state of play as we stand here today.

The problem with the hon. Member's questions is that the questions they put the moment something is announced are as if in the first 24 hours everything that is possible has already been worked out. It does not work like that. We are moving at a very fast speed, compared with what is the traditional time it takes for anything to happen in Gibraltar in this area. So he can expect results faster than, for example, what happened when the GSD announced the Sovereign Bay Eastside project, which went through several iterations and they were going to be investing millions in it and then none of it happened. I am not going down that road. I am not making claims of things that are not tight. When they are, I will share what I know with the hon. Member. At the moment, what I am telling him is what I have told the GFA: we are willing to come in and do this, provided we are satisfied that it will not be making a loss and that we will not be incurring a loss, because I am not going to be investing money from the Savings Bank in anything that loses money – it is as simple as that – in this project, or in any other one. These things will make money for the Savings Bank that is better than the return they get by having it in London, in equity, which gives us a measly ½%. In my view, it is better to use the savers' money to create assets in Gibraltar than to create assets somewhere else. Clearly, I am not going to put that money at risk, and therefore, if when the time comes we see that the viability we expect is not there, it will not happen.

Everybody involved who knows more about this than I do is confident that it can be done and that it will make money. I do not think they are all making it up in order to persuade me, because I will not be persuaded just by that. I will be persuaded when there is something more tangible being done. But at the moment, the fact that somebody comes out from the UK to meet me because they have heard of this and they think it is something worth investing into is an encouraging sign, I would have thought.

They have not got a feasibility study. They have not asked all the questions the hon. Member is asking. I had a meeting of an hour and a half yesterday with them in the Savings Bank because they wanted to know what the position of the Savings Bank was in terms of being the investor, and I said, 'The reality is that we are the investor by default in this and we want this to happen,



but if somebody comes in and wants to do the whole thing and wants us to get out, we will get out. If you want to come in and you would like to partner with us, then we will partner.'

3355 That is the answer I have given before. I cannot go beyond that, because that is the state of play now.

**Hon. K Azopardi:** Mr Speaker, I do not think I am normally particularly slow on the uptake, so it is not that he has to repeat things – (*Interjection*) yes – for brain-penetration purposes; it is that what he is saying sounds so strange given the catalogue of events we have all seen. After all, he is  
3360 now saying, on 19th January, that he has not seen the feasibility study, he is not involved in the configurations, and that they might not be involved at all, but if they are, it is going to make money. I say, 'On what basis does he think it is going to make money?' because he has not seen a financial feasibility study and he has not seen the numbers, but it did not stop him, three months ago, from donning the Gibraltar national shirt – which is the only shirt that he and I probably  
3365 share – and announcing it with great fanfare in the middle of the Victoria Stadium at half-time in the last match that Gibraltar played at home. Having donned the Gibraltar shirt and then gone on television to explain the project, he must have been satisfied then that the savers' money was going to be well used, but he is now saying, three months later, he has not even seen the financial feasibility study. That is what he is saying to people, and I find that strange. I accept, at face value,  
3370 that he is saying ... I am not suggesting he has seen it. I accept it, but I find it strange.

This is not the first GFA application. The GFA has made previous applications. In March 2020 it made a previous application for the construction of a stadium that did not have residential, commercial etc. At that stage, it was obvious that there was a financial feasibility study because the entity that prepared the design and access statement in March 2020 on their website says,  
3375 'We prepared a financial feasibility study for the stadium that did not include residential or commercial.' He is saying he made a decision as to savers' moneys without seeing the financial feasibility study. I find that incredible given the sequence of events.

In the context of all this, will he not ask for the financial feasibility study?

3380 **Hon. Sir J J Bossano:** Mr Speaker, in the 50 years I have been here I have done things that people thought were incredible on that side, and eventually they had to believe it because it happened, and I expect that this will be the case again.

I will not ask for something because he asks me to ask for it. I will ask for something if I think I need to ask for it. I have told him that I am more encouraged than ever if people come here looking  
3385 for the opportunity to invest in something than by having said, 'Give me the feasibility study.' I have not said they have not done a feasibility study, I have said I have not seen it and I have not asked for it. At the end of the day, I have gone to great lengths to explain to him that if there was any risk whatsoever it would not happen ... I am totally convinced that there is no danger of risk and therefore it will happen, but I could be mistaken. If I am mistaken, I will say I am mistaken and  
3390 we cannot do this because it is not possible to do it, but since I believe it is possible to do it, the feasibility study that will be done will depend, given there are a number of players, on which one eventually is going to be the partner or the person that delivers it, and if it is somebody that is doing the whole thing, then all his questions and all his worries and everything else evaporates because we will not be there.

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**Hon. K Azopardi:** And, of course, if that were the case, a lot of my worries would go away because I am worried about savers' moneys and the decision-making process.

The slight glimmer in what he has just said is that he might ask for the feasibility study. That is a good thing. I would have thought it would have been obvious. I appreciate we are different  
3400 people and we are going to react differently, but if someone approached me on this basis I would want to know how much is the stadium that the GFA itself sought to construct in March 2020 – which was about 5,000 people, not an 8,000-seater stadium – going to cost, how much is an 8,000-seater going to cost, and if I am going to recommend this to the Government, if I am going to

announce this decision, convince me that it is financially viable. I would have wanted to see the financial feasibility study, but I see the glimmer in what the hon. Member says.

Can I just ask: in relation to the specific question on the commencement of the works, which is Question 84, he says that quotes may be obtained for packages of the works, the clearing of the site may start and so on, but he also said, in the context of an answer to my colleague to my left, that obviously there was a keenness to get on with the project within the timescale. I think he alluded to a timescale, although he was not specific on the timescale. I am not sure whether in his discussions with the GFA a timescale has become evident, given that obviously this is a stadium that is being used all the time for football. So two questions rolled into one: has there been any kind of timescale indicated as to when this project should be done; and are these packages where quotes have been obtained going out to tender on these works?

**Hon. Sir J J Bossano:** Mr Speaker, the Savings Bank is involved in providing finance in the projects we do. We do not get involved from the Savings Bank or from the Ministry of Economic Development in telling people how they should do their jobs, so the people who are doing it, who are professionals, will decide what is the best way to do it in order to get the best result at the best price.

This is not a government tender that is going out. I do not know what is different between the Savings Bank and the Gibraltar International Bank in terms of funding projects, but I cannot imagine that the kind of questions I am being asked here would be asked of the bank by them. *(Interjection)* No, but it is state owned, therefore the position is that at this stage I have given the hon. Members opposite an update on what is happening, which may change what happens in the future but the commitment is a commitment that I gave, subject always to the fact that when we go down the road of financing it, or whoever else comes in goes down the road of financing it, it will only happen if it is viable – and I am convinced that it is viable. Have I seen a feasibility study that convinces me? No. I am convinced that this will work and I am convinced that it can make money.

**Hon. K Azopardi:** Mr Speaker, can I just ask about the cost of the stadium? The hon. Member I think said he does not have a specific cost for a 5,000-seater stadium or an 8,000-seater stadium, but he understands them not to be too different – or words to that effect, if I understood him correctly. Can I just probe on that? Is he saying that in the context of the decision-making process he did not ask the GFA what a 5,000-seater stadium and an 8,000-seater stadium cost? The reason I ask that question is simple in this sense: this is not the first application that the GFA have made to construct a stadium, this is the third. They made an application in 2018. The application in 2018 was for an 8,000-seater stadium. In 2020, they made a second one, this time for a smaller stadium. They say in the 2020 design and access statement, and I will read it to you:

An initial concept design with a stadium capacity of approximately 8,000 seats was submitted as part of a planning application in June 2018 and was granted outline permission in November 2018. However, since then, the GFA has taken advantage of the fact that category 4 conditions were amended by UEFA in April 2019 to allow smaller countries to reduce the capacity of their stadia. This has allowed the GFA to adapt the capacity and other design elements to Gibraltar's actual needs.

One would have thought, therefore, that it must have been relevant to the GFA because they filed a new application for a smaller stadium. So why would the Minister, when he engaged with the GFA, not ask them what the cost of the relevant stadium would be, whether it is 5,000 or 8,000? The GFA must have thought it was relevant because they filed a second application in March 2020.

**Hon. Sir J J Bossano:** The questions are hypothetical, not questions of fact. I am told that, in terms of the complex, the difference in the price of the stadium will not be significant. If you did not do the complex and you just did the stadium, then clearly the difference in price would be

3450 more significant. That is to say if you are doing a bigger thing, of which the football pitch is a part, the number of seats in the football pitch may make a difference to a football pitch with seats and nothing else. If you are doing something where perhaps, hypothetically speaking, 80% of the project has nothing to do with playing football, then the difference in the bit that is about playing football may not be significant in the overall cost. I think that perhaps explains why before it might  
3455 have had more of an impact on the cost and now it has less. I am told that the impact on the cost is not significant in the context of a complex. It might have been significant in the context of nothing else there, other than the stadium.

**Hon. K Azopardi:** But told by whom? He has not seen the financial feasibility study and he has  
3460 not seen our information. Told by whom that it would not be a significant cost? By the GFA or by somebody else?

**Hon. Sir J J Bossano:** Would the hon. Member like to know the day of the week and the hour of the day, or just the names of the people I talk to? He is asking for information, I give him  
3465 information. He then wants to know *who* told me that. Well, it was a guy I met having coffee in Main Street, okay?

**Hon. K Azopardi:** Mr Speaker, if that is true, fine, I accept it, but if that was a glib remark and he does not want to give me the information, it is relevant because I am trying to assess ...  
3470 Obviously the GFA thought it was relevant because they withdrew the application that they had filed in 2018 and substituted a new one for a much smaller stadium using the UEFA rules that they could use. They must have thought it was relevant as to cost. He is saying he has been told that it is not such an impact, but he has not seen the financial feasibility study, so I am trying to establish did he get that information from the GFA. If he does not want to give me that information, that is  
3475 okay if that is how helpful he wants to be. People can decide how they make their minds up on that issue.

Mr Speaker, can I ask him again on the residential configuration, which he says he is not involved in? We now know what the residential configuration is. The last time I asked him he said it had not been devised, but we now know that it has been devised because the information is in  
3480 the design and access statement. He says he has not been involved in the configuration – again, I take that at face value – but he will be aware that there are planned 92 apartments as part of the development: 68 one-bedroom apartments, 18 two-bedroom apartments and six others, which I presume are much bigger than that because they are not three or four bedroom apartments, because those are blank. Again, someone must have decided that that has to be the basis of this  
3485 development so that it is profitable. Is he saying he does not know and was not involved in those discussions, and so when he reached his decision he had no influence on these issues?

**Hon. Sir J J Bossano:** Mr Speaker, if the hon. Member has all the information that he is asking me for, then he should not be asking because he is not supposed to be asking things that are in the public domain. He says he has read it all in the submission that has been made. He started  
3490 saying that if I do not know, he knows. Well, if he knows and I do not know, why does he ask me to tell him? Is it so that he can criticise me for not knowing? Is that the purpose of the question?

**Hon. K Azopardi:** Mr Speaker, I asked him a different question. I tried to lead up to it without trying to outflank the hon. Member on the basis that he suggested I did, which is to expose him  
3495 for saying he did not know. On the contrary, what I said to him ... I have asked him this question before and he said the configuration had not been done. Since I asked him that question, the design and access statement has now been published, and from the design and access statement I can see the figures. What I am saying is having seen the figures ... These are very precise figures:  
3500 68 one-bedrooms. Why 68 and not 75? Someone has formed the view that this has to be the basis for profitability and I am trying to understand whether he was consulted on these figures – and if

he was not, why wasn't he? He must have made his mind up on some basis when he committed savers' moneys up to £100 million to this project.

3505 **Hon. Sir J J Bossano:** It is impossible to satisfy the Member because I have gone through a series of questions with the premise throughout that there are a number of parties interested in this, and therefore if somebody comes tomorrow and says, 'I am going to put £80 million on the table – you do not need to be in, but I want 169 instead of 168,' there will not be 168, there will be 169. Or does he think we will tell them, 'No, because Mr Azopardi read that there were 168 he is going to be very upset if we put in one more, so take the £80 million away.'

3510 At this point in time, that is the proposal. On the basis of that proposal, which may change depending on who comes in or does not come in, the cost of what is being sold today is quite substantial given the prices of the market. The reality is that a complex that would have that level of density ... You do not need to do a detailed feasibility study to get a reaction if it is this going to produce a volume of money that looks credible, and the answer is it does, but it does not have to be exactly like it is, because at the point we are now, we are open to alternatives, and of course the GFA knows our position is that we want this to happen. We will be there if it can make money and produce a return for the Savings Bank. If other people come in, provided they do not delay the thing too much by wanting to come in, we will get out. If they do not come in or the thing is taking too long, we will not get out. We will do the funding of preliminary works to try to make sure that avoidable delays do not happen, and then we would expect to be reimbursed if we are not the ones that do the funding at the end. So when I have said we are looking to start doing some of the site clearing and stuff like that, we are willing to fund it on the basis that we will get our money back if we are not there.

3525 **Mr Speaker:** Can I just interject here and suggest that we are now moving in a situation where this is developing into a debate, so I would ask the Hon. the Leader of the Opposition to ask one or possibly two more supplementaries and then we will close it?

3530 **Hon. K Azopardi:** Mr Speaker, can I just say that if we are taking time ... I appreciate the answers, but I have asked, as far as I can see, nine questions on my six questions, so –

**Mr Speaker:** I fully accept that, but we are really not making any progress. We seem to be going over and over the same ground. This is why I am saying that if you have a new supplementary, then yes, you may continue, but if we are going to go over the same ground over and over again it serves no purpose.

3540 **Hon. K Azopardi:** Mr Speaker, I do have more questions and they are different ones. If we are not making progress, with all due respect it is also maybe partly, if not wholly, due to the answers I am getting and the style of the answers, so perhaps we have shared blame there.

It is not that I am saying to the hon. Member that the configuration should be ... I am not expecting him to turn round, if he gets someone interested in the development and he then points to the design statement, to say, 'No, it has to be 68, it cannot be 75 apartments.' That is not what I have suggested. What I am quite perplexed at, actually, is that there has been a configuration done, there has been a design and access statement done. It is very specific. It is not residential area, 15,000m, it is 11,738m. It is very precise. Someone has decided that that should be the configuration. He has made a decision on the basis of it. He says he has not seen the financial feasibility study and I take that at face value. He has made his decision and put his shirt on without seeing all that, and that is fine, that is his decision, but can he help me in understanding who decided the configuration of the apartments that was put forward as part of the planning application? Does he know who did the configuration? It was not him, but does he know who?

3555 **Hon. Sir J J Bossano:** And it is not my business to know who it was either. That is all I can tell him. I do not know if the piece of paper he has indicates who submitted it, but what I am telling him ... As you correctly say, Mr Speaker, he is going to get the same answer from whichever angle he puts the question. I do not mind – I am quite happy to do an all-night session; I have done them many times in this House.

3560 **Hon. K Azopardi:** Mr Speaker, did he have a discussion at all with the GFA about whether the UEFA rules would permit a smaller stadium with residential development? Did he have any discussion at all with the GFA about the size of the stadium?

3565 **Hon. Sir J J Bossano:** Mr Speaker, I did not have a discussion about it, and there was no indication that there was any problem with the stadium being 8,000 or 5,000. When I discussed it with them, they put to me all the things that were relevant, and that was apparently not something relevant until he raised the issue. When he raised the issue in his question I asked is there a problem or is there a difference between the two, and I was told that given the complex, 8,000 or 5,000 in the cost of the total complex is not significant. I asked because he put a question.

3570 **Hon. K Azopardi:** Mr Speaker, is he having regular meetings with the GFA in relation to this project, given that they have put forward a planning application? The planning application was put in by GFA National Stadium Ltd. He has already informed us that that is the entity that will be running the project. Is he having regular meetings with the GFA on this project? He seems, actually, completely left-fielded on the detail of this, even though he supported it publicly with the football shirt on.

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**Hon. Sir J J Bossano:** I have supported a lot of projects in the National Economic Plan, but I am not like the former leader of the GSD, who told Parliament that he saw himself as a project manager and he would go down to select the colour of the umbrellas in Casemates. I remember, on one particular occasion he said he was deciding on the painting of Joshua Hassan House in Secretary's Lane, and when the people who were doing the painting got fed up with his changes, they put, one day, paint on the side of the wall where the sun was shining and the one that was in shadow, and it was the same paint, and he chose one of the two from the same tin. I do not get that involved. I do not get involved in the detail, I have no intentions of getting involved and I have no intentions of going through the many projects we are going to have in the National Economic Plan, which I will be rolling out and which will be transformative for Gibraltar, and I am not going to be spending all my time having meetings – even though I work seven days a week – so that I can get all the details of everything that would satisfy him, in the knowledge that he will not be satisfied anyway.

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3590 Their strategy is that whatever it is they are told, they ask for more – a voracious appetite for information, insatiable. Well, I am sorry, the answer is what I have told you is what I am going to tell you, and that is it. If I have more information to give you at a later stage, I will. At the moment, the situation is that we are looking at a project which has been reflected in what the hon. Member has read from the perspective of the GFA, who are the owners of the stadium company. There are other people with interest. We have to see what happens and how this finishes, but at the end of the day it will only happen if it is viable – and I am convinced that it is viable, without having to get a feasibility study, because it makes a lot of sense.

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**Hon. K Azopardi:** Mr Speaker, it is not that I have a voracious appetite. Of course I want the information, but the reason why we want the information is because he has taken a decision of importance in relation to savers' money, and what we are trying to do is fulfil our role here and hold him to account on these matters. Does he not accept that that is what we are trying to do, and it is not for any other agenda? Does he not accept that?

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**Hon. Sir J J Bossano:** No, Mr Speaker, I do not accept it at all. I think what they want to do is rubbish what we are doing so they can say that we do not know what we are doing, that it is crazy that the bank's money is going to be lost, that the savers should take their money out, that there should be a run on the bank and, hopefully, on the back of all that, win an election. Well, okay, good luck to him.

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

**Hon. R M Clinton:** Thank you, Mr Speaker. I will be very brief. Just one supplementary on Question 85, which was asked by the Leader of the Opposition. If I can ask the Minister if he could explain the difference between the answer he gave the Leader of the Opposition and the answer he gave to my Question 558/2022, in which the official answer, i.e. the written answer on the script, was:

The financial analysis of the viability of the Victoria Stadium complex development has been conducted as an exercise with input from people with expertise from the property market and assessed by a former partner of EY and has had input in terms of the technical features which lead to assessing the viability financially from experts in construction of stadiums, including the person who was the project manager of a stadium with 60,000 seats who happens to be currently a member of the staff of GBIC, and the design team that produced the concept that has been made public which has had an input from the construction of a number of stadium projects in Portugal.

I would ask the Minister if he could help us by reconciling what he has told the Leader of the Opposition and what he told me in answer to that question.

**Hon. Sir J J Bossano:** Mr Speaker, the question that I have been asked is have I been given a copy, and the answer is no, I have not been given a copy.

**Hon. R M Clinton:** Mr Speaker, at the risk of entering the absurd, if he has not been given a copy, has he *seen* the financial viability plan?

**Hon. Sir J J Bossano:** Mr Speaker, what I have told him is the explanation that was given to me as to what was going on. I have not asked to see anything, I have not been given anything and I do not intend to ask for it. So there is no contradiction. I told him what I had been told they were doing, and I shared the information that I had with him. I have now been asked whether the Government has been given a copy of the feasibility plan. No, we have not got a copy of the feasibility plan. We have not asked for one, it has not been offered and we do not intend to ask for one. Why? Because the feasibility plan that was done by the people who are doing it then may not be the feasibility plan that will be done by the time this goes ahead.

**Hon. R M Clinton:** Mr Speaker, I think we are making some progress, so can the Minister just clarify –? (*Interjection*) Well, I know, but the Minister always leads to further questions. Just for the sake of the House, is it right that effectively what he is saying is that was then, this is now, things have moved on, things are changing, what may have been a plan at that time when he announced it may not be the plan now, and therefore in his mind there is no financial viability study to look at because it is all basically back to the drawing board in that sense? Is that what he is saying?

**Hon. Sir J J Bossano:** The picture that was seen as containing the elements that would make this a profitable entity, which the people here have, may not be the same as the picture of somebody coming out, where perhaps ... There are two issues here, I think. One is that I think the people who are in the local property market who have been involved in looking at this probably know the local market better than other people. However, the people who ... I have had two approaches. One was from the UK yesterday, and earlier I had an approach from a guy who was

representing the Dubai office of an American investment fund, who said they had been very keen to do a stadium in Marbella and apparently they found they had to pave the way to do the investment – you know? – and after trying to pave the way, the paving of the way did not seem to be getting anywhere, so they pulled out. I told them, of course, that this is not something that happens in Gibraltar and they did not have to pave the way for anybody. They could look at the at the project and if they were interested ... I had the same message for both contacts. The first guy said he would go back to Dubai and talk to his principals. I explained how the local property people saw the project and I explained to him that really this was something we were very keen to happen but we did not want to prevent investors coming in if they saw this as an attractive proposition, because we had many other things that we wanted to do.

The position now is that the concept as envisaged by the locals may not be what is finally done if the guy who represents the American investment fund is the one who persuades us that that is the best thing for Gibraltar, or the guys who have come out from the UK come up with something different. There are things that need to be done anyway, whoever does it, and we are going to invest money in doing things that will make no difference to the configuration of the project, just to make sure that things are happening and we do not wait longer than we need to wait to get the programme started. As far as I am concerned, if we do it, then fine, we will have already paid for some of it. If somebody else does it, they will come and we will show them how much we have spent in getting things done and then we will recover that money.

There are, at the moment, the vision of the local property people ... The guy who came representing the investment fund from the States brought me the scheme that he had done, which they had intended and were very keen to do in Marbella. He left a copy with me. To me football is not something that ... They all look the same to me. So we have the domestic thing and two potential outsiders. I think it is encouraging that there should be people coming in wanting to do it, because if it was ... People do not normally go around the world looking for opportunities to lose money. You can do that by buying Bitcoin with no need to go anywhere.

## Questions for Written Answer

**Mr Speaker:** Can we progress to Written Answers?

**Clerk:** Answers to Written Questions.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions W1/2023 to W7/2023.

I have the honour to move, Mr Speaker, that the House should now adjourn until tomorrow at three o'clock in the afternoon.

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

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

This House will now adjourn to Friday, 20th January at 3 p.m.

*The House adjourned at 9.17 p.m.*



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.08 p.m. – 10.22 p.m.**

**Gibraltar, Friday, 20th January 2023**

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# The Gibraltar Parliament

*The Parliament met at 3.08 p.m.*

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

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

## **Standing Order 7(1) suspended to proceed with laying of document**

**Clerk:** Meeting of Parliament, Friday, 20th January 2023.

Order of Proceedings: Suspension of Standing Orders. The Hon. the Chief Minister.

- 5     **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with the laying of a document on the table.

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

## **PAPER TO BE LAID**

- 10     **Clerk:** Papers to be laid – the Hon. the Chief Minister.

**Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Licensing and Fees (Amendment of Schedule) Order 2023.

**Mr Speaker:** Ordered to lie.

## **BILLS**

### **FIRST AND SECOND READING**

#### **Commonwealth Park (Amendment) Bill 2022 – First Reading approved**

- 15     **Clerk:** (ix) Bills – First and Second Reading.

A Bill for an Act to amend the Commonwealth Park Act 2014. The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

- 20     **Minister for Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Commonwealth Park Act 2014 be read a first time.

- 25     **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Commonwealth Park Act 2014 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Commonwealth Park (Amendment) Act 2022.

**Commonwealth Park (Amendment) Bill 2022 –  
Second Reading approved**

**Minister for Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

Commonwealth Park is a green space in the heart of town which has become much loved by families with children, individuals looking for a quiet spot and anyone wanting to enjoy some outdoor time and fresh air. Thankfully, we have been able to extend the space available for outdoor leisure and recreation through the creation of Campion Park, which is now being enjoyed by hundreds of people every day.

This Bill arises for two reasons. Firstly, whilst the rules made under the Commonwealth Park Act had been extended to the new park, they did not reflect its new name, Campion Park. Secondly, I am amending secondary legislation under the Smoke-Free Environment Act 2012 to prohibit the smoking of cigarettes in Commonwealth Park and I wanted to ensure this also applied to Campion Park. As a result, it is necessary to ensure the legal definitions of both parks are clear.

The Bill amends the name of the Commonwealth Park Act to the Commonwealth and Campion Parks Act. It also establishes in law Campion Park as a distinct park to Commonwealth Park and delineates its boundary in a plan. The Bill also amends the Commonwealth Park rules, extending their application to Campion Park.

Whilst this Bill is short and simple, it paves the way for a much greater objective, to keep our parks smoke free to ensure they are green spaces where people can enjoy fresh and clean air, to ensure Gibraltar can truly be a child-friendly city.

I commend this Bill to the House.

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

**Hon. K Azopardi:** Mr Speaker, this is a short Bill which has already been described by the Minister in its overall objective and we will support this Bill.

**Mr Speaker:** Would the mover like to say a few words?

**Hon. Prof. J E Cortes:** Mr Speaker, I am grateful to the Leader of the Opposition for his support and I am happy to proceed to Third Reading.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Commonwealth Park Act 2014 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Commonwealth Park (Amendment) Act 2022.

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

**Minister for Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Employment (Amendment) Bill 2022 –  
First Reading approved**

**Clerk:** A Bill for an Act to amend the Employment Act. The Hon. the Minister for Housing,  
70 Employment, Youth and Sport.

**Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I have the honour to move that a Bill for an Act to amend the Employment Act be read a first time.

75 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Employment Act be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

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

**Employment (Amendment) Bill 2022 –  
Second Reading approved**

**Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I have  
80 the honour to move that this Bill now be read a second time.

This Bill introduces new powers to make subsidiary legislation for the purpose of providing the framework for the recognition of employers of trade unions, for collective bargaining purposes and for any other matter or purposes connected therewith. Although draft legislation in this area has already been subject to a Command Paper, amendments to the Act are deemed necessary to  
85 ensure that sufficient vires are established in order to proceed with such regulation.

Mr Speaker, I commend the Bill to the House.

**Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. the Leader of the Opposition.  
90

**Hon. K Azopardi:** Mr Speaker, I rise on this Second Reading because my colleague Edwin Reyes is unwell and he would normally have taken the speech.

I confirm our support for the Bill. The only question I would have for the Minister – perhaps he can answer when he replies – is whether there has already been a draft of regulations and whether  
95 there has been any consultation with employers’ representatives – the FSB and the Chamber of Commerce – and indeed with the main unions on this issue.

**Mr Speaker:** Does the mover of the Bill wish to respond?

100 **Chief Minister (Hon. F R Picardo):** Mr Speaker, it is a pleasure to see this Bill being moved. The Government considered many different ways of bringing about the recognition of trade unions in the private sector. We considered the possibility of bringing a Bill that contained all of the rules. We thought of an amendment to the Trade Union and Disputes Act, which would provide a new part, in effect. But we have been advised that it is better to make this short amendment in the  
105 employment provision and be able then to have regulations that could be adapted, because this is going to be a new area of recognition for trade unions.

The Government won an election on the basis that we would do this. This is an issue that has been ventilated in our manifestos and we are in government with the obligation to pursue this recognition. In doing so, in our capacities beyond this House – in other words, as members of  
110 political parties – we have sought the opinions of unions and employers’ representative organisations. As the Government, some time ago, when I was Minister with responsibility for

industrial relations, I commenced a process of consultation with the Chamber of Commerce, with the Federation of Small Businesses and indeed with the relevant unions – the unions that have general membership, not those that are representative exclusively of the public sector – and the regulations that will be made when they come to be made, if the House approves this Bill, have the benefit of that detailed consultation both with unions and employers’ representative organisations. Of course, the balance of convenience here may not be exactly the one struck that the unions or indeed the employers’ representative organisations might have wished struck; it is what we believe is the right balance, and indeed the right balance on which to start this new regime, and that may indeed change as we see the evolution of the recognition of trade unions in the private sector.

In saying that, and in using that nomenclature, the recognition of trade unions in the private sector, I think it is important just to pause for a moment and reflect upon the fact that they are very few the employers who do not already recognise membership of a trade union by their staff. Indeed, the vast majority of employers in the private sector do recognise trade unions, they engage with trade unions, and unions in vast measure behave in a responsible way and bring collective bargaining to the table, which is in the interest of both the employees the employers when both sides are acting reasonably, as the Government itself has found in its engagement with the unions that represent employees in the public sector, even when we might disagree and even when we might have to take issues into dispute etc., which we seek to resolve in a way that is favourable to all parties.

Mr Speaker, I am very pleased, as Leader of the House and as Chief Minister of this Government, to see the movement of this Bill. I am very pleased to see that the Opposition will support it and I hope that in the remarks I have made in support of the Bill I have also answered the question of the Leader of the Opposition. He asks me to give way, so I will before I sit down.

**Hon. K Azopardi:** I am grateful for him giving way. Just one small issue for clarification of what he said: have I understood correctly from his explanation that the Government will, then, not pursue the other legislation they had published some time ago?

**Hon. Chief Minister:** Mr Speaker, this is the way we are advised to do it. In other words, this is the way to create the rules that will govern the recognition of trade unions in the private sector. Instead of doing them by way of primary legislation, we are creating a hook in a piece of primary legislation which enables a regulation to be made, and that regulation, therefore, will be subject to being amended, when necessary, in a way that relevant Ministers of the relevant Government at the time may consider becomes appropriate.

If we were regulating by these regulations unions’ rights to engage with the Government that holds the pen on the regulations, then you might say, ‘Well, you are not really creating an objective standard because when you have a dispute with the union you could simply amend the regulations without coming to Parliament.’ That is not the case. These are rules for the recognition of trade unions by third parties, by the private sector. We are going to make these rules so that they can engage in the way that they will need to engage.

The advice we have is that it may be necessary in the future to adapt these rules one way or the other. I am sure that when the trade unions look at these rules they will say they would have wished they were a little more in the direction of their responses to our consultation. I am sure that when the employers’ representative organisations look at the rules and regulations they will say they wish they were more in favour of their responses to our consultation. But I think we are striking the right balance.

I think we are creating a new area of engagement. Indeed, I think it is important to remember that the vast majority of employers in the private sector already recognise trade unions, and the fact I think is also important to remember is that our Constitution recognises the freedom of association. We have a written Constitution. It specifically provides for the freedom of association to be protected, so you do not need to have protection for a group of people to come together to

165 represent their interests in the context of a particular employment scenario, because it would be  
contrary to law for the employer to challenge the employees getting together as an association if  
they wished to do so and to be engaged with a union. What that does not do is bring about the  
collective bargaining issue, and I think this, by doing it with regulations, does that and does it in a  
slightly flexible way that permits an element of engagement by the Government with the unions  
and with the employers' representative organisations to make changes in relation to the rules that  
170 will regulate their playing field – not their playing field with us, but *their* playing field – through  
regulation. If it were their playing field with us, then I think I would have insisted that the matter  
should be dealt with by way of primary legislation, so that if a future Government, or indeed the  
current Government if it were to have a dispute with the unions, wanted to change the rules of  
the game of our engagement with the unions and the unions' ability to engage with us, we should  
175 come here and justify it to the community in a way that could be ventilated across the floor of the  
House, and everybody's views represented by those elected here could be heard. But this is not  
the regulation of our relationship with the trade unions, it is the regulation of the relationship  
with between the trade unions and the private sector employers, and for that reason this is the  
way we propose to do it.

180 **Hon. S E Linares:** Mr Speaker, just to thank the Opposition for being in favour of the part of the  
Act that is, as the Chief Minister calls it, the hook on which all the other legislation the Chief  
Minister has just presented to us will hang.

185 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Employment  
Act be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

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

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

190 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I beg to  
give notice that the Committee Stage and Third Reading of this Bill be taken today, if all hon.  
Members agree.

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

**Personal Light Electric Transporters Bill 2022 –  
First Reading approved**

195 **Clerk:** A Bill for an Act to regulate the operation of personal light electric transporters, to  
amend the Traffic Act 2005 and the Crimes Act 2011 and for related purposes. The Hon. the  
Minister for Transport.

**Minister for Transport (Hon. P J Balban):** Mr Speaker, I have the honour to move that a Bill for  
an Act to regulate the operation of personal light electric transporters, to amend the Traffic Act  
2005 and the Crimes Act 2011 and for related purposes be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to regulate the operation of personal light electric transporters, to amend the Traffic Act 2005 and the Crimes Act 2011 and for related purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Personal Light Electric Transporters Act 2022.

**Personal Light Electric Transporters Bill 2022 –  
Second Reading approved**

**Minister for Transport (Hon. P J Balban):** Mr Speaker, I move that a Bill for an Act to regulate the operation of personal light electric transporters, to amend the Traffic Act 2005 and the Crimes Act 2011 and for related purposes be read a second time.

The purpose of this Bill is captured in the descriptive title I have just read, formally known as the long title. Essentially, this Bill brings personal light electric transporters (PLETs) within a sound legal framework.

The Bill covers personal light electric transporters and creates a framework that allows them to operate legally and safely and only by individuals 17 years of age or older. The Bill also makes some amendments to the Traffic Act 2005.

In drafting this legislation, we have taken into consideration the views of the technical experts and the public. We have consulted widely and thoroughly. The consultation process included the May 2018 consultation paper. Secondly, through the issuance of a Command Paper in May 2020 by my colleague Minister Daryanani, then the Minister for Transport, and also, throughout the whole drafting process, with extensive input from transport officials within my Ministry liaising closely with the insurance industry regarding the Bill's effect on said industry.

I should mention that this proposed legislation is not based on the law in any other jurisdiction, and in fact few countries have actually taken legislative steps in this respect, although many, we believe, are currently in the drafting process.

The Traffic Act would naturally see PLETs classified as motor vehicles as they are powered by a motor, but it is well accepted worldwide that PLETs are not equal to motor vehicles, neither are PLETs bicycles or motorcycles. Therefore, the Bill defines a PLET by reference to a schedule.

Amongst other things, a PLET will be fitted with a speed-limitation device that curtails its speed to no more than 25kmph. Any PLET that has had its speed-limitation device tampered with or is designed to travel at speeds beyond 25kmph will be strictly prohibited. This will include any PLET made available for hire or supply – or to offer to do so – that has had the speed-limitation device tampered with or removed.

PLETs will only be allowed to operate on the road and in bicycle lanes, where present, and users must be at least 17 years of age. Furthermore, users will not be permitted to tow other similar devices or carry another person. PLET users will need to wear appropriate protective headgear, deemed an important part of keeping the use of these devices safe.

The Bill will also provide powers for those who stop a person operating or transporting on reasonable suspicion that they are contravening the legislation. It also requires a person to provide their name and address and creates an offence for users who give a false name or address.

Moving to penalties, the legislation sets a penalty of level 3 fines – currently £1,000 – for all offences under the legislation, with the offence of modifying a PLET by removing the speed-limitation device or selling such device also attracting a potential custodial sentence. Meanwhile, the Bill allows for the issuing of fixed penalty notices of £300 for all offences.

Much of the delay in bringing this Bill to Parliament has been as a result of the intention to make insurance compulsory for PLETs, but this has been impossible as a result of insurance providers not having a suitable product to offer Gibraltar. Nevertheless, it is the intention of

245 Government to consider the matter of compulsory insurance if and when such a product were to become available in Gibraltar in the future. The Bill will allow the Minister to make regulations, including, specifically, regulations relating to making compulsory insurance a requirement for PLETs.

250 The Bill also amends the Traffic Act 2005 so as to exclude PLETs expressly from the definition of motor vehicles and defines PLETs in the Act. It also amends regulation-making powers to also apply to PLETs. In doing so, it will be possible to make amendments to, amongst other things, the control of traffic regulations and the Vehicles (Construction Equipment and Maintenance)

255 Regulations to provide that the rules on traffic control, such as rules on indicating and overtaking, also apply to PLETs, as well as ensuring that they are fitted with both front-facing white and rear-facing red suitable lights, or alternatively that operators carry suitable lights on their person. It is also intended to amend the Prohibition of Use of Mobile Phones While Driving Regulations 2010 to ensure that users of PLETs do not use a mobile telephone while riding.

260 The amendments to the Traffic Act 2005 have the effect of creating offences equivalent to the careless operation and reckless or dangerous operation offences of the Act which apply to motor vehicles and bicycles already. The current wording of the Traffic Act – specifically section 75(2), which sets penalties – indicates that the intention was to extend section 62 to bicycles. That is to say there was an intention to make it an offence to ride a bicycle whilst under the influence of drink or drugs. The amendment to section 75 corrects an omission in the current wording of the Traffic Act to ensure that the intention is properly reflected. In addition, this amendment goes  
265 further, with a view to ensuring the safety of every road user and pedestrian and makes it an offence to operate a PLET and a bicycle whilst under the influence of drink or drugs, or whilst over the prescribed limit. It also provides the ability, as part of law enforcement, to be able to test both PLETs and bicycle riders at the roadside.

270 Finally, the schedule sets out the characteristics of a PLET. The schedule can be amended by regulations so as to accommodate changes to the nature of these devices and their evolving technology.

275 Mr Speaker, I have given notice that I will, at the Committee Stage, move an amendment to the Bill to insert a new clause 13. This amends the Insurance (Motor Vehicles) (Third Party Risk) Act 1986 to amend the definition of ‘motor vehicle’ in line with the amendment being made to the Traffic Act 2005, namely to exclude personal light electric transporters from the definition.

The amendment also inserts a definition of ‘personal light electric transporter’ by reference to the Personal Light Electric Transporters Act, and given that the Bill will take effect as a 2023 and not 2022 Act, the amendment reflects that. An amendment to clause 1 of the Bill and clause 11(2)(b) of the Bill are also required.

280 Mr Speaker, the Government recognises that PLETs are a reality in today’s modern cities, and although their future is not certain, it is important to amend our laws to include these devices. Gibraltar, like so many other jurisdictions, has seen the arrival of these modern devices marketed as a greener alternative to the motor vehicle, yet without the necessary legal frameworks to be able to manage, control or police them. PLETs are known to be extensively used by cross-border  
285 workers, but are also starting to be used by the local community. We also recognise that we need to strike the right balance between safety, smart technology and providing and promoting environmentally friendly transport with meaningful regulation. I believe that the proposed regulation strikes that balance.

Mr Speaker, I commend this Bill to the House.

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

295 **Hon. K Azopardi:** Mr Speaker, again, I rise on this Second Reading because this Bill would have been taken by my friend Mr Phillips, but unfortunately he had a medical issue today.



The Opposition has said on a number of occasions that we are supportive of the regulation of electrical scooters – I will not call them PLETs or the longer name. We are supportive of regulation. Clearly they are here, as the Minister has said, and not only are they here, their growth is exponential – they are on pavements and they are everywhere, and sometimes they are also ... I think I had occasion to say to the hon. Member in an aside – I think it was him – that I was nearly run over by one in the middle of a pedestrianised Main Street. Clearly regulation is necessary and enforcement should follow, so we are supportive of the principles of it.

In relation to the particular power that there is on insurance, again our position is that to the extent that it is possible, all efforts should be made for there to be an insurance regime in this respect.

**Mr Speaker:** The hon. Member wishes to respond?

**Hon. D A Feetham:** I wish to declare an interest. I think it is proper that I declare an interest in that I have read the Bill and made, on behalf of the Motor Insurance Bureau, which is a client of mine in my professional capacity, suggestions in relation to this Bill to the Government. Therefore, I think it is proper that I should abstain from voting in relation to this because I have had an involvement in a professional capacity.

May I add, Mr Speaker, that of course I have not been paid by the Government for any of the comments that have been made? None was expected. It is just on behalf of my own client that I have made suggestions and amendments to this Bill before it was presented.

**Mr Speaker:** Does the mover of the Bill wish to reply?

**Hon. P J Balban:** Mr Speaker, simply to thank the Members for their support. Obviously they will be supporting the Bill.

Just to make a comment regarding the pavements, in fact it has been illegal for these scooters to ride on pavements for quite some years. I think it was 2019 or 2018 when we legislated that we should not allow these scooters on the pavement. As you rightly say, they are coming in droves and they are extremely difficult to control, but at least this gives the enforcement bodies powers to be able to police them effectively.

Thank you.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to regulate the operation of personal light electric transporters, to amend the Traffic Act 2005 and the Crimes Act 2011 and for related purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Personal Light Electric Transporters Act 2022.

**Personal Light Electric Transporters Bill 2022 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Transport (Hon. P J Balban):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill be taken today, if all hon. Members agree.

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

**Adoption Bill 2022 –  
First Reading approved**

340 **Clerk:** A Bill for an Act to provide for the regulation of the law relating to adoption and for connected purposes. The Hon. the Minister for Transport.

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that a Bill for an Act to provide for the regulation of the law relating to adoption and for connected purposes be read a first time.  
345

**Mr Speaker:** I now put the question, which is that a Bill for an Act to provide for the regulation of the law relating to adoption and for connected purposes be read a first time. Those in favour? (Members: Aye.) Those against? Carried.  
350

**Clerk:** The Adoption Act 2022.

**Adoption Bill 2022 –  
Second Reading approved**

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I beg to move that the Bill for an Adoption Act 2022 be read a second time.

355 This Bill promotes greater use of adoption, aims to improve the performance of the Care Agency and, more importantly, puts children and their well-being at the centre of the adoption process.

This Bill modernises Gibraltar's adoption law and the adoption service and, I believe, will promote the greater use of adoption.

360 The Bill replaces the current Adoption Act, which commenced in 1951 and has only been amended three times since then.

The Bill will affect all adoptions and arrangements for the adoption of children in Gibraltar and all adoption applications from persons resident and settled in Gibraltar who seek to adopt children living abroad.

365 The Bill contains an overarching provision that will apply whenever a court or the Care Agency is coming to any decision relating to the adoption of a child. This includes any decision by the court about whether or not to dispense with parental consent to adoption or to make a contact order in respect of a child. The paramount consideration of the court or Care Agency in any decision is the child's welfare. The welfare test will be brought in line with that of the Children Act, with the important addition that the court or Care Agency must consider the child's welfare throughout his or her life and that any delay is likely to prejudice the child's welfare.  
370

In recognition that adoption may have lifelong implications, the court or Care Agency must apply the welfare checklist set out in the Bill in determining the best interest of a child when making any decision relating to adoption. This is modelled on the equivalent provisions of the Children Act but is tailored to address the particular circumstances of adoption.  
375

Regard must be had to the child's ascertainable wishes and feelings about the decision having regard to the child's age and understanding, to his or her particular physical or educational needs, and, if applicable, to the relationship the child has with his or her relatives, the prospect of and benefits to the child of this relationship continuing, the ability of the relatives to provide the child with a secure home and meet the child's needs and their views concerning the decision relating to the adoption of the child.  
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Part 2 of the Bill underpins some important areas of policy dealing with adoption support services and independent reviews of certain determinations by the Care Agency such as the assessment for adopted children and their adoptive parents and provides a mechanism to assist them in accessing adoption support services. These assessments will speak to other government functions such as education and health services, for example, where the needs of such services are identified with the aim of identifying the most efficient, co-ordinated package of support to help adoption succeed.

Part 3 of the Bill deals with placements for adoption and adoption orders. The Bill provides that the Care Agency may only place a child for adoption with the consent of the parent or guardian under an order made by the court. Provision is also made for who is to have parental responsibility for the child and the other consequences of placement with consent and placement orders. The intention here is to ensure that key decisions are taken early in the adoption process, with court involvement where necessary. This will provide greater certainty and stability for children by dealing with consent to placement for adoption before they have been placed and minimise the uncertainty for prospective adopters. The Care Agency may only place a child for adoption with prospective adopters where the parent of the child has consented to the placement or where it has obtained a placement order. 'Placement' has been given an extended meaning under the Bill, covering both placing a child with prospective adopters and, where the child is already placed with people for other purposes, leaving the child with them as approved prospective adopters. The Bill enables a parent who consents to his or her child being placed for adoption by the Care Agency to give consent at the same time to the making of the future adoption order.

The Bill intends to align adoption law with the Children Act. The same threshold for intervention in family life will apply where the Care Agency seeks authority to place a child for adoption without parental consent as applies where the Care Agency seeks to take a child into care under a care order.

The Bill provides that where an application for a placement order is pending, the child is a looked-after child for the purposes of the Children Act until the application is determined. If a placement order is made, the child continues to count as looked after.

The Bill makes provision for applications for contact in respect of children placed for adoption and where the Care Agency is authorised to place a child for adoption with parental consent or under a placement order. Where the Care Agency is authorised to place a child for adoption or a child is placed for adoption who is less than six weeks old, any contact order under section 25 of the Children Act ceases to have that effect. There may be cases where it is inappropriate for contact to take place, even though provided for under an order.

The Bill enables the Care Agency to refuse contact for a period of no more than seven days if it is satisfied that it is appropriate to do so in order to safeguard the child's welfare.

The Bill makes provision in relation to the removal of children who are or may be placed for adoption by the Care Agency to ensure that they are only removed from placements by authorised people in the appropriate manner. Where a parent withdraws his or her consent to a placement, the Care Agency must return the child within seven days if the child has not yet been placed for adoption with parental consent with prospective adopters, or the child is placed and either the child is less than six weeks old or the Care Agency has at no time been authorised to place the child for adoption.

The Bill also deals with cases where the prospective adopters want to return the child, or the Care Agency has decided that the child should not remain with prospective adopters.

The Bill also covers restrictions on the removal of the child in non-Agency cases, such as where the child has not been placed for adoption by the Care Agency. These situations may include adoptions by the partner of a parent, cases where foster parents wish to adopt a child placed with them and adoptions by relatives and private foster parents. Where a Care Agency foster parent has given notice of intention to adopt, which they may do once the child has lived with them for one year, then the child may only be removed with the permission of the court by the Care Agency

or other person, or if the child is voluntarily accommodated by a person who has parental responsibility for the child.

435 The Bill makes provision for what is to happen when the child is removed or there are reasonable grounds for believing that a person intends to remove a child or a child is withheld and not returned. If a person intentionally obstructs an authorised person exercising the power of removal, he or she commits an offence.

440 The Bill sets out the period a child must live with the applicant before they can apply for an adoption order. The Bill sets out conditions which must be satisfied before an adoption order can be made where the child has a parent or guardian. One of two conditions must be satisfied: that each parent consents to the making of the adoption order or has given advance consent to the making of the adoption order and has not withdrawn that consent and does not oppose the making of an adoption order or that the parents' consent should be dispensed with. Where the  
445 parent has given advance consent to the adoption, he or she may only oppose the making of the adoption order with the permission of the court. The second condition is that the child has been placed for adoption by the Care Agency with the prospective adopters who are applying for the order and either the child was placed for adoption with the consent of each parent and the consent of the mother was given when the child was at least six weeks old, or under the placement  
450 order no parent opposes the making of the adoption order. An adoption order may not be made in relation to a person who is or has been married or who has attained the age of 19.

The Bill provides that an application for an adoption order may be made by a couple or one person and the condition as to domicile or habitual residence is satisfied. An application for adoption order may only be made if the person to be adopted has not reached 18 by the date of  
455 the application. An application for adoption order by a couple may only be made if both of them have reached the age of 21. However, where one of the couple is the mother or the father of the child to be adopted, an application may be made if that person is 18 or over and the other person is 21 or over.

The Bill provides that an application may be made by one person who is 21 and is not married.  
460 In certain circumstances, an adoption application may be made by one person who is married. A partner of a natural parent, which includes a person married to the parent, may adopt the child of that natural parent. This means that the parent is no longer required to make a joint application to adopt his own child with his partner, as is presently the case in respect of step-parent adoptions; a very welcome proposal.

465 Part 3 of the Bill also introduces new provisions on the information that the Care Agency must keep in relation to a person's adoption, the information that it must disclose to adopted adults on request, the information that courts must release to adopted adults on request and the information that the Care Agency may release to adopted adults, birth parents and others. These provisions cover the two types of information held, protected information and information which  
470 is not protected.

The Bill establishes a new system for access to protected information about adopted persons and others involved in their adoption. Under these provisions, while the registrar has a duty to maintain the Adopted Children Register and the Adoption Contact Register, the Care Agency will be the main gateway for access to this information.

475 The Bill provides for the disclosure of information held by the Agency which is not defined as protected information. This will enable the Care Agency to disclose this information to any person for the purposes of the Care Agency's functions. This could, for example, be background information about the child's progress to be disclosed to the child's birth family without disclosing the child's new identity or whereabouts.

480 The Bill allows for the provision of the disclosure of information held by the Care Agency and courts to adopted adults.

The Bill importantly envisages counselling to be available to an adopted person if he or she wishes to access it.

Part 4 of the Bill provides for the status of adopted children, thereby making clear how they are treated in law.

Part 5 of the Bill deals with registration issues surrounding adoption and the duties placed on the Registrar. There is a duty on the Registrar to maintain the Adoption and Parental Order Register and provide for entries to be made in the register. The Adoption and Parental Order Register is not open to public inspection or search. There will also be a duty on the Registrar to maintain an Adoption Contact Register. The Adoption Contact Register is a register in two parts designed to facilitate contact between adopted persons and their birth relatives where both parties have expressed a wish for such contact.

Part 6 of the Bill deals with adoptions with a foreign element and makes provision to regulate intercountry adoption. The Bill places restrictions on Gibraltar residents bringing or causing someone else to bring a child habitually resident outside Gibraltar into Gibraltar with the intention of adopting the child in Gibraltar, unless the person complies with prescribed requirements and meets prescribed conditions.

The Bill sets out the prohibition of certain payments or rewards in connection with the adoption of a child. The Bill, however, provides that payments may be made in exceptional circumstances. The intention is to allow payments to be made for reasonable expenses such as legal and medical expenses in relation to an adoption or for reasonably incurred travel and accommodation expenses where a child is being taken out of Gibraltar for the purpose of adoption.

The Minister may establish and maintain a register to be known as the Adoption Act Register, which will contain details of children who are suitable for adoption and prospective adopters who have been approved to adopt a child. This provision may be used, for example, to enable the register to record information about the stability of adoptive placements.

Schedule 1 makes provision for an entry of certain adoptions in the Adoption and Parental Order Register in accordance with a direction in the adoption order. Schedule 1 also makes provision for the amendment of orders and rectification of entries and markings in the Adopted Children Register and Register of Live Births.

Schedule 2 places a duty on the Registrar to supply an adopted person, on application and subject to certain conditions, with information to enable him or her to obtain a certified copy of the record of his or her birth.

Mr Speaker, in summary, the Bill aligns adoption law with the relevant provisions of the Children Act to ensure that the child's welfare is the paramount consideration in all decisions relating to adoption; places a duty to continue maintaining an adoption service, which must include making and participating in arrangements for the adoption of children and for the provision of adopting support services; provides a new right to an assessment of needs for adoption support services for adoptive families and others; enables the Minister to establish an independent review mechanism in relation to determinations made by the Care Agency; makes provision for the process of adoption and the conditions for the making of adoption orders, including new measures for placement for adoption with consent and placement orders; provides for adoption orders to be made in favour of single people, married couples and unmarried couples; provides for a new and more consistent approach to access to information held in the Care Agency records about adoptions which take place after the Bill becomes law, by ensuring that the release of sensitive information about adopted people and their birth relatives is protected and that its disclosure is subject to strict safeguards; provides for the Care Agency to have a role in assisting adopted adults to obtain information about their adoption and to facilitate contact between them and their birth relatives where the person was adopted before the Act becomes law; provides additional restrictions on bringing a child into Gibraltar in connection with adoption, aimed at ensuring that Gibraltar residents follow the appropriate procedures where they adopt a child overseas or bring a child into Gibraltar for the purposes of adoption; prohibits certain payments in connection with adoption; makes provision enabling the Minister to establish an Adoption Act Register to suggest matches between children waiting to be adopted and

approved prospective adopters; and finally, makes provision obliging courts to draw up timetables for resolving adoption cases without delay.

Mr Speaker, for all the reasons above, I commend this Bill to the House.

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

545       **Hon. D J Bossino:** Mr Speaker, I rise in my hon. and learned Friend's stead. For the reasons the Hon. the Leader of the Opposition indicated earlier, he is unable to attend this afternoon. This has had two effects. I have not had much time to consider the Bill. I have considered as much of it as possible and as diligently as possible, but the effect is that I have not been able to write to the hon. Member with some of the points that I would have made, which is normally my style, as other Hon. Ministers know. Because we run our affairs partly in a parliamentary way, we do not give enough time, I think, to these things, to consider them in committee and all the rest of it, where I am able to advance suggestions which sometimes the Ministers accept, sometimes they do not, but we can reach an agreed position and maybe even in our speeches record what we have discussed for the benefit of *Hansard*. So I would ask the hon. Member to bear with me in that sense, and I have explained the reasons why.

555       As far as the principles are concerned, I think they are very laudable. This is a hefty piece of legislation. As she rightly and accurately points out, it is a wholesale replacement of the 1951 Act, which she says – I do not know – was only amended a few times, and given the passage of time, just for that reason it is a piece of legislation which I think required an overview and a reformed position, which is what I think has been achieved with this Bill.

560       The three points she mentioned which I think are relevant are that it aims to improve the performance of the Care Agency, to modernise the adoption law and to promote greater use of adoption. All of those three aims, I think, are highly laudable and something which certainly we support and commend her for bringing this initiative forward and putting it finally on the statute book. I am sure it is going to be welcomed by many people who are either in the throes of considering adoption or may consider adoption in the future.

565       The one point I would ask her to consider in terms of a broad point is whether it achieves ... because it was not clear ... it did not strike me when I was going through the provisions that ... I assume it is not something that is necessarily obvious from a reading of a piece of legislation, whether the system ... The limited experience I have professionally from when I was exposed to it – because I did it for a friend and I went through the process – is how bureaucratic the whole thing was, and as a result of that experience I realised, from speaking anecdotally to other people, how expensive it was in terms of legal fees because of the time spent by lawyers in making the applications. It results in hefty legal bills. It has always struck me that there is something immoral about the process that you have somebody, for example, who is fostering a child, leading to adoption and takes that massive step to adopt that child and give that child a better life and also has to incur many thousands of pounds in legal costs and legal bills. The point I make about that is whether she is able to say whether any of that will be streamlined so that we have a cheaper process and a more effective and efficient process leading to adoption.

575       Mr Speaker, again, I ask the House to bear with me, just going through the points as I go through the pages. There is a definition here for 'agreement':

includes an arrangement (whether or not enforceable);

580       This is a theme that arises in some of the points I will be making. It is not clear from my perspective – but again, it could be because I do not have any professional experience in relation to this – what that, in fact, means. There is no definition of what 'an arrangement' is. All it says is '(whether or not enforceable)'. I would like her, if she could, to give me an explanation in relation to that.

585 In clause 3(3) – we are still dealing with the interpretation clauses – there is a reference to what ‘a couple’ means and it provides three different avenues. The third one is:

two people (whether of different sexes or the same sex) living as partners

– and these are the words I would like her to focus on –

in an enduring family relationship.

That may be borrowed from different legislation. Now, as I am speaking, I am thinking about it, but it is not defined in this particular statute. As I said, that is a theme I find, and maybe she can  
590 explain it all by saying it actually refers to different statutory provisions in different Acts.

I take her, Mr Speaker, to clause 4(1), which, in effect, sets out the test. It says:

Whenever a court or the Agency is coming to a decision

– and it is important here, I think, to emphasise that this test applies to both the court or the Agency coming to a decision –

relating to the adoption of a child, the paramount consideration of the court or the Agency must be the child’s welfare, throughout the child’s life

which I think she made an allusion to in her speech.

595 If I can take her to the same clause, clause 4, but subclause (4), it says:

In coming to a decision relating to the adoption of a child, a court or the Agency

– once again, both –

must always consider the whole range of powers available to it in the child’s case whether under this Act or the Children Act 2009;

But then it is only the court – so there is a separation here between the court and the Agency – that applies this test in its decision-making process:

and the court must not make any order under this Act unless it considers that making the order would be better for the child than not doing so.

600 I am not too sure that there is a massive difference between one test and the other, but I do not understand why making the order would be better for the child than not doing so only applies to the court and not to the Agency. I think it will benefit the interpretation, should it come to that, of this Act if she was able to provide an explanation for that. I have already said in my introduction that I do apologise, that in normal circumstances I would have given her notice of this issue by writing to her, but I have only come across this now, when preparing in advance of this session.

605 Mr Speaker, if I can take her to clause 5(3) and (4), as I see it ... Well, I will read it. It says:

As part of the adoption service, the arrangements made for the purposes of subsection (2)(b)–

(a) must extend to the provision of adoption support services to persons who are within a description designated by order by the Minister;

I would ask her there to give me some explanation as to who is being considered, because I think this is a novel provision which did not feature in the now-to-be-replaced Adoption Act 1951.

Then it says:

(b) may extend to the provision of the adoption services to other persons.

610 Again, I think as things stand now – and she can correct me if I am wrong – adoption services are provided exclusively in Gibraltar by the Care Agency, but is it the intention that that provision is going to be provided by other agencies, other entities? And if that interpretation is correct, who is she thinking of?

In relation to clause 5(4), it says:

The Minister may provide any of the requisite facilities by securing their provision by other persons who are within a description designated by order of persons who may provide the facilities in question.

615 Again, I think it is a similar point: who is going to be providing these services in respect of which the Minister, by order, would be providing facilities?

If I can then take her ... because I think it is linked to clause 9(3), which deals with voluntary adoption agencies ... It is not clear, because there is no statutory definition of that entity and I am not sure if there is any connection with the provisions that I have just referred her to.

620 Moving on, there are many references to the powers – and I have just referred to some of them specifically – that a Minister has, but then in other provisions – it may just be a drafting point, but it may be a point that she can consider in the future – it says ‘the Government shall continue’, and I wonder why that is the case. Why is it the case that as far as some provisions are concerned the powers rest with the Government, and yet as far as other provisions are concerned – in fact, I would hasten to add, most of the provisions – relate to the powers of the  
625 Minister to give directions and orders and things like that?

Moving swiftly along – and this, in fairness to her, is a point that could be raised, but I would ask her to flag it. Maybe she can look at it at Committee Stage. In clause 8(1)(c) – this is simply a grammatical point – it says ‘any person who the Agency are aware ...’ I think it should say *is*, as opposed to *are* aware ‘is a parent of an adopted child’.

630 This may be something, as an Equality Minister, that will attract her attention. There are also various references – I will not take her through them, but there are some references in terms there is gender neutrality by reference to ‘he’, and in some cases she adopts that style and in other cases it is ‘he’ or ‘she’. So maybe there should be some more uniformity in relation to that. Again, I have spotted some of them, but I am sure I have not spotted all of them, and I do not  
635 intend to go through them for the purposes of this contribution.

In clause 10(1) there is a reference to a qualifying determination. I would ask her to explain what this is, as again I have not been able to identify in the time that I have had available any statutory ... Yes, it is clause 10(1) and it talks about a qualifying determination. It is in the middle of the clause. I will not read the entirety of the clause. It is not very long, but I do not want to dwell  
640 on that too much, other than ask her, if she can, to offer an explanation in relation to that.

In clause 12(4) – again, this I think links in with the point I made earlier that this may be as a result of a cross-referencing of legislation that one needs to do, but again it is not necessarily clear that the Bill asks you to do that. It is suggestive of assumed knowledge. I give her another example, and if she could assist in the interpretation of it ... It talks about a mandatory order in clause 12(4).  
645 Is that an order in respect of which an application has to be made to the Supreme Court, as opposed to the Magistrates Court? Again, it is not clear.

I think I have now understood it, but in clause 13(4) it says:

An officer of the Agency may only be so authorised with the consent of the Agency.

I am assuming that that needs to be read in conjunction with clause 13(3), which says:

An inspection under this section must be conducted by a person authorised by the Minister.



I am assuming that if that person is an officer of the Agency, although the Minister orders that officer – him or her – she or he can only conduct the inspection with the consent of the Agency. Again, it is not very clear. They look like standalone provisions, but the only way you can interpret them intelligibly is if you read them together.

Again, this is a grammatical issue: in clause 13(5)(b) it says ‘which they think fit’, and perhaps it should be ‘which he thinks fit’.

Mr Speaker, if I can take her to clause 15(1) – I know she is taking a note of all this, so I hope the speed is okay – this is an important section in the sense that it is cross-referred to further along in the Bill and it talks about consent given by parents and guardians. Consent is not therein defined, and I had no objection to that immediately but there is, I think, a helpful definition of consent in clause 49(9)(a), and I wonder why there is a helpful definition of consent in that clause, but not one in clause 15. Perhaps the solution is to cross-refer clause 15 to clause 49.

A similar point to clause 15(3)(b) when it talks about a placement order: again, ‘placement order’ is not defined, yet there is a definition – again a helpful definition ... I think it would assist those who need to interpret this to cross-refer that clause 15(3)(b) to clause 17 because there is a full definition. Indeed, clause 17 deals with placement orders in a lot of detail.

If I can take her to clause 16(2) by way of flagging clause 16(2)(a). In the second sentence it says ‘may be consent’. I assume ‘be’ can be deleted, as indeed it should be deleted in the following subparagraph (b). Again, it says ‘may be consent to adoption’ and it should be ‘may consent to adoption’.

The other references are to ‘care order’ and ‘looked after’. Again, I think that is nomenclature that somebody who is involved in these matters would immediately understand, but – the same point – it is not specifically defined in this particular piece of legislation.

Mr Speaker, could I ask for some assistance also in clarification, if I may, before I go to clause 20, which is what I was going to go to on to now? There is also, I think, an error in clause 19(5)(b) when it refers to ‘the authority’. I think, if there is going to be consistency, there should be a reference to the Agency with a capital A, because that is defined.

Moving along to clause 20, again, in subclauses (2) and (3) I would ask for an explanation, because it basically says at section 20(1) – clause 20(1) at this stage:

This section applies while—

- (a) a child is placed for adoption under section 15 or the Agency is authorised to place a child for adoption under that section; or
- (b) a placement order is in force in respect of a child.

Then it goes on:

- (2) Parental responsibility for the child is given to the Agency.

– presumably in those circumstances, I have taken that to mean. Subclause (3) seems like a standalone provision, but I think it needs to be read along with the other provisions. It says:

- (3) While the child is placed with prospective adopters, parental responsibility is given to them.

I just do not know how those two correlate to each other, and I would ask her to explain that, certainly for my benefit and for the benefit of *Hansard*.

Again, there are references to prohibited steps orders, specific issue orders, supervision orders and child assessment orders in clause 24(3), which again, without wishing to labour the point or repeat myself, it basically makes the same point.

In clause 29(1) it is the same issue, which I would ask her to amend, and I think I would find agreement across the floor of the House, where again I think there is a mistaken reference to ‘the authority’ and it should be a reference to ‘the Agency’.

690 Mr Speaker, can I ask the Hon. Minister to go to clause 31(5)? I think she will understand immediately, without necessarily going through it in any detail. When there is a reference to 'the people concerned', I think that ought to be a reference to P – capital P – which has been defined in the clause. I think that makes sense, from my understanding and interpretation of it, and I think it would, going forward, also assist anybody reading it – if I am right, that is. If I am not correct in that interpretation, then I will be grateful for her explanation as to why that is referenced from the people concerned, as opposed to capital P, which is, as I said earlier, previously defined.

695 In clause 33 – again, it could be the same point, I am not sure, but I would ask for her assistance in relation to this – there is a reference to 'Agency foster parents', but then in the following subclauses there is a reference to 'the foster parents', and because there is no statutory definition in relation to that, I would ask her to please provide an explanation as to why that is the case. So again, whether there is a some sort of cross referencing.

700 Mr Speaker, I think this is important and I need to go through it. I know it sounds laborious. It is Friday afternoon and I hear some Members yawning, but I think it is important for the sake of the *Hansard* ... the yawns will not be heard, or indeed the comments being made from a sedentary position.

705 Can I take her to clause 39(3)? Can I ask her whether the notice that is referred to is in fact the definition that is referred to in the previous subclause, which talks about notice of intention to adopt? Can I ask her to clarify that and if she agrees with me on whether that added wording, given that it is a defined term, can be included in that subclause?

710 This is a point that I discussed very briefly – and it will be my final point, Mr Speaker – with Mr Feetham in relation to ... I must confess that this is a part of the Bill that I did not have an opportunity to consider in any detail just before coming here, but there is a reference, if I can take her to the very beginning, to the extra-jurisdictional effect, as I see it. It is in the interpretation clause 3. It is the final one, which is subclause (8), where it says:

References to adoption are to the adoption of persons, wherever they may be habitually resident, effected under the law of any country or territory, whether within or outside Gibraltar.

715 I am sure there is a reason for that. It just struck me as odd that there should be an extra-jurisdictional effect of this legislation, but it could be because it is relevant to the provisions that I did not get a chance to properly consider, which are at the end and which she referred to during the course of her contribution – but if she could just confirm that that my understanding is correct.

720 **Mr Speaker:** Does any other hon. Member ...? The Hon. Daniel Feetham.

**Hon. D A Feetham:** Thank you, Mr Speaker.

725 Just so the Minister does not have to respond twice, because it is just a discrete point in relation to one section, if the Minister looks at section 75, the Minister will find the references to restrictions on bringing children into Gibraltar. This section deals with a situation where somebody wants to adopt a child he has brought into Gibraltar from abroad. The reason why I focused on this is because I, myself, have been involved in assisting two constituents who have brought children from abroad for adoption in Gibraltar. Part of the process was abroad, part of the process in Gibraltar.

730 The Minister will see from subsection (5) that a person intending to bring, or to cause another to bring, a child into Gibraltar in circumstances where this section applies must apply to the Agency for an assessment of their suitability and give the Agency any information it may require, and then, under subsection (6) the Minister makes regulations. I would urge the Minister to take this course, which is that when the Minister publishes regulations appertaining to this section, she also includes any requirements in relation to civil status. In my experience, where there have been ... not problems, but blockages, let's say, of these types of adoptions, it has not been on the Social Services side, it has been on the Care Agency side, it has been on the civil status side, and

indeed, on one of those occasions the Chief Minister very kindly intervened in order to essentially help the process along. For the sake of ensuring that people know where they stand, those regulations should be as all-encompassing as possible, not just the Care Agency requirements but also the requirements in relation to civil status.

I know this may be difficult because you are talking about an Agency and you are also talking about a Government Department in civil status, but perhaps a formula can be found in order to ensure that there is a funnelling towards one decision-making process, so that the process can be as efficient as possible.

Mr Speaker, those are just the comments that I would make.

**Mr Speaker:** Does any other hon. Member wish to speak? The Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Mr Speaker, two of the areas that hon. Members opposite have raised deal with areas of my direct ministerial responsibility, one public finance, and the other one the civil status issues that have been raised by the Hon. Mr Feetham a moment ago.

The CSRO have an obligation to ensure that all those who seek to register as British citizens or who seek to register as residents in Gibraltar are entitled to do so under our laws. I seem to recall that in your long and illustrious career in the Civil Service you spent some time in that department and you probably know its operation better than me. Given my responsibilities for that department, I have seen that the people of that department operate with a particular diligence in ensuring compliance with legislation, in particular when we are dealing with people coming from outside into Gibraltar – in other words, those who are not already permanently resident in Gibraltar and can show their residence in Gibraltar – but when we are dealing with a person who is being imported, in the best sense of the word, into Gibraltar we have to exercise particular diligence. That can happen on two particular types of occasions, although it can happen on other types of occasions. One is when a person seeks to marry an individual from outside of Gibraltar, and the second, of course, in cases of what we might call international adoption.

In the first instance, when I was elected there was almost a complete bar, as a matter of policy, in respect of people being able to marry those from outside Gibraltar and then bring them to Gibraltar. It was a very high hurdle. I took the view, which was then translated also in relation to our view in respect of marriages between all sexes on an equal basis, that the Government should not act in a way that is a bar to people falling in love, and therefore we asked the CSRO to be more discerning about how they dealt with this issue in a way that I think has now dealt with that issue.

When it comes to adoption, which is the issue the Hon. Mr Feetham raised and the reason why I gave all of that background, one has to be particularly careful because a third party who is of age and is coming to Gibraltar to marry or is marrying a Gibraltarian abroad and is coming to reside in Gibraltar can express for themselves whether they are in that marriage because they wish to be or whether they do not wish to be subject to all the issues of abuse that there might be, psychological or otherwise. A child, however, is not necessarily able to express to the satisfaction of the authorities whether or not he or she wishes to be adopted. Indeed, the child might not even be able to speak yet. Of course, those who are pursuing an international adoption are invariably – I will not say most often, almost invariably – doing something which is extraordinarily positive for that child and they are doing it out of a wholesome desire to help and of love, nascent or otherwise, but the protection that there must be of that child's interests includes the process which CSRO is a part of, and this Bill also is a huge part of ensuring is dealt with properly at a judicial or quasi-judicial level.

So CSRO have to be very careful. Mr Feetham asked me to become involved and review matters from a policy perspective also, and I hope that I was able to assist in that case, as I have in others. It is nonetheless the Government's view that making the gateway bigger is not necessarily the right way to protect children, that we must continue to exercise the controls that we exercise, so that should there be an individual who is not pursuing an international adoption for the right reasons, or where the international adoption, although being pursued for the right reasons, is not

being pursued in the right way – and getting the international aspects of an adoption right is hugely important for the future of that child; even if properly ring fenced in Gibraltar, they have to be able to go outside with an adoption that is going to stand scrutiny outside of Gibraltar – we have to be very careful before making that in any way less rigorous. Rigorous should not be onerous, rigorous should not be difficult, but rigorous must be rigorous. I hope that addresses the issue that the hon. Gentleman has raised.

In relation to the issue of public finance that was raised by the Hon. Mr Bossino, it is this. He talked about the cost of adoption procedures involving lawyers. Of course, here the only guilty party is the lawyers, because they are the ones who raise the bill – and I am one of them too. But the Government has taken the view, led in great measure by the Hon. Minister for Equality, who was pioneering when it came to the issue of fostering and we did a lot of work in pushing fostering – as Minister for Social Services, as she then was – that we did not want to do anything that stood in the way of a fostering that was going well becoming an adoption, and indeed we also wanted to help those who went down the international adoption route and where all that had to be dealt with in the context of CSRO procedures had been dealt with etc.

And so the Government, in spending public money – something for which we are routinely criticised by Members opposite – one of the things that we have done, which they did not do and which I think they should continue to do if they ever form a government in Gibraltar, is to continue to spend money in funding the cost of adoption, in particular in cases where the individual being fostered and then adopted is a child in care, but also in other instances by way of a grant to those who are pursuing the adoption, so that they can meet the legal fees. That is something we have done. That is something that has increased the cost to the public purse on a recurrent basis. It is not waste, it is not corrupt, it is not any of the things we are accused of doing when we spend public money, which hon. Members are wrong to point to. This is the right way to use public money if only ... Let me just give you this headline. If the adoption goes well and the child who is fostered is taken out of public care and into a family home where he is cared for by parents, adoptive or foster, we stand a much greater chance that in the long run that person will not be somebody who needs our long-term attention through the courts, the Prison, social care etc. It is the right thing to do, and the amount of money that we spend, maybe a few thousand pounds – they do not like it when we spend public money – maybe even more, is an excellent investment in the future of that Gibraltarian that will keep him away from potentially us spending a lot more money on him or her in the future.

Mr Speaker I hope I have dealt with the issue the hon. Gentleman has raised and made clear that the Government remains committed to the funding of those issues so that those who do this community the huge service of fostering, who open their homes as they open their hearts to these children, should enjoy our support, not just morally but also financially.

**Mr Speaker:** The hon. the mover of the Bill.

**Hon. Miss S J Sacramento:** Mr Speaker, I would like to thank the Hon. Mr Bossino opposite for his praise in respect of the legislation, in that he recognises how substantive the legislation is and of course recognises that it is a wholesale review. There was significant praise for this change at the beginning of his speech and I thank him for that.

I did not entirely understand his preamble, where he expressed that it was a shame he had not had sufficient time to consider this Bill when it was published in October. I understand that Mr Phillips is not here, and that is understandable and it is regrettable that he is not here. I would like to make the point, however, that whereas the Members opposite do hold shadow portfolios, when it comes to Parliament questions there is no limit to that shadow portfolio and therefore I do not see how that does not extend when it comes to this. In any event, I appreciate the hon. Gentleman has not looked at this matter in depth and I will deal with the points that he has made. The points he has made are not really points of significant substance. A lot of the points he has

840 made deal with typos and such issues and I will deal with those at the Committee Stage, but I will go through the other points where he has sought clarification.

The first point was in relation to bureaucracy and expense, and the Chief Minister has dealt with that. In practice, the change that this new legislation would make would be particularly in relation to children in care, because applications for adoption would be made by the Care Agency, 845 who hold the children in care, and therefore the lion's share of any legal costs in any event would be borne by the state through the Care Agency. So that makes that significant change in that respect. But as the Chief Minister said, even before this legislation we introduced a practice in 2012 where the Government offered grants for people in situations where they wanted to adopt, because it is that important. By doing it in this way, it places an emphasis and, in a way, encourages 850 that adoption going forward is adoption of children from Gibraltar who are in care in Gibraltar, and that changes the dynamic pre-2011, where a lot of the adoptions were intercountry adoptions and children in care in Gibraltar remained in care in Gibraltar. That will change that emphasis for the benefit of all of us, I would say.

Mr Speaker, he asked about section 3(3) and wanted clarification on the expression 'in an enduring family relationship'. This is taken from the UK equivalent and this will have been tested 855 in the UK.

When it comes to clause 4(4), this is a reflection of how adoptions are now to be streamlined going forward.

When he asked about why there is a reference only to the court, it is because only a court can 860 make an adoption order. The application is presented by the Care Agency, the application of the welfare checklist is obviously made by the court and the Care Agency, but an order for adoption can only be made by a court. It is very clear in my understanding of the legislation; I hope that he now sees how it is so clear.

The hon. Gentleman then went on to refer to clause 5(3) and spoke about the adoption 865 services. He raised these questions as to whether someone would be providing a service. I would refer him to clause 3(1) and the interpretation. It very clearly says:

'adoption service' means the services maintained by the Government under section 5(1);

so it is very much the intention that the Care Agency continues to deal with these. The way it works in practice is that the Care Agency will deal with the documentation and all the preparation, but ultimately, before the matter is considered by the courts, the matter is dealt with by an 870 adoption panel, which also includes people external to the Care Agency and includes people who are either adopters or people who have been adopted themselves so that we have the wide range of experience when considering these all-important considerations. Again, to me it is very clear what clause 5(3) says and it most certainly reflects and codifies the current practice which has been developed in great measure in the last 10 years and is now quite formalised. There has been 875 a significant investment in training of those who make decisions on adoption, on the professional side as well as the adoption and fostering panel.

I turn to clause 10(1), where he asked about the qualifying determination. This is to quantify the determination of the prospective adopters in situations where the Care Agency believes that the prospective adopter is not suitable to adopt a child. In addition to the proposed primary 880 legislation, I have simultaneously asked for the drafting of regulations, which will be ready by the time this is commenced and will go hand in hand. In addition to that, I have also asked for some very simple leaflets to be produced because, whereas of course we have the body of the rules and the procedure in the primary legislation, I want to ensure that everyone who is a stakeholder in this important process understands how it works and what to expect from it.

885 In relation to clause 13(3) and (4), his interpretation is correct, on the basis that I understand the drafting to be very clear.

The other points that he made, in relation to clause 15, are matters that we can take at the Committee Stage. Those are all drafting points that the hon. Gentleman made.

890 The substantive point he made in relation to the extra-jurisdictional adoptions is because this is looking forward and envisages Gibraltar being part of the Hague Convention.

To address the final point that the hon. Member Mr Feetham made, he would not have known at the time of my speech that I will also have commissioned the regulations and the explanatory notes to be provided to people in the system, and that will cover points ... because the whole intention of this is for the process ... We can see that this is a very substantive piece of legislation, 895 but legislation is complex to be understood by the layperson, so I want to make sure that everyone who is involved in this process fully understands what is happening.

Mr Speaker, thank you very much.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to provide for the regulation 900 of the law relating to adoption and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Adoption Act 2022.

**Adoption Bill 2022 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the 905 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.)

**Crime (Disorderly Behaviour Penalty Notice) Bill 2022 –  
First Reading approved**

910 **Clerk:** A Bill for an Act to make new provision for on-the-spot penalties for disorderly behaviour. The Hon. Minister for Justice, Equality and Public Standards and Regulations.

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that a Bill for an Act to make new provision 915 for on-the-spot penalties for disorderly behaviour be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to make new provision for on-the-spot penalties for disorderly behaviour be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

920

**Clerk:** The Crime (Disorderly Behaviour Penalty Notice) Act 2022.

**Crime (Disorderly Behaviour Penalty Notice) Bill 2022 –  
Second Reading approved**

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that the Bill for the Crime (Disorderly Behaviour Penalty Notice) Act 2022 be read a second time.

925 The Bill makes provision for penalty notices for disorder that will provide the Royal Gibraltar Police with a quick and effective means of dealing with low-level nuisance behaviour. The aims of the scheme contained in the Bill are to offer operational officers a quick and effective alternative disposal option for dealing with low-level antisocial and nuisance offending; deliver a swift and simple method of deterrence; reduce the amount of time that police officers spend contemplating  
930 paperwork and attending court, while simultaneously reducing the burden on the courts; and increase the amount of time that constables spend on the street and dealing with more serious crime.

The availability of this form of disposal does not in any way preclude the use of any existing methods of dealing with matters. For example, powers of arrest are unchanged and may be  
935 exercised where appropriate. The offences that have been included are summary offences where the most likely court outcome would be a low-level fine. The offences covered include breaches of the peace, disorderly conduct, making off without payment, noise and various alcohol-related offences.

The RGP will also be issued with guidance by the Ministry for Justice regarding the use of their discretion to issue notices in particular circumstances. For example, in relation to theft, contrary  
940 to section 397 of the Crimes Act, the guidance will state that only one notice should ever be given to an individual for theft, the value of goods stolen should not exceed £100 and it is expected that in most cases the property will be recovered and, where applicable, such as in cases of shoplifting, remain fit for sale. Furthermore, a notice will not be appropriate where the theft is in breach of  
945 trust, such as where a person has stolen from their employer.

Mr Speaker, the scheme contained in this Bill is based on the long-standing fixed penalty notice scheme for road traffic offences. Notices are issued to individuals and there is no requirement for an admission of guilt, nor is a conviction recorded against the subject. There is also a mechanism in place for a person who receives a notice to request to be tried rather than pay the penalty.

950 A notice must only be given to a suitable person. This is defined in the Bill as a person aged 18 or over. Where doubt exists, rigorous checks must be made to establish age. If a person lies about their age, the notice should be withdrawn and any moneys paid returned. In such circumstances, a constable may proceed in any way that was available prior to giving notice.

The Bill includes a power by secondary legislation to lower the minimum age in the future, and,  
955 if that different age is lower than 18, make provision for a parent or guardian of that person to be notified of the giving of the notice and for the parent or guardian to be liable to pay the penalty under the notice. It is not intended to exercise this power at this time, but before this is done, full research and consultation will be undertaken.

In conclusion, the scheme contained in this Bill will provide the Royal Gibraltar Police with  
960 another tool that will allow them to continue the work of more effectively managing their resources. We are following the UK's lead in allowing for a speedy and effective alternative option for dealing with a limited number of low-level nuisance offending in circumstances that may not warrant attendance in court, while still providing all the relevant safeguards to the victims of crime and offenders. It is a matter that has been raised with me by the Commissioner of Police following  
965 inspections, and I am certain that allowing for resolution of the matters in this way will assist him in focusing his resources on more serious matters.

Mr Speaker, I commend this Bill to the House.

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

**Hon. D A Feetham:** Mr Speaker, the Hon. Lady has reached out to me on a number of occasions and has invited me to make any comments on any potential amendments in advance of today. I have to say that, having looked at it, I had no amendments and indeed the Opposition agrees with both the policy and the drafting of the Act. If I may say so, it strikes the right balance between dealing with offences of this sort, which are essentially minor offences but important offences to many people because disorderly behaviour is capable of impacting on the lives of innocent people in the community. It strikes the right balance between those types offences, dealing with them quickly – and swift deterrence, as she put it – with less paperwork as well for police officers, but at the same time ensuring that none of the protections in the law in relation to offences that may carry more serious penalty are infringed upon. For those reasons we are going to be supporting this Bill.

I apologise that I did not raise it with her in advance, but just in relation to section 7, where it says:

The Minister may issue guidance—  
about the exercise of the discretion given to constables by this Act

I presume what means – discretion given to constables by this Act – is the discretion whether to prosecute or not to prosecute. I was racking my brains as to how guidance from the Minister may actually assist in the exercise of that discretion when, quite frankly, discretion by its nature is a wide concept and perhaps one would want, in these types of cases, for the discretion to just be vested in the police officers without guidance. Sometimes guidance can be unhelpful in restricting that discretion. Perhaps she can comment on that and provide the House a little bit more detail about that, but I do not want those comments to detract from the fact that the Opposition will be supporting and that we will be commending the Bill to the House.

**Mr Speaker:** Does the hon. mover wish to respond?

**Hon. Miss S J Sacramento:** Mr Speaker, I thank the hon. Gentleman again for the generosity in the way that he has dealt with this, and I am glad to hear that there is consensus throughout the House in this, which is, I would say, a very sensible and practical proposal going forward.

In relation to the point that he raises, precisely because of this point is the reason why I gave the example in my speech about shoplifting and when relevant. The point to be made here is so that we can identify what would be a type of offence that would be acceptable to the issue. So it is in relation to the offences that are scheduled.

**Hon. D A Feetham:** Rather than the exercise of [inaudible]

**Hon. Miss S J Sacramento:** Yes. I am happy to tell the hon. Gentleman that when this was first proposed to me, the length of the schedule was much greater than the way it has ended up.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to make new provision for on-the-spot penalties for disorderly behaviour be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Crime (Disorderly Behaviour Penalty Notice) Act 2022.



**Crime (Disorderly Behaviour Penalty Notice) Bill 2022 –  
Committee Stage and Third Reading to be taken at this sitting**

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

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

**Domestic Abuse Bill 2022 –  
First Reading approved**

**Clerk:** A Bill for an Act to make provision in relation to domestic abuse; to create an offence in relation to controlling or coercive behaviour in intimate or family relationships; to provide for an offence of threatening to disclose private sexual photographs and films; to provide for an offence of strangulation; to make provision for the granting of measures to assist individuals in certain circumstances to give evidence; and for connected purposes. The Hon. Minister for Justice, Equality and Public Standards and Regulations.

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** I have the honour to move that a Bill for an Act to make provision in relation to domestic abuse; to create an offence in relation to controlling or coercive behaviour in intimate or family relationships; to provide for an offence of threatening to disclose private sexual photographs and films; to provide for an offence of strangulation; to make provision for the granting of measures to assist individuals in certain circumstances to give evidence; and for connected purposes be read a first time.

**Mr Speaker:** I now put the question, which is that Bill for an Act to make provision in relation to domestic abuse; to create an offence in relation to controlling or coercive behaviour in intimate or family relationships; to provide for an offence of threatening to disclose private sexual photographs and films; to provide for an offence of strangulation; to make provision for the granting of measures to assist individuals in certain circumstances to give evidence; and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Domestic Abuse Act 2022.

**Domestic Abuse Bill 2022 –  
Second Reading approved**

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that the Bill for the Domestic Abuse Act be read a second time.

The Bill makes provision for domestic abuse. This is an incredibly important development on this subject and one that is designed to protect victims of domestic abuse.

Part 1 creates a new offence criminalising controlling or coercive behaviour in an intimate or family relationship where the behaviour has a serious effect on the victim. A limited defence is

1050 available where the accused believes he or she was acting in the best interests of the victim and  
can show that in particular circumstances their behaviour was objectively reasonable. The defence  
would not be available where a victim has been caused to fear violence, as opposed to being  
seriously alarmed or distressed. The defence is intended to cover a situation where, for example,  
1055 a person who is a carer for a spouse who is mentally ill by virtue of his or her condition, has to be  
kept at home to take medication. The carer's behaviour might be considered controlling but would  
be reasonable in the circumstances. This evidential burden will apply to the defence – that is, it  
will be enough for a defendant to produce sufficient evidence for the matter to be considered by  
the jury. It would then be for the prosecution to demonstrate to the criminal standard of proof,  
namely beyond a reasonable doubt, that the defence has not been made out.

1060 Part 2 of the Bill creates new powers to deal with domestic abuse in Gibraltar. These include  
domestic abuse protection orders (DAPOs), which will be issued by senior Royal Gibraltar Police  
officers. The DAPOs will be issued by the courts.

Clause 6 defines domestic abuse. The definition applies for the purposes of the Act, but is  
expected to be adopted more generally. There are also provisions recognising that domestic abuse  
1065 can impact on a child who sees, hears or experiences the effects of domestic abuse, and it treats  
such children as victims of domestic abuse in their own right. The definition of domestic abuse is  
in two parts. The first part deals with the relationship between the abuser and the abused. The  
second part defines what constitutes abusive behaviour. There are two criteria governing the  
relationship between the abuser and the abused. The first criterion provides that both the person  
1070 who is carrying out the behaviour and the person to whom the behaviour is directed must be aged  
over 16. Abusive behaviour directed at a person under 16 will be dealt with as child abuse rather  
than domestic abuse. The second criterion provides that both persons must be personally  
connected as defined in clause 3(7).

Clause 8 creates a power for a police officer to issue a domestic abuse protection notice (DAPN)  
1075 and sets out the conditions and considerations that must be met in order for the Police to issue a  
DAPN. The purpose of a DAPN is to secure the immediate protection of a victim of domestic abuse  
from future domestic abuse carried out by a suspected perpetrator. A DAPN prohibits the  
perpetrator from abusing the victim and, where they cohabit, may require the perpetrator to  
leave those premises. It may also prohibit the perpetrator from coming within a specified distance  
1080 of the premises where the victim lives. As a form of civil preventative measure, the issue of a DAPN  
and a DAPO does not constitute a finding of guilt, but for convenience and to aid understanding  
of the purpose of these notices and order I will refer to the person against whom a notice is given  
or an order is made as 'the perpetrator' and the person to whom the notice or order is designed  
to protect as 'the victim'. The issue of a DAPN triggers a police-led application for a DAPO in a  
1085 magistrates court. This is an order which can include prohibitions and requirements necessary to  
protect the victim from future domestic abuse or the risk of domestic abuse and assist in  
preventing the perpetrator from carrying out further domestic abuse.

Clause 9 sets out a list of the type of provision that a DAPN may contain. Such provision may  
include a prohibition on the perpetrator contacting the victim, including via social media or email,  
1090 which would also apply to contacting the victim at their place of work, even if the perpetrator and  
victim work in the same place, or prohibit the perpetrator from coming within a certain distance,  
as specified in the DAPN, of the premises lived in by the victim for the duration of the DAPN.  
Where the perpetrator lives with the victim, provision may be made to prohibit the perpetrator  
from evicting or excluding the victim from the premises in question, prohibit the perpetrator from  
1095 entering the premises or require the perpetrator to leave the premises. It does not matter, for  
these purposes, whether the premises are owned or rented in the name of the perpetrator or the  
victim.

Clause 10 sets out particular matters that the police officer must take into consideration before  
issuing a DAPN. The police officer must consider the welfare of any child whose interests the  
1100 officer considers relevant. The police officer must take reasonable steps to find out the opinion of  
the victim as to whether the DAPN should be issued. Consideration must also be given to any

representation the perpetrator makes in relation to the issuing of a DAPN. Where the DAPN is to include conditions in relation to the occupation of premises lived in by the victim, reasonable steps must also be taken to find out the opinion of any other person who lives in the premises and is personally connected to the perpetrator, if the perpetrator also lives in the premises, or the victim. While the police officer must take reasonable steps to discover the victim's opinion and must take this into consideration, the issue of the notice is not dependent upon the victim's consent – this is at subclause (4) – as the police officer may nevertheless have reason to believe that the victim requires protection from the perpetrator and the issue of the notice is necessary to secure protection.

Clause 11 deals with further requirements in relation to notices. Subclause (2) sets out the details that must be specified in a DAPN, which include the grounds for issuing the DAPN and the fact that the Police will make an application for a DAPO which will be heard in the Magistrates court within a 48-hour period, excluding weekends and bank holidays, the fact that the DAPN will continue to be in effect until the DAPO application is determined and the provision that may be included in a subsequent DAPO. Subclause (4) requires the constable serving a DAPN to ask the perpetrator to supply an address in order to enable the perpetrator to be given notice of the hearing for the DAPO application.

Clause 12 provides that the breach of a notice is an offence.

Clause 13 describes a DAPO for the purposes of Part 2, namely an order containing prohibitions or restrictions for the purpose of preventing the perpetrator from being abusive to his or her victim.

Clause 14 sets out the various routes under which a DAPO may be applied for. First, a DAPO may be granted by a court on application by certain categories of person – subclause (2). Second, where a DAPN has been given to a perpetrator by a member of a police force, there is a duty on the Commissioner of Police to apply to a Magistrates Court for a DAPO – subclause (3) and clause 15. Third, a DAPO may be made by a Family Court or Criminal Court during any ongoing proceedings, and that is at clause 17. Subclauses (5) to (7) specify the appropriate court to which an application for a DAPO is to be made. Where an application is made by the Police, whether following the issue of a DAPN or as a standalone matter, the application will be to a Magistrates Court. Where both the perpetrator and the victim are parties to family or civil proceedings, it would be open to the court to make a DAPO in those proceedings. The victim may apply to the Family or Supreme Court, as the case may be. In all other cases – for example, where the applicant is the victim, not involved in existing proceedings or a specified third party, an application is to be made to the Supreme Court.

Clause 15 covers the steps to be taken by the Police to apply for a DAPO following the issue of a DAPN. This follows on from the requirement set out in clause 28(3) for a Chief Officer of Police to apply to a Magistrates Court for a DAPO once a DAPN has been issued.

Clause 16 makes provision for remand of a person arrested for breach of a notice.

Clause 17 enables the court in family, criminal or, in prescribed circumstances, civil proceedings to make a DAPO during ongoing proceedings where in the course of such proceedings the court becomes aware of the need to protect a person from domestic abuse. In the case of criminal proceedings in a Magistrates Court or the Supreme Court, it is open to the court to make a DAPO on the conviction or acquittal of the accused.

Clause 18 sets out the conditions for making a DAPO. Two conditions must be met, namely that the court is satisfied on the balance of probabilities – that is the civil standard of proof – that the perpetrator has been abusive towards a person aged 16 or over to be protected by the DAPO, the victim, and that the court considers that the making of a DAPO is necessary and proportionate to protect the victim from domestic abuse or risk of domestic abuse carried out by the perpetrator. That is at subclauses (2) and (3). An order may, therefore, be made where domestic abuse has already occurred and the victim needs protecting from continuing abuse or the threat of abuse where such abuse occurred outside Gibraltar – subclause (4). Subclause (5) provides that a DAPO can only be made against a person who is aged 18 or over.

Clause 19 specifies particular matters that a court must consider prior to making a DAPO. These are the welfare of any child whose interest the court considers relevant to the DAPO, the opinion of the victim and, where the DAPO is to include conditions in relation to the occupation of premises lived in by the victim, the opinion of any other person who lives in the premises and is personally connected to the victim or the perpetrator. If the perpetrator also lives in the premises, it is not necessary that the victim consent to the order.

Clause 20 deals with the making of orders without notice. Before making – (*Interruption*) (**A Member:** Okay.) Mr Speaker, before making a DAPO, a court would normally give notice to the perpetrator to inform them of the proceedings and of the hearing at which the ... Mr Speaker, I am not laughing at the substance of what I am reading, I am just laughing at the very funny tune we just heard. I am not quite sure what that was aimed at. (**A Member:** Going round.) Going round, not personal. This clause allows a court to make a DAPO without notice where it would be just and convenient to do so. The clause does not apply in the case where a perpetrator has been given a DAPN, as clause 14 makes separate provision for the making of a DAPO without notice in such cases at subclause (3). Without-notice applications would in practice only be made in exceptional or urgent circumstances, and the applicant would need to produce evidence to the court as to why without notice the hearing was necessary. It may, for example, be appropriate to make a DAPO without giving notice of the application or hearing to the perpetrator where there is reason to believe that the perpetrator may seek to cause significant harm to the victim or intimidate the victim such that he or she would withdraw the application or may deliberately seek to evade service of notice of proceedings. If an order is to be made without notice, the perpetrator must be given an opportunity as soon as just and convenient to make representations about the order at a return hearing on notice.

Clause 21 sets out the types of conditions that may be imposed in a DAPO and it may include any requirements and both prohibits and restrictions that the court thinks are necessary to protect the victim from the various forms of domestic abuse set out in the definition of domestic abuse in clause 6 or the risk of such abuse. This could include, for example, specific requirements to protect the victim from physical or sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, or psychological, emotional or economic abuse. The court may decide that other requirements, such as requiring the perpetrator to attend a behavioural change programme or a drug or alcohol treatment programme may be necessary to protect the victim from domestic abuse. Subclause (4) specifies that the DAPO may prohibit the perpetrator from contacting the victim, and this relates to all forms of contact, including online contact, to prohibit the perpetrator from coming within a specified distance, as specified by the DAPO, of the premises lived in by the victim. The order may also prohibit the perpetrator from coming in a specified distance of any other premises specified by the court or any other premises of a specified description. This will include, for example, any place where the victim may commonly be found, such as the victim's place of work, place of worship or children's school. Subclause (5) specifies that where a perpetrator and the victim share living premises, the DAPO may prohibit the perpetrator from a victim or excluding the victim from the premises, prohibit the perpetrator from entering the premises, or require the perpetrator to leave the premises. Such provision may be made irrespective of who owns or rents the premises.

Clause 22 makes further provision about requirements that may be imposed by orders. The requirements attached to a DAPO must not, so far as practicable, conflict with the perpetrator's religious beliefs or interfere with the perpetrator's work, attendance at an educational establishment – so, for example, a prohibition on the perpetrator entering a defined area would not normally cover his or her place of work – or conflict with another court order. If it is not practicable to avoid the conflict, given the necessity to protect the victim the court may still impose the requirement. Where a DAPO imposes requirements on the perpetrator, it must specify the person who is responsible for supervising compliance.

Clause 23 provides for the duration of orders.

1205 Clause 24 provides that it is an offence to breach any requirement of a DAPO without  
reasonable excuse. In the case of a DAPO made against a perpetrator who was not given notice at  
the time of the proceedings, the offence only operates from the time he or she was made aware  
of the existence of proceedings. The maximum penalty for breach on conviction in a Magistrates  
1210 Court is imprisonment for a term not exceeding six months or a fine, or both. The maximum  
penalty for breach on conviction on indictment is imprisonment and a maximum term of five years  
or a fine, or both, and that is at subclause (5). As an alternative to prosecution for the offence  
under subclause (1), breach of the DAPO may be dealt with as a civil contempt of court, the  
maximum penalty for which is two years imprisonment or a fine, or both, except in a Magistrates  
1215 Court, where the maximum penalty is two months' imprisonment or a fine. Sub clauses (3) and (4)  
set out that any breach has to be punished as a contempt of court and it may not be punished as  
an offence under this clause, and vice versa. This is to ensure that the subject of a DAPO is not  
punished twice for the same failure to comply with the requirements of the order.

Clause 25 provides that as breach of a DAPO is a criminal offence, the perpetrator may be  
arrested without a warrant by a constable exercising powers under section 42 of the Criminal  
1220 Procedure and Evidence Act. Where a complainant – for example, the victim – wants a breach to  
be dealt with as a civil matter, that is as a contempt of court, this clause provides for a power of  
arrest in such cases. A person may apply to the court to issue an arrest warrant if the applicant  
thinks that the perpetrator has breached the DAPO. Once the perpetrator has been arrested and  
brought before the court, the court may either deal with the contempt of court there and then or  
1225 remand the perpetrator, whether in custody or on bail, for the case to be dealt with at a later  
date. Schedule 1 makes further provision about remand under clause 25.

Clause 26 makes provision about notification requirements. This clause requires the  
perpetrator to notify the Police of their name, including any aliases and home addresses within  
three days, beginning with the date of the making of the DAPO. Any change of name or home  
1230 address or any adoption of a new name must be notified to the Police within three days of the  
event. Such information will assist the Police in monitoring compliance with the DAPO and in  
managing risk posed by the perpetrator. The perpetrator's home address for these purposes is  
defined in clause 3(6) as meaning either the person's sole or main residence in Gibraltar or, where  
they have no such residence, the address location in Gibraltar where they can regularly be found.  
1235 Subclause (7) enables the Minister with responsibility for justice by regulations to specify further  
notification requirements which a court may impose on a case-by-case basis when making or  
varying a DAPO. Where additional notification requirements are imposed by a court, the  
perpetrator must supply the information to the Police. Certain sex offenders are already subject  
to notification requirements by virtue of the provision of Part 13 of the Crimes Act, and where the  
1240 subject of a DAPO is already liable to one or the other of these notification requirements the  
provisions in the clause do not apply, to avoid unnecessary duplication. However, if the  
notification requirements under one or other of these enactments or another DAPO cease to  
apply to the subject of a DAPO, then the requirements of this clause will instead apply.

Clause 27 sets out further provision about notification. It sets out how the subject of a DAPO  
1245 must notify the Police and how notification must be acknowledged and police powers to verify  
the perpetrator's identity when they attend a police station to notify.

Clause 28 provides that it is a criminal offence to fail to comply with the notification  
requirements without reasonable excuse.

Clause 29 sets out how a DAPO may be varied or discharged, who may apply for such a variation  
1250 and discharge and to which court the application should be made.

Clause 30 sets out the relevant court at which proceedings in relation to the variation and  
discharge are to take place.

Clause 31 sets out the circumstances in which an affected person may appeal against a decision  
of a court in respect of a DAPO.

1255 Clause 32 makes further provision about appeals to provide that in any case where the  
Commissioner of Police is not the appellant subclauses (1) and (2) provide that the court must

afford them the opportunity to be heard before determining. The Commissioner of Police would automatically have such a right to be heard in any case where they are the appellant.

1260 Clause 33 provides that proceedings before a Magistrates Court or Supreme Court in respect of the making of a DAPO on the conclusion of criminal proceedings or in respect of a variation or discharge made in the circumstances ... Subclause (2) provides that a Magistrates Court or Supreme Court may, in deciding whether to make an order on the conclusion of criminal proceedings, consider evidence which was inadmissible in the criminal proceedings. Subclause (3) enables a Magistrates Court or Supreme Court to adjourn proceedings – for example, after passing sentence on a perpetrator – to enable further inquiries to be made before determining whether to make an order. Subclause (4) provides that where a perpetrator has been convicted of an offence but is conditionally or absolutely discharged, it is still open to the court to make or vary an order in respect of that person.

1270 Clause 34 applies, with appropriate modifications, the special measures provisions in sections 427 to 445 of the Criminal Procedure and Evidence Act to proceedings under Part 2 of the Act. This means that victims of domestic abuse would be eligible for special measures when giving evidence in relation to proceedings of a DAPO.

1275 Clause 35 gives the Minister with responsibility for justice the power to issue guidance to the Police and other persons eligible to apply for a DAPO by virtue of any regulations that may be made under clause 14(2)(c). Such persons are under a duty to have regard to the guidance when exercising functions under this Part.

1280 Part 3 provides for guidance on the establishment and conduct of domestic homicide reviews, so that statutory agencies can learn lessons from them. The relevant authorities have a duty to have regard to the guidance issued by the Minister for Justice when establishing or conducting such a review. The relevant authorities are listed as the Commissioner of Police, the Chief Executive Officer of the Care Agency and the Gibraltar Health Authority. It is envisaged that the guidance will encourage multi-agency reviews in relevant cases and will provide details as to leadership, format, timing and participants, depending on the individual circumstances of the case. The Minister has the power to direct a review to be established in a particular case, specifying who must establish and/or participate in such a review.

1285 Part 4 makes provision for offences including violent or abusive behaviour. Clause 38 amends the offence under section 97B of the Crimes Act of disclosing a private sexual photograph or film with the intent to cause distress to an individual who appears in the photograph or film to include threats to disclose sexual private photographs or films. The three specific substantive defences to the original substantive offence at section 97B of the Crimes Act would be available in relation to any threat to disclose. The new provision is added to ensure the prosecution will not have to prove the private sexual photograph or film referred to in the threat exists, so long as the individual is said to feature in them.

1295 Clause 39 creates a new offence of non-fatal strangulation or suffocation of another person. The use of choking or strangulation as a form of domestic abuse or violence is well documented as the fact that such behaviour may be undercharged or minimised if there is no physical injury caused. This offence is not limited to persons who are connected. This clause inserts a new section 167A to the Crimes Act. The new section 167A will provide that a person commits the offence if the person intentionally strangles another or they commit another act that affects the person's ability to breathe and that act constitutes a battery of the other person. 'Strangulation' or 'strangles' are not specifically defined and have their ordinary meaning. 'Battery' is a reference to the common law offence of battery, an act that affects the ability of the other person to breathe and constitutes a battery can include but is not limited to suffocation. The new section 167A(2) makes clear that it is a defence for a person accused of the offence to show that the other person consented to the strangulation or other act that affected their ability to breathe. This subsection has, however, to be read in conjunction with the new section 167A(3), which provides that the defence set out in the new section 167A(2) would not apply when the person suffers serious harm as a result of the strangulation or other act that affects their ability to breathe. 'Serious harm' is

1310 defined in the new section 167A(6) as amounting to grievous bodily harm or wounding within the  
meaning of section 166 of the Crimes Act, or actual bodily harm under section 176. In short, a  
person cannot validly consent to having serious harm inflicted on them. The new section  
167A(3)(b) clarifies that serious harm must be intended by the perpetrator or that the perpetrator  
is reckless as to the other person suffering serious harm. This means that where a person intends  
to inflict harm that amounts only to a battery and the other person consents to that act, but where  
1315 serious harm occurs, a valid defence of consent would only be available where the prosecution  
can prove that they intended to cause serious harm or were reckless as to serious harm being  
caused. The new section 167A(5) sets out penalties for the offence. The maximum penalty on  
summary conviction is 12 months' imprisonment and/or an unlimited fine. On conviction on  
indictment in the Supreme Court the maximum penalty is seven years' imprisonment and an  
1320 unlimited fine.

Clause 40 restates the statute law of the general proposition that a person may not consent to  
the infliction of serious harm and by extension is unable to consent to their own death. It also  
reflects the exception in relation to consent in cases involving the transmission of sexually  
transmitted infections insofar as the law has been established.

1325 Turning to Part 5, the Bill deals with special measures and protection for victims and witnesses  
in court. Clause 41 amends Part 19 of the Criminal Procedure and Evidence Act to extend the  
eligibility for assistance given to intimidated witnesses in criminal proceedings to complaints of  
any offence where it is alleged that the behaviour of the accused amounted to domestic abuse.  
As a result, complaints of the offence, including domestic abuse, are to be automatically treated  
1330 as eligible for special measures on the grounds that they are in fear or distress about so testifying.  
Special measures apply to witnesses who are giving evidence in criminal courts, and these  
measures include giving evidence by live link, removal of wigs and gowns, and video-recorded  
evidence.

Clause 42 relates to special measures in civil proceedings and provides the Chief Justice with  
1335 the power to make rules of court enabling the court to make special measures direction in relation  
to a person who is a party or witness to civil proceedings where that person is at risk of being a  
victim of domestic abuse.

Clause 43 provides that Part 3A of the Practice Direction 3A of the Family Procedure Rules of  
England and Wales applies in Gibraltar with such modifications as may be required and provides  
1340 that victims of domestic abuse will be automatically eligible for access to special measures.

Part 6 relates to information sharing and gives the Minister for Justice the power to make  
regulations to permit the sharing of information with schools. This is intended to provide for an  
Operation Encompass model for Gibraltar. Operation Encompass is a police and education early  
information safeguarding partnership enabling schools to offer immediate support to children  
1345 experiencing domestic abuse and will give the Minister for Justice the power to make regulations  
for these purposes. Training for all relevant stakeholders in this regard was undertaken in  
November last year.

Part 7 contains regulation-making powers and repeals the Domestic Violence and Matrimonial  
Proceedings Act.

1350 Mr Speaker, bringing this Bill to the House has entailed many years of work and consultation.  
There have been numerous changes to this Bill. There has been input from lawyers, focus groups,  
stakeholders, interested parties and lots of conversations with victims and, importantly, with  
survivors of domestic abuse. This is an incredibly important piece of legislation and is in honour of  
everyone who has been a victim of domestic abuse in Gibraltar.

1355 I commend this Bill to the House.

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

**Hon. D A Feetham:** Mr Speaker, the Opposition is going to be supporting this Bill.

1360 It is often said that the law is a living thing. We all, in this place, strive to make improvements to our laws, and indeed that is part of our responsibility as being the legislature of this small community of ours.

1365 When we were in government, we introduced the 2011 Crimes Act, which at the time was a seminal piece of legislation. Some of the offences that you see reflected in this Bill today, which I have no hesitation in describing as a phenomenally important piece of legislation, at the time had not been proposed or conceived either in Gibraltar or internationally and in the United Kingdom in particular, because although we do not follow the United Kingdom slavishly in every single case, many of the ideas for our legislation do emanate from the United Kingdom.

1370 As the Hon. Minister also said at the end of her intervention, should there be any concerns about this piece of legislation, which in my view there ought not to be, the fact that she has published a consultation paper, the fact that she has consulted with lawyers and with other interest groups and allowed people to make comments on the basis of that consultation paper contributes to the quality and, if I may say so, thoroughness of the Bill presented by the Minister today.

1375 There is no point in me going through this Bill also in detail, but I want to focus, just to explain some of the offences that are created by this Bill, on some parts of it. For example, this Bill tries to close the gap – as the Minister has described, I think, elsewhere, not in the course of her intervention – between offences that we have and patterns of controlling or coercive behaviour. Some people who may follow football – as I do, Manchester United in particular – will have  
1380 followed, for example, the trial of quite a famous former player of Manchester United who was charged with coercive and controlling behaviour. Ultimately, he was not convicted – it was not an acquittal because there was a hung jury in relation to it – but that is what we are talking about.

1385 Just to make it clearer, the type of behaviour that could amount to controlling or coercive behaviour is, for example, a partner isolating you from your friends and family; monitoring your time and how you spend your time; monitoring your time online and your communication tools – introducing spyware onto phones, for example; taking control of aspects of your everyday life, such as where you can go, who you can see, what you can wear and when you can sleep; and controlling your finances – although I have to say that my wife comes very close to this type of behaviour. They are offences. It creates an offence in relation to behaviours that can really create  
1390 a nightmare situation for the person who actually suffers this kind of behaviour. Therefore, in our respectful view, it was needed and we certainly commend the Minister for introducing this legislation.

1395 It also creates new powers to deal with domestic abuse in Gibraltar, and these include domestic abuse protection notices issued by police officers in urgent circumstances, but also domestic abuse protection orders, which are a court-issued version of the notices, including in family, criminal and civil actions.

1400 In our view, the Police and the courts are going to be able to deal with domestic abuse in a much more efficient and focused way, and hopefully will allow all of us as legislators and the Police as the enforcement agency – and the courts, of course, where these things are going to have to be proved – in our own way, to attempt to stamp out this kind of behaviour, which has and should have no place in society and in this community.

1405 Mr Speaker, for all those reasons, I commend the Bill to the House. The Minister, I think, in her press release said she felt proud about the work that she had done in relation to this and I think she should rightly feel proud because it is a very good piece of legislation indeed, and therefore I too commend the Bill to the House.

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



**Hon. Ms M D Hassan Nahon:** Mr Speaker, while I applaud many of the measures contained within this Bill, as one out of a grand total of two women in this House of 17 representatives I feel I have to put a feminist slant on this debate for the benefit of half of the population of Gibraltar.

I would like to remind the House that while both men and women may experience incidents of interpersonal violence and abuse, women are considerably more likely to experience repeated and severe forms of abuse, including sexual violence. As an example, in the UK, for the year ending March 2022, 6.9% of women suffered this violence and 3% of men. This translates to 1.7 million women and 699,000 men, more than double are the women. They are also more likely to have experienced sustained physical, psychological or emotional abuse or violence that results in injury or death. Women experience higher rates of repeated victimisation and are much more likely to be seriously hurt or killed than male victims of domestic abuse, are liable to experience higher levels of fear and are more likely to be subjected to coercive and controlling behaviours.

Domestic abuse perpetrated by men against women is rooted in women's unequal status in society and is part of the wider social problem of male violence against women and girls. In light of this pervasive problem, I feel this Bill does a disservice when it does not make any reference to gender-based violence in its definition or making special provisions to protect women with measures aimed at countering the many biases that continue to exist – the biological, social and economy imbalances that make violence against women an endemic problem for humankind. In fact, by continuing to operate in this seemingly neutral, politically non-committal way, we are failing to make a stance that the women in our society sorely need, to the benefit of the small but loud bunch of male-rights activists out there whose role it is to tear down any kind of feminist progress.

Mr Speaker, the Bill has great elements and I do thank the Minister for her work, so I will be voting in favour of it, but an erroneous recognition of the problem will inevitably create other problems in the long term.

Thank you.

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, can I rise to thank the Hon. Minister for the introduction of this Bill? It has taken a lot of her time in government. She has sought the assistance of other Ministers at different times, but she has borne the complete brunt of the preparation of it with her advisers, and although the title might not suggest it, it is a labour of love manifest in a Bill that is about domestic abuse. It is a piece of work that I know she has taken great care to produce in the best possible way, as we do with every Bill but in particular in relation to this Bill because of the potential consequences of not having the protections that it will afford, or not having modernised the protections that it will afford.

Mr Speaker, can I – this is starting to become a habit – join Mr Feetham in that respect, in welcoming the work that the Hon. Minister has done, and can I thank him for the recognition that he has given across the floor of the House to the Hon. Minister in that respect?

I agree with the hon. Lady, Marlene Hassan Nahon, that the brunt of domestic abuse is suffered by women, not just in this country but in most countries, and in my view it is abhorrent that it should be denied and that the veneer of violence happening in a domestic setting being applicable equally to men as it is to women is just not true. That is the sort of veneer that Vox tried to put on the issue in Spain in the way that they present the issue. Of course there are men who suffer abuse in the home setting, of course there are, but the overwhelmingly vast majority of cases of abuse are against women. That is not to deny that there are even instances of abuse in same-sex marriages or partnerships, but the overwhelming vast number of instances are instances of abuse by male of female partners. On that, I believe that we are all in this House agreed.

Having said that, when legislating, as we are in this House, we have to legislate in keeping with the constitutional parameters. One thing is to recognise the statistic that there is one particular characteristic that can afflict the majority of the cases that are going to be dealt with. Quite

another is to legislate in that way when we all also recognise that there are instances of violence in this sort of setting which are also affecting all sexes. Our Constitution requires us not to legislate in a way that would be seeing a sexual entity rather than an individual of any type. So gender-based violence legislation is complicated. There are some instances where it is physically necessary ... For example, in instances of female vaginal mutilation. There you are dealing with a gender-based issue, genital mutilation. You are dealing with a gender-based issue and you are not doing so in a sexist way. But we have to be very careful, where we are dealing with the creation of offences of abuse against individuals, against citizens, that the legislation is gender neutral, although the enforcement of the legislation will no doubt reflect, as the hon. Lady has said, that the vast majority of these offences are committed against women in particular circumstances. We cannot deny, as the hon. Lady has taken us through, that there are also instances of abuse affecting children of all sexes in the home setting, where they are witnessing what is overwhelmingly and predominantly the violence of men against women, but that is also abuse of the children, and the children of both sexes.

I think this is an incredibly complex piece of legislation that delivers against an incredibly important area of our law. We have seen the most heinous incidents of violence in the domestic setting in Gibraltar in the past 15 years – they have been the most awful – and indeed in the past 10 years in our period of our tenure, we have been in office and seen, under successive Ministers for Justice, two instances of the most heinous offences, seeing the loss of life of two women and, in one instance, the loss of life of a woman and her children and also the alleged killer, the man. So legislation that helps us to deal with that and, to an extent, try to nip it in the bud is legislation I am very happy to see will have the full support of the House. It could not be otherwise, and in giving this legislation the full support of the House we are giving the Minister our full support to the fantastic work that she has done in the past months.

**Mr Speaker:** The hon. the mover of the Bill.

**Hon. Miss S J Sacramento:** Mr Speaker, I thank the hon. Gentleman Mr Feetham once again for the generosity of his praise of this work. I am very glad and grateful that he has recognised this piece of work. Obviously, as a former Minister for Justice he understands the level of work that this entailed. I am glad that he reminded me of the process of the consultation and the Command Paper, because it was as a result of the consultation that followed the publication of the Command Paper that the substance of the Bill changed significantly. If we look at the Bill in its form today, we can see that it is very different from when the consultation paper was issued and it has been, in large measure, because of feedback we received at the time, and because then we also had the intervening period of COVID there were developments in the UK and we have included those developments and those amendments.

The hon. Gentleman referred to the offence of controlling coercive behaviour and how this has developed. It is already, and has been for a considerable period, an offence in the UK. It relates to non-physical violence, and that is why, whereas at the beginning when we started our strategy we referred to incidents as domestic abuse, we have changed the nomenclature and updated it to ... Sorry, initially we referred to it as domestic violence, and we have changed the communications to domestic abuse to make sure that everybody is aware of the coercive behaviour. In fact, because we have been working on this for such a considerable period of time and I wanted to make sure that everyone was ready to be able to deal with the legislation ahead of it succeeding in this House, back in 2019 I commissioned training specifically on coercive controlling behaviour, and in the autumn of 2019 every single police officer from the police constable to the Commissioner of Police has undertaken training on coercive controlling behaviour. This is because, as an offence, it is very difficult to prosecute and it is very difficult to identify. One of the principal reasons for this is because victims of coercive controlling behaviour in many circumstances do not themselves realise that they are victims of coercive controlling behaviour. The emotional abuse is such that they no longer realise it is wrong and that they are victims of abuse. That training that

we originally started has been ongoing. We have also, as part of the package that I commissioned in 2019, had a train-the-trainer package, so it means that, thereafter, training for primarily the Royal Gibraltar Police but also the inter-agency training that we do as part of the Domestic Abuse Strategy is delivered by people who have been trained in Gibraltar. We had a very moving conference in November on domestic abuse, where we had two victims and survivors of domestic abuse speak out. They spoke specifically of their experiences of domestic abuse, and both said that at the outset neither of them had recognised that they were, in fact, victims of domestic abuse and it was not until they spoke to other people that this was pointed out to them. The training that we have already undertaken and the training that is planned throughout the year is specifically focused on this because we anticipate, as is the case in the UK, that successful prosecutions on coercive controlling behaviour are incredibly difficult and there is no point in having the statutory framework that gives us an offence and not then having the tools in the armoury to be able to give it successful effect.

Mr Speaker, I regret the comments made by the hon. Lady. Unfortunately, I think she is trying to show in her comments that she is more of a feminist than I am, but it is premised, I think, on a misunderstanding of the legislation. This is a piece of legislation that will protect victims of domestic abuse regardless of their gender. The hon. Lady has quoted statistics that are not from Gibraltar that she has obtained, which is a shame because during our *[inaudible]* days of activism campaign that we had in November of last year, the statistics of domestic abuse and the gender split in Gibraltar was communicated. In Gibraltar, according to the statistics provided to me by the Royal Gibraltar Police, we have a 30/70 split of victims of domestic abuse. That means that 30% of the victims of domestic abuse in Gibraltar are men. The hon. Lady, if she wants to speak about equality and how domestic abuse impacts in Gibraltar, did not mention, as the Chief Minister said, victims of domestic abuse who are same-sex couples. Of the statistics that the Royal Gibraltar Police have in relation to reports of domestic abuse by same-sex couples, all reports and all complaints have been of male same-sex couples and there have been no reports by female same-sex couples. So, if we are going to speak about equality, let's understand what it is that we are talking about.

As the Chief Minister says, this is legislation and we have to make sure that the legislation is there and is available for all of us. The hon. Lady is right in that she says, and we all agree, that there are more victims of domestic abuse than women, but the way we deal with it, which the hon. Lady has misunderstood or overlooked, is through education, through strategy, through awareness, and not in legislation. I do not understand how the hon. Lady, apart from the exception that the Chief Minister mentioned, thinks we can legislate for domestic abuse in that way – it is certainly not legislated in that way in the UK, so it is erroneous to speak on the basis of that premise.

In order to reassure the hon. Lady so that she can be comforted that this Government fully understands its responsibilities, I can assure the hon. Lady that we have a national strategy for domestic abuse. In fact, that strategy is now being reviewed and refreshed in the context of the proposed Bill and there is a new working group. I have commissioned someone and engaged someone specifically tasked with driving the national strategy. As part of the strategy, we are looking at early intervention – that is one of the workstreams we have – and prevention, and it is through that strategy and that work that we do with women, with schools, through education, through awareness ... I am not sure whether the hon. Lady has been following the Ministry for Justice campaign that we had in November. Of course we are there to support women, we are there to support everyone, but we need to understand that ... We need to reach out to women, but reaching out to women, supporting women and educating women is something that we do in a different way. It is not something that we can do through legislation and it is a shame that the hon. Lady does not understand the difference.

Mr Speaker, I do not want to end on a negative note because this, as the Chief Minister said, has been a labour of love. It is so absolutely important that we get right the legislation and the support across the board, from training to services, to the help that we offer, to counselling help,

1565 and all of that has been considered and is spearheaded through the Ministry for Justice with input, of course, from the Ministry for Equality to make sure that we do not forget anyone, do not leave anyone behind and do not leave anybody out.

Given that this important piece of legislation is being supported by everyone, I would like to reflect that fact and thank all hon. Members for recognising this important progress that we have  
1570 in our legislation.

**Mr Speaker:** I now put the question, which is that Bill for an Act to make provision in relation to domestic abuse; to create an offence in relation to controlling or coercive behaviour in intimate or family relationships; to provide for an offence of threatening to disclose private sexual  
1575 photographs and films; to provide for an offence of strangulation; to make provision for the granting of measures to assist individuals in certain circumstances to give evidence; and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

1580 **Clerk:** The Domestic Abuse Act 2022.

**Domestic Abuse Bill 2022 –  
Committee Stage and Third Reading to be taken at this sitting**

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

1585 **Mr Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today? (**Members:** Aye.)

**Chief Minister (Hon. F R Picardo):** Mr Speaker, we have been at it now for almost three hours and the Minister has had carriage of, I think, three of the Bills that we have dealt with now, so I  
1590 propose that we should recess to give you and her a break until 10 past six.

**Mr Speaker:** The House will now recess to 10 past six.

*The House recessed at 5.50 p.m. and resumed at 6.11 p.m.*

**Anti-Corruption Authority Bill 2022 –  
First Reading approved**

**Clerk:** We continue with Bills.

A Bill for an Act to make provision for the establishment of the Anti-Corruption Authority and to provide it with powers of investigation and other duties, powers and functions for the  
1595 investigation of corrupt conduct, and for connected purposes. 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):** I have the honour to move that a Bill for an Act to make provision for the establishment of the Anti-Corruption Authority and to provide it with powers of investigation and other duties, powers and functions for the investigation of corrupt conduct, and for connected purposes be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the establishment of the Anti-Corruption Authority and to provide it with powers of investigation and other duties, powers and functions for the investigation of corrupt conduct, and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Anti-Corruption Authority Act 2022.

**Anti-Corruption Authority Bill 2022 –  
Second Reading approved**

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I have the honour to move that the Bill for the Anti-Corruption Authority Act 2022 be read a second time.

The purpose of this Bill is to (1) create a domestic body to investigate complaints of corrupt conduct and also have the freedom to investigate of its own volition without there being any complaint received from any person; (2) provide this body, the Anti-Corruption Authority (ACA) with certain powers of investigation; (3) make provision for other matters which are ancillary or related to these purposes; (4) implement an obligation under Article 6 of the UN Convention Against Corruption, which is currently not provided for under Gibraltar law.

I will take each of the clauses as they appear on the Bill.

Part 1 of the Bill contains introductory provisions. Clause 1 contains provisions in relation to the title and entry into force of the Act.

Clause 2 contains definitions, two of the most important being what is meant by 'corrupt conduct', with reference to clause 15; and 'a public official', which is widely defined. Some of the other definitions rely on meanings provided in other legislation.

Part 2 of the Bill focuses on the establishment of the ACA, its powers, functions, duties and related matters.

Clause 3(1) provides for the creation of the ACA. Clause 3(2) sets out the scope of the ACA.

Clause 3(3) sets out the membership of the ACA. We have heard the concerns that have been expressed, and given that the Government does not wish to control the composition of the ACA, we have sought an amendment to the Bill by letter today for amendments to include that the chairperson is appointed by the specified Appointments Commission and that the other four are appointed as follows: two by the Chief Minister and two by the Leader of the Opposition. There are examples of similar appointments throughout legislation.

Turning to clause 3(4), it provides for the Chair to oversee the working of the ACA. Some of their members will be investigating officers who exercise powers as authorised by the ACA.

Clause 3(5) states that public officials are not eligible to be appointed to the ACA with the flexibility that further categories of persons may be added as part of the excluded persons. 'Public official' is already fully defined under clause 2 of the Bill.

Clause 3(6) states that the initial period of appointment must not exceed three years, but under clause 3(7) any person can be reappointed unless they resign or have been removed. The person who wishes to resign can notify the Chief Minister in writing under clause 3(8).

Clause 3(9)(a) lists the reasons for the removal of any member of the ACA. There is a broad range of reasons, which is not dissimilar to the circumstances under which the Minister, under

section 36 of the Financial Services Act 2019, can declare the office of Chief Executive vacant and under section 21(7), when the Minister may remove another member of the FSC. Under clauses 3(9) and (10) removals and changes of the composition of the ACA must be published in the Gazette. In clause 3(11) there is provision where, for any reason of absence or inability to act as part of the ACA, or any other reason provided in clause 3(9), there may be a temporary replacement by the Chief Minister. Where there is a permanent removal from any post, the replacement must be appointed in the same manner as the original appointment.

The remuneration and the expenses of the ACA are to be charged on the Consolidated Fund, whether these expenses are payable to a member or the expenses incurred by the ACA at clauses 3(13) and (14). This is exactly the same as for the Financial Services Ombudsman, for instance, under section 181 of the Financial Services Act.

Clause 4 provides that the ACA be a body corporate with common seal with the necessary formalities. You need the chair or another member who is authorised, and in either case one other member also has to be present. The ACA must sue and be sued in corporate name, and service of any processes may be affected by leaving it or sending it by registered post to the offices of the ACA.

Clause 5(1) provides for meetings at dates and times as the chairperson may determine. There has to be a quorum of three members, and matters are decided by a majority vote with a casting vote to the chairperson. Clause 5(4) provides that any act done is not affected by a vacancy or the defective appointment of any person of the ACA. The ACA has the power to regulate its own procedure at clause 5(5).

Clause 6 deals with the duties, powers and functions of the ACA. Primarily, the ACA takes the responsibility of establishing and supervising processes to investigate corrupt conduct, to detect and investigate corrupt conduct, and also to receive, consider and investigate any report made to it by any person relating to corrupt conduct. It must investigate matters properly without delay, exercise the powers that it has under the Bill to facilitate the investigation, analyse the results of the investigation and transmit those and any information or material to the RGP for further investigation. That is at clause 6(1)(a) to (c). Clause 6(1)(d) to (j) contains the powers of the ACA in relation to employment, appointment, the reporting of matters, the exchange of information and power to acquire property and dispose of any property and exercise any power that may be assigned to it.

Clause 6(2) provides for the investigation of corrupt conduct predating the enactment of the Bill and refers to offences for which there is already provision. The intention is that the ACA be given the right to investigate matters that concern corrupt conduct and that occurred or partly occurred before the creation of the ACA, or where some of the elements constituting corrupt conduct occurred wholly or partly before the Act. This is understandable, in our view, because if the corrupt conduct had been committed either wholly or partly before the enactment of the Bill, it would already have been a matter for the Royal Gibraltar Police, which has unfettered powers to investigate. It is irrelevant for the purposes of the Bill whether the perpetrator at the time of the offence was a public official. There is no limit on how far back complaints can be investigated as set out in this Bill.

Clause 6(3) sets out the standard for the ACA's exercise of its duties, powers and functions. It must be independent, impartial and fair and have as its paramount concern the protection of the public interest and prevention of corrupt conduct, with the proviso that there is no obligation for the ACA to act where there is no basis or legitimate reason for the exercise of any duty, power or function.

Under clause 6(4) and (5), the ACA may appoint a member to act on its behalf, and for this purpose the member in question must be provided with an instrument of authorisation for anything authorised or required to be done under the Act. This is to ensure adequate checks and balances within the ACA.

Clause 7 provides for the ACA to keep proper books and accounts and for a statement to be prepared within nine months after the end of each financial year. The accounts must be audited

by the Principal Auditor, who must report within the terms set out by clause 7(3). Clause 7(4) says that the Chief Minister must present the audited accounts before Parliament. The ACA must furnish the Government, under clause 7(5), with estimates no later than 15th January each year.

1700 Where the ACA, in relation to any investigation, requires the services of specialist persons, under clause 8 it has the power to engage consultants or experts.

Under clause 9 there is the standard provision on immunity for anything done or omitted to be done by the ACA, save for acts or omissions done in bad faith. This is an important protection to permit the ACA to engage its powers properly and without any influence or threat of repercussions.

1705 Consistent with this is the duty of the ACA to indemnify persons appointed or engaged by it against claims, except for claims related to bad faith on the part of the person on the employee, at clause 10.

Clause 11 makes provision for where members of the Authority or persons engaged or employed by it have a disqualifying interest in a matter being considered.

1710 Clause 11(1) provides that a person with a disqualifying interest must declare the interest and withdraw from taking part in the relevant matter before the Authority. The declaration or withdrawal by the person must be recorded under clause 11(2).

1715 Clause 11(3) contains a definition of what is meant by a disqualifying interest, and this encompasses not only business or professional interests, but also personal or political interests and associations and the effect or perceived effect of the interest in the person's conduct, the independence and the person's duties, powers and functions under the Bill. The intention is to make it have a wide application and the duty on the person is taken seriously. It is an offence under clause 11(4) for a person not to comply with clause 11(1) and a defence to the offence is provided under clause 11(5).

1720 Clause 11(6) provides that no act or proceeding by the ACA is invalidated by a person having an interest and breaching this clause. Clause 11(7) provides that this clause has no application where the person acquires the interest as a member of the public or where the right to participate by that person is offered to the public.

1725 As part of the ACA's investigations, it will be privy to a great deal of information, and to ensure that the process of investigation is not compromised the information which it obtains must be protected and managed with care. Clause 12(1) defines 'confidential information' and sets out the exceptions to non-disclosure of confidential information by the ACA in clause 12(2). Confidential information includes what the ACA obtains in the usual course of its duties and what is provided to them in confidence by a public authority or the Government. Due to the nature of the ACA's  
1730 investigations and the public importance in apprehending offenders, it is felt that information must be handled carefully and responsibly in order not to defeat or interfere with a subsequent investigation by the Royal Gibraltar Police or a prosecution. The listed reasons for disclosure of confidential information by the ACA in clause 12 are straightforward and should be generally acceptable. The duty not to disclose confidential information binds any person appointed to the  
1735 ACA, employed by the ACA or engaged by the ACA to provide services.

1740 Clause 13(1) provides the ACA with the power to publish and issue guidance to assist the public and for the prevention of corruption. This section has been inserted to give domestic effect to Article 6 of the UN Convention Against Corruption, the Mérida Convention. As Government is taking the necessary steps to seek extension to Gibraltar of this measure, the ACA can make changes to any guidance that is published and, in preparing this guidance, has the freedom to consult appropriate persons under clause 13(3).

1745 Clause 14(1) provides for the ACA, when exercising its duties, powers and functions under the Act, to enter into co-operation agreements with public authorities in order to establish procedures for exchange of information but with the safeguards and limitations under clause 14(2) and (3). These safeguards and limitations are centred around the public authority not disclosing information without the Authority's consent and to use the information for the purpose for which the ACA has provided and for no other purpose. The Authority can refuse to exchange information

if it is not satisfied that the public authority itself is subject to the equivalent confidentiality provisions and the request falls outside a co-operation agreement that the investigation by both is in relation to the same or related conduct or is necessary to protect public interest or an essential national interest. A similar provision is made in section 51 of the Financial Services Act 2019, although this provision relates to a request by a foreign regulator.

Part 3 deals with the definition and scope of corrupt conduct, investigations, reports to the ACA and rights and powers of it. Corrupt conduct, under clause 15(1), is defined with reference to specific criminal offences listed in the schedule to the Bill, which refers to offences under the Crimes Act, the Parliament Act, common law offences and offences under certain parts of the repealed Criminal Offences Act to the extent that these offences may be prosecuted under section 601(2)(a) of the Crimes Act. These are offences that are mostly associated with corruption, but there is also power to add to this list of offences in the future under clause 15(2) of the Bill.

For the sake of clarity, it is provided by clause 15(3) that a person involved in corrupt conduct is a person who falls within the scope of the offences listed in the schedule, whether or not they are public officials.

Clause 16(1) provides that there are two routes by which the Authority can direct an investigating officer to carry out an investigation under the Bill, namely (a) a report received by the ACA from a person, and (b) where the ACA suspects the commission of corrupt conduct. Where the Authority commences an investigation under clause 16(1), it has to establish proper systems of investigation, secure the communications and evidence, process personal data in accordance with the law, and protect persons under clause 30, where appropriate.

The ACA can investigate corrupt conduct as provided under clause 6(2) with reference to the list of offences in the schedule.

The ACA can discontinue an investigation for the reasons set out at clause 16(4). The ACA may discontinue an investigation, namely where no corrupt conduct is disclosed, the matter has already been investigated and there is not fresh evidence, the matter is more appropriately looked into by another public authority, the investigation would be disproportionate, or for any other reasonable cause.

Every investigation needs to be conducted in private, but this does not affect the duties, powers and functions of the ACA, for instance where orders have been sought from a court.

At clause 17(1) it states that where a person makes a report to the Authority about a matter that concerns corrupt conduct, the report must be made in the form and manner as approved by the ACA. Clause 17(4) provides that a report that is certified by the ACA is admissible as evidence of the contents of the original report when it was recorded.

Clause 18(1) contains the power of the ACA to suspend consideration of a report or an investigation where the matter is already in the hands of the court or part of the investigation of the Royal Gibraltar Police pending the final resolution of the matter as defined at clause 18(2). Final resolution is where the RGP investigate and do not charge or, in the case of court proceedings, where a conviction has been secured and the time for appeal has elapsed or the appeal has been disposed of.

Clause 19(1) to (3) says that where an investigation is commenced under clause 16, which could either arise from a report to the ACA or from the ACA's own investigations, the ACA can by notice request any person to provide information or answer questions or provide documents which the Authority can then take copies of, request an explanation for, or make a request for the whereabouts of the documents where these are not produced but have been requested. The threshold for the exercise of this power is contained at clause 19(4), and that is that an investigation has commenced and the information or documents are reasonably required by the ACA for the purposes of the investigation. The request is not binding on any person. It is voluntary and there is no compulsion other than the ACA can seek orders from the court if it does not obtain the evidence and information it is seeking and is necessary for its investigation. Any evidence that is provided by any person can only be used as evidence against that person in a prosecution for an offence under the Bill or in a prosecution for another offence where an inconsistent statement



is made by that person. Clause 19(6) says that any disclosure made by any person in relation to an inconsistent statement may not be used against the person unless evidence is adduced or a question is asked relating to it by that person or on their behalf.

The ACA has the choice and right to apply, under clauses 20, 21 and 23, for production orders, orders for entry and warrants for search and seizure from the Magistrates Court. These sections are quite similar to section 149 onwards of the Proceeds of Crimes Act 2015. There are also useful and comparable provisions in Chapter 3 of the Competition Act 2020, where investigating officers have specific powers in relation to investigations.

Clause 20 deals with production orders. The ACA can apply to the court for a production order. The evidence for the application has to be on oath and the court needs to be satisfied that the conditions in clause 23 are met. The application for the order must also comply with the requirements under clause 24. The court can order production where there is an investigation, a person is subject to an investigation and there are reasonable grounds to believe that the person has possession of evidence, the evidence is likely to be of value to the investigation and it is in the public interest that it is produced. The order can require that the evidence be produced to a police officer or to the Anti-Corruption Authority, or require that a person give access to the evidence. Privileged material or excluded material is protected from production. The person has to comply with the order within seven days unless the court believes a longer period is necessary. Privileged material and excluded material are protected under clause 20(7) to (9). Other than these protections, no other restriction would protect the information, under clause 20(10). The ACA can take copies of evidence produced and can be retained for the duration of the investigation or until the conclusion of any court proceedings.

The power in clause 21 is triggered when the court makes a production order. A court can make an order for entry on the application of the ACA, and where the court grants the order a police officer is permitted to enter premises and seize and retain any material, take copies and use reasonable force. The order may allow any person acting under the instrument or authorisation from the Anti-Corruption Authority to accompany a police officer and exercise the powers under clause 21(3) under supervision of a police officer. For the purposes of the execution of an order, the occupier or person in charge of the premises would be provided with a copy of it. If no one is present, a copy of the order can be left in a prominent place in the premises.

I would move at this stage to make a couple of amendments to clause 21(3), which have nothing to do with the substance, Mr Speaker, but for the sake of good order I am proposing a substitute subclause (3) to read:

*(3) An order to grant entry under this section is an order requiring any person who appears to the court to be entitled to grant entry to the premises to allow a police officer to-*

*(a) enter the premises specified in the order and seize and retain any material found in the premises appearing to be of a type in respect of which the order was granted or take any other steps that may appear to be necessary for preserving, or preventing any interference with, any material appearing to be of the relevant type;*

*(b) take copies of, or extracts from, any material appearing to be of the relevant type; and*

*(c) use any reasonable force that may be necessary.*

I have provided written notification of this amendment to the Hon. Speaker.

Moving on, clause 22 provides that an application for the production order or order for entry must be made in private without notice, and the Chief Justice can make rules of court in relation to production orders and orders to grant entry. Persons who are affected by any order made or the Anti-Corruption Authority itself can apply to the court to have these orders set aside or varied under clause 22(3). The Court can discharge, vary orders or dismiss an application at clause 22(4).

Clause 23(1) gives the Authority the right to apply for a warrant of search and seizure from the court and, as in the case of other applications under the Bill, the information or evidence has to be on oath. The court can make an order where there is an investigation, there is material on any

premises that has a value to the investigation and it is in the public interest to obtain the evidence and where it is not proportionate to make a production order for the reasons in clause 23(4). The reasons in clause 23(4) are that it is not practicable to communicate with the person against whom a production order or order for entry could be made or would be required to comply, and the investigation could be prejudiced if the Authority cannot get hold of the material. The court can grant a warrant under clause 23(6) for a police officer to enter, search the premises, seize the material, take copies of extracts and use reasonable force. The Authority can, under an instrument of authorisation, allow a person to accompany a police officer and exercise the powers under 23(6) under the police officer's supervision. The warrant can authorise a person acting for the ACA under an instrument of authorisation to accompany a police officer and exercise any of the powers under clause 23(6) under the supervision of the police officer.

Clause 24(1) sets out how the application needs to be made in private and may be made without notice. An order made under clause 23 will not grant anyone the right to seize privileged or excluded information. Apart from these provisions, no other restrictions will apply to the disclosure of the information. The warrant can be in force for a month, and the order may make provision for the police officer to do other things and give proper effect to the order. The material can be retained for as long as the investigation continues, and the occupier of the premises or the person in control of the premises must be given a copy of the warrant.

In clause 25(1) and (2) the ACA and any affected person has the right to apply for the discharge or variation of the warrant. The court has the power to discharge and vary the warrant or dismiss the application.

Clause 26(1) one defines 'officer of the Crown' and under subclause (2) makes provision for the Authority to require a Minister or officer of the Crown who is able to provide evidence in relation to the investigation to produce documents, furnish information or give access to the material. There are important safeguards and limitations to this right, which are set out in clause 26(3). This provision is also contained in section 18 of the Public Services Ombudsman Act, where the Ombudsman, as one knows, is also given the right to investigate reports or complaints. Under clause 26(4) nothing in the Act affects the withholding of information on public interest immunity grounds. No information or answers may be sought relating to proceedings before the Council of Ministers or Committee of Ministers. A certificate by the Chief Minister is conclusive evidence of the matter under subclause (3).

There is also an appeal route to the Supreme Court for persons who feel aggrieved by orders made by the Magistrates Court under sections 22 and 25, and this is under clause 27. The Supreme Court can dismiss the appeal, allow the appeal or quash the order appealed against, or remit the matter to the Magistrates Court for further consideration. The Supreme Court has the power to grant a stay or other relief until the appeal is concluded. The Supreme Court can make any appropriate order as to costs under section 27(5).

Clause 28 is pivotal to the whole procedure under the Act. It provides that the Anti-Corruption Authority must refer any matter to the Royal Gibraltar Police and forward any relevant evidence at any stage of an investigation where it appears to the Authority that a person has committed corrupt conduct or any other offence. The Anti-Corruption Authority does not have to wait until the matter is fully investigated by its officers.

Part 4 of the Bill makes provision for protection measures. Clause 29 facilitates access to the Authority of persons who cannot understand English or suffer an impairment. The ACA has the duty to provide an interpreter or appropriate person to facilitate communications between the person and the Authority. This provision is also relevant to the considerations and aspirations under the UN Convention on the Rights of People with Disabilities.

Under clause 30(1), the ACA is allowed in appropriate cases to notify the Commissioner of Police where the safety of a person assisting the ACA is prejudiced or where they may be subject to intimidation, harassment or retaliation. The Commissioner of Police is duty bound to make arrangements for their safety or protection from intimidation, harassment or retaliation. The scope of this protection measure is wide and includes persons making reports, assisting,

1895 complying with a request from the ACA or with an order from the court, or assisting in some other manner.

Clause 31 provides protection for the person assisting the ACA under clause 30. Clause 31(1) says persons assisting cannot be deemed to be in breach of their duties or contract and have the right not to suffer detriment by reason of assistance they provide the ACA. Under clause 31(2),  
1900 any person who has been subjected to a detriment has a right to present a complaint to the Employment Tribunal on the basis that a report under clause 17 or assistance in relation to an investigation under this Bill is a qualifying disclosure within the meaning of the Employment Act.

There is a statutory obligation on a police officer or the Authority under clause 32 to return material which is gathered or obtained as a result of a request under clauses 19, 20, 21 or 23 if  
1905 any items seized or produced to them are subject to legal professional privilege (LPP) or are excluded material. If it is possible to separate the items of LPP or excluded material from lawfully obtained material under clause 32(3), the person whose duty it is to return the material must ensure the separated item is returned as soon as practicable. The material must be returned to the owner or the person who has control or custody of it before it was seized or produced.

1910 Part 5 of the Bill creates offences prohibiting specific conduct which would interfere with the powers, duties and functions of the ACA. They are aimed to target different forms of conduct by a variety of perpetrators.

Clause 33 has two main limbs of criminal liability. Clause 33(1) creates a liability for a person within the Authority obtaining a benefit for themselves or for another person in exchange for  
1915 neglecting their duty, doing something or omitting to do something, taking advantage of their position or facilitating an offer under any law. The penalties at clause 33(1) reflect the seriousness of the wrongdoing.

Clause 33(2) makes it an offence for a person outside the ACA to confer, procure or promise to any person appointed to the ACA or any other person a benefit in exchange for the person  
1920 appointed to act, as under clause 33(1). As in the case of clause 33(1), serious penalties are created for any person found guilty of the offence.

Clause 34(1) creates an offence where a person receives a request from the ACA or an order from the court under the Bill to make a false or misleading statement with the necessary intention or recklessly. Serious penalties are also imposed under clause 34(2).

1925 Clause 35(1) creates the offence of falsification, destruction, disposal or concealment of evidence. Where a person knows or should know that a report has been made or there is an investigation, and falsifies, conceals, destroys or disposes or causes or permits these acts where they know or should have known that they are or would be relevant to a report or an investigation, they are guilty of an offence. The person would not commit an offence if they can provide that  
1930 they had no intention to commit any of these acts.

Clause 36(1) creates the offence of improper disclosure of information obtained through an investigation. There are three scenarios that trigger this offence, namely where a report is made under clause 17 or an investigation under clause 16 has started, a request is made under clause 19 and this has not been refused, or an investigation under clause 16 has started, applications have  
1935 been made under clauses 20, 21 or 23 and they have not been refused and the person knows or would be expected to know that disclosing any information would prejudice any of these scenarios. A defence under clause 36(2) is provided for a person who did not know or could not reasonably have known that the disclosure would be prejudicial, or has lawful authority or reasonable excuse for disclosing the material. There are also serious penalties for this offence.

1940 Clause 37 creates the offence of disclosure of confidential information and is triggered when a person contravenes the provisions of clause 12 or clause 14(2).

For completeness, Mr Speaker, clause 38 provides corporate liability and liability in relation to partnerships for an offence created under the Bill.

1945 Part 6 of the Bill contains miscellaneous provisions, the first one, clause 39, being that the Chief Minister can request a report from the ACA and that a report, once approved by the Chief Minister, is presented before Parliament. The report can either be connected to the Authority's

duties, functions and powers under the Act or otherwise. The report is submitted by the ACA in draft to the Chief Minister, who may require it to amend or exclude matters for good reason. Under clause 39(3), the ACA must prepare, within three months after the end of each financial year, a report under the matters stated in (a) to (d) and hand it over to the Chief Minister within two weeks after it has been finalised, and the Chief Minister must lay in Parliament each report referred to.

Clause 40(1) is a regulation-making power for the Chief Minister to make regulations for various purposes, including the exchange of information between the ACA or equivalent overseas authorities outside of Gibraltar, and also for the implementation of international agreements and conventions. This is a very common form of regulation-making power which is currently contained in various Acts. A case in point are sections 104 onwards of the Proceeds of Crimes Act. Finally, clause 40(2) defines what is meant by 'overseas authorities'.

Mr Speaker, on the basis of the explanation of the Bill, I commend this Bill to the House.

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

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

The GSD side of the Opposition are going to be abstaining in relation to this Bill. In explaining why we are going to be abstaining, can I say that other than observations that I am going to be making in relation to the Code of Conduct for Ministers and Members of Parliament, I am going to attempt to leave to one side any political points that perhaps I might be tempted to make in relation to who said what, when, in what manifesto and in what year, and I am going to try to simply focus on the substantive issues and give the substantive reasons as to why we are going to be abstaining.

There are essentially two reasons why we are going to be abstaining. The first reason is that in our view this Bill adds an extra layer of bureaucracy which will inevitably lead to extra expense for, we say, little gain. In short, we say that this Bill does not go far enough. The second reason is the way that members are appointed and indeed removed leaves room for political influence and political interference despite the amendments that the hon. Lady has or is intending to move at Committee Stage.

Just drilling down in relation to that first overarching reason that I have provided, the Bill creates an authority to investigate and indeed receive reports about corrupt conduct. If you ask the average person in the street are they concerned about corruption in public life, many will say yes – but not only now; I say that historically as well. I do not necessarily want my intervention to be perceived as an imputation of corruption on the Government side. I am talking about Governments generically. But when you drill down about what he or she, that person in the street, understands by corrupt conduct, it may not be the same as what we or lawyers would understand by the term, and it certainly does not fall within the meaning of corrupt conduct as defined in this Bill. That does not mean that those concerns, in my view, are unjustified – in fact, we share, as an Opposition, some of those concerns, as I am going to be developing and explaining to this House during the course of my intervention – or indeed that we should ignore them. On the contrary, we should, in my respectful view, be trying to ensure that public trust in politicians and those in public life is restored, difficult as it is in this day and age where social media may blow out of all proportion or indeed distort facts beyond that which is true.

Of course the public are concerned about bribery, whether of politicians, public officials or those in commercial organisations – which is covered by this Act; I will return to the meaning of corrupt conduct in a moment – but what they are concerned about and what they may understand by 'corruption' is *tráfico de influencia*, trading in influence –

**Chief Minister (Hon. F R Picardo):** Mr Speaker, will the hon. Gentleman give way for a second?

I often use words in Spanish also, but in the context of this debate, where we are looking at British legal concepts, can he translate that for the *Hansard*, so that we do not end up with a *Hansard* that has just a Spanish reference and not an English reference? That is all I would say at this stage.

**Hon. D A Feetham:** Yes, I think he did not quite hear what I said, because I said trading in influence.

**Hon. Chief Minister:** I did not hear you say that.

**Hon. D A Feetham:** Yes, I did say trading in influence. So *tráfico de influencia* – or in English, trading in influence – cronyism and nepotism, undeclared conflicts of interest.

The fact is that Gibraltar, either on its own or through the application of United Kingdom legislation, has legislated against corruption in various forms since the late 19th century. The Crimes Act 2011, for example, was a seminal piece of legislation. It imported many of the offences in the UK landmark Bribery Act 2010, but it did not expressly deal with nepotism and cronyism, trading in influence or undeclared conflicts of interest, abuse of entrusted power for private or political gain.

Members may say that all of those things, cronyism and nepotism included, may be caught by this Act, and it is true that bribery takes many forms, but one of the most difficult to pin down in the context of bribery is bribery in the context of exchange of favours. Everywhere in the world, there will always be some individual or organisation that may try to promote the interests of a public official or a business person through privileged connections or status. This person may then be expected to return the favour – for example, providing potential contractors with confidential bidding information on rival bids, choosing a particular contractor rather than others more suitable. Money does not necessarily have to exchange hands, but it is still a huge concern.

Cronyism and nepotism, where favours are given to decision makers, friends or relations to extract unfair advantage is, in my view, what people out there are concerned about. Again, I say that not as a criticism of the Government; I say that historically. There is no legislation in Gibraltar that comprehensively prohibits that type of conduct, and it is a huge lost opportunity that we come to this House establishing an Authority to deal with corrupt conduct but restrict the investigation capability of the Anti-Corruption Authority simply to bribery, election, fraud, election offences and certain conspiracy offences – in other words, offences that exist already in our statute book and that the Police are already charged with investigating. What we ought to have done is taken this opportunity to look at some of the other types of conduct. It is not easy to create new offences in the context of what I have described, but it is not impossible and it is the way we ought to be proceeding, in my respectful view, as a Parliament.

I also say that, because there is a concern about all of those types of conduct that are not included within corrupt conduct that would be caught by this Bill, the codes of conduct and disclosure obligations of Ministers and MPs are important. I remind the House that in Press Release 610/2015 on 8th September 2015, the Government said this. (*Interjection*) I did say that I would make no political – (*Interjections*) Except for this one. (*Interjections*) I did give a health warning, Mr Speaker, at the very beginning – except for this one. I quote:

The Government is pleased to have broken new ground with the publication of the two Codes. There has been no attempt to regulate the activities of Ministers and Members of the Gibraltar Parliament ...

Over seven years later, and the code has still not been implemented. And here we are, talking about the establishment of an Anti-Corruption Authority, and we in this place do not have a fully implemented code of conduct that governs the activities of all of us – not just the Government but all of us. That, in my respectful view, is not a satisfactory state of affairs and opens all of us

2045 collectively – all of us, because in our capacity today we are here as legislators – to, in my view, deserved criticism.

The Government has a duty to promote high standards of behaviour amongst MPs and public servants. If the code is still not effective, if we do not deal with nepotism and cronyism, trading and influence or undeclared conflicts of interest, we cannot really, with any degree of seriousness, be tackling issues relating to corruption by simply creating an Authority. I accept that it is easy to criticise, as opposed to also suggesting alternatives, but that is why, in 2019 in our manifesto, we had suggested the creation of a commission for standards charged with the investigation of many of these issues.

Corrupt conduct in this Bill is defined by reference to the schedule, and the offences in the schedule are limited to offences of fraud and bribery under the Crimes Act 2011, offences relating to election practices in the Parliament Act, common law offences of misconduct in public office, and cheating the revenue, together with accessory liability. These offences can be investigated by the Police and can be prosecuted by the Prosecution Service today. No one has suggested that the current structures of investigation and prosecution are inadequate, and save that fraud offences are complex and potential improvements can be made in relation to how those are investigated and indeed tried – which of course is a different debate entirely because the way that fraud is investigated and tried, we could be talking here for another two hours in relation to that – in our view, quite frankly, no one has properly explained why these specific offences that are defined as corruption for the purposes of this Bill are not adequately or properly investigated or prosecuted today by the Police. To add just another layer on top of that, with respect, appears, in our view, to be unfocused.

What I would urge the Government to do in order to meet the points that I have just made is either create, or at least undertake to explore to create offences of nepotism, cronyism, trading in influence or undeclared conflicts of interest, and then undertake to add them to the schedule. I accept that if that were to happen, then of course it would meet the point that I have made during the course of my intervention.

The alternative is to allow the remit of the Authority to be wider than just investigating the offences that are included within the schedule, because there was an opportunity here for this Authority to not just investigate specific offences, but perhaps investigate types of conduct that may at the moment fall short of offences that we have in the statute book. Of course, our preference is for a much wider look at this in terms of looking at creating other offences relating to the types of issues that I have spoken about, but even if you do not do that, at least allow the Anti-Corruption Authority to perhaps investigate issues that amount to cronyism, nepotism, traffic of influence, all those types of issues, and perhaps issue sanctions against individuals in public office, even politicians, if that sort of thing has taken place but it does not amount to a criminal offence.

That deals with the first overarching point. The second one is this, and it relates to the way the composition and the removal of Anti-Corruption Authority ... is devised in the Bill. The Bill, at section 3(3), at the moment provides for the chairperson to be appointed by the Chief Minister. Under the amendment, it is now going to be the Special Appointments Commission. And then, in relation to the four other persons, which in the Bill is the Chief Minister in consultation with the Leader of the Opposition, that is going to be changed with the Chief Minister appointing two, as I understand it, and the Leader of the Opposition appointing two. Our preference is for there to be no political involvement in the appointment of the people to the Anti-Corruption Authority. Whether it be the Chief Minister or the Leader of the Opposition, in our respectful view, if the route is the Special Appointments Committee, it should all be the Special Appointments Committee. It is important because we believe that those who sit on an authority such as this ought to be completely and utterly independent in any way, shape or form, appointment included, of any kind of actual or perceived political interference.

The amendments which relate to appointment do not deal with an important issue, and that is the removal of anybody on the Anti-Corruption Authority, because under subsection (9) it is the

Chief Minister who may at any time remove a person appointed under this section. It then says 'on any of the following grounds', and there are a number of grounds (a) to (k). The second, (b) is the failure to carry out duties, powers and functions. First of all, it is a discretionary power, but  
 2100 secondly, it is a tremendously wide power and potentially subjective as well, because what he, as Chief Minister, thinks is a failure to carry out a duty or a power or a function may not be what we on this side or anybody out in the street thinks is deserving of somebody getting the sack. May I therefore, for those reasons, urge the Government to at least consider an amendment and, rather than the Chief Minister, the Special Appointments Committee may, for example, exercise that  
 2105 function as well – the removal – rather than the Chief Minister?

What we are essentially urging in relation to this aspect of our concerns about the Bill is for the amendment that the Government is currently bringing, replacing the Chief Minister for the Special Appointments Committee for the appointment of the chairperson – which I believe is progressive; at the end of the day, it is the chairperson who is going to be responsible for overseeing the work  
 2110 of the Anti-Corruption Authority and ensuring that its operation is in accordance with the provisions of this Act under subsection 3(4) – to be extended to the other four individuals, rather than the Chief Minister and the Leader of the Opposition, we get rid of political involvement in that, and for the Special Appointments Committee to also be the body that effectively deals with removal. I do not urge any amendment in relation to the grounds for removal.

Mr Speaker, it is for those reasons that we on this side of the House are going to be abstaining, but being a reasonable Opposition, as we are, we will, of course, hear what the other side say in response to the points I have made and others will be making during the course of their own individual interventions.

2120 **Mr Speaker:** The Hon. Marlene Hassan Nahon.

**Hon. Ms M D Hassan Nahon:** Mr Speaker, the new Anti-Corruption Bill is a welcome and most necessary step. The Government has been postponing this for over a decade. I appreciate that taking this step is both a recognition that the problem exists and an attempt to address at least  
 2125 parts of it. Please note, though, that when I refer to job title or brief, I refer to the office and not the individual.

It is not easy to admit that there is a corruption problem when you have been in charge for 11 years and therefore for which you are directly or indirectly responsible, and for this rare exercise of honesty we are very grateful. For a Government that has either created or been  
 2130 tolerant of a corruption problem that it recognises as real, it is also a bold move, by presenting this Bill, to effectively admit that the authorities currently tasked with curbing corrupt behaviour are ineffective. This Bill does not emerge in a vacuum. All of the behaviours that it cites are already considered either illegal or at least politically offensive.

Let's not forget that there is already an Anti-Corruption Authority in Gibraltar: the RGP. It is already part of their remit to control many of the issues that this new Authority will also tackle. In fact, it will still be the job of the RGP to prosecute investigations undertaken by the new Authority. The fact is that judging by the need for this new Authority, the Government is saying that the RGP is currently incapable of fulfilling its remit and is therefore either compromised or underfunded, or both. It is also my view that some of the problems that affect the levels of corruption in Gibraltar  
 2140 are systemic and therefore difficult to tackle without making enormous changes to our political and economic system. This makes the task of legislating against corruption immensely challenging.

That said, there are clear problems with this Bill. The way I see it, these are the main ones.

The biggest problem in Gibraltar tends not only to be a problem of legislation but a problem of enforcement. To adequately enforce laws that can effectively take on the centres of power in  
 2145 Gibraltar we need authorities that are, firstly, independent. This is the first systemic issue. Most people in Gibraltar are compromised by an omnipresent administration that is also the key player in the economy, with enormous scope for the exercise of discretionary power in the provision of grants and subsidies, government contracts, jobs, public housing, etc. In Gibraltar, if you attack

the Government, the Government can make your life extremely difficult. Even with the  
2150 protections granted to whistleblowers, there is too much scope for the arbitrary exercise of power  
and resources to guarantee that there are no repercussions.

In Part 2, section 3 of the Bill, it states:

The Anti-Corruption Authority consists of the following members-

(a) the Chairperson appointed by the Chief Minister;

(b) four other persons appointed by the Chief Minister in consultation with the Leader of the Opposition and, who,  
in the opinion of the Chief Minister [satisfy a series of criteria].

Apart from the independence problems I have already mentioned, this Bill clearly gives too  
much power to the Chief Minister and, if you dig a little deeper, perhaps also to the Leader of the  
2155 Opposition. Why is the chairperson appointed by the key figure that the chairperson has to  
scrutinise, Mr Speaker? Can you see a Chief Minister appointed Chairman of the Anti-Corruption  
Authority investigating potential corruption directly affecting the Office of the Chief Minister?  
Why is everybody else elected between the Leader of the Opposition and the Chief Minister? Can  
you see this Anti-Corruption Authority investigating, for example, undue links between  
2160 Government and the interests of powerful law firms, for example?

There are plenty more nooks and crannies within this Bill that afford the Chief Minister  
excessive discretionary powers that could be used to manipulate the work of the Authority. For  
example, under the all-encompassing and loosely defined pretext of the protection of security,  
public interest or governance, the Chief Minister may deprive the Authority of information,  
2165 answers or documents necessary to investigate corruption allegations, by applying the same  
criteria. The Chief Minister may also tamper with reports by censoring parts of the information  
provided to the Authority. The Chief Minister also has the power to amend the list of offences  
susceptible to investigation, which means that in practice the Chief Minister will have the power  
to define what constitutes corruption and what kind of corrupt behaviour this Authority can  
2170 investigate.

I know that it is completely inconceivable that the Chief Minister would make use of these  
discretionary powers for anything other than the protection of the general interest. Of course he  
would never move a finger to protect his supporters, funders, colleagues or employers. Surely he  
would never apply these loopholes to use this Bill as a weapon against his perceived enemies. But  
2175 maybe, just maybe, we should legislate in a way that does not trust the wolf to guard the sheep.  
We should not give the man or woman in charge the ability to escape proper public scrutiny or  
weaponise our Anti-Corruption Authority if we want to really tackle the corruption problem that  
obviously exists.

We need authorities that are adequately resourced. Without adequate resources, no authority  
2180 can properly do its job. Investigating corruption allegations is a complex and costly affair, but it  
can also bring substantial returns. In fact, the World Bank calculates a surcharge of some 10% to  
the cost of all business in highly corrupt countries. In Gibraltar, most regulatory authorities are  
left largely toothless and easily manipulable by chronic underfunding. In order to stop this, we  
need adequate levels of funding to be guaranteed as part of law. Will this new Authority and the  
2185 anti-corruption branch of the RGP be given the safeguards and the funding to ensure that they  
have the necessary reach and muscle?

More things that should be tackled in this Bill, but are not. Government does many of its deals  
behind an iron curtain of government-owned companies or companies owned by Government  
puppets, the details of which it often refuses to disclose to the general public. This toxic embrace  
2190 between the public and private spheres and the opacity that it creates for the taxpayer will not be  
solved by an Anti-Corruption Authority of the kind that is being proposed. We need an anti-  
corruption policy that somehow directly outlaws the opaque use of any public money, particularly  
the crony capitalist use of these private companies to funnel public funds to party acolytes. With  
this current setup, deals are perfectly legal and there is no way we can know the important details



2195 of what is happening behind the scenes. This new law does not appear to put an end to these practices, particularly when you take into account the lack of independence issues that will arise from it.

Mr Speaker, for all these reasons and for the many others that have been raised by my hon. colleague to my right, I shall also be abstaining when voting for this Bill.

2200 Thank you.

**Mr Speaker:** The Hon. Albert Isola.

**Hon. A J Isola:** Mr Speaker, thank you.

2205 I think the two interventions thus far have been, as you would probably expect me to say, quite disappointing because politics clearly gets in the way of common sense.

The hon. Lady who has just finished, if I can start with her, makes comments such as ‘systemic corruption problem’. As a matter of fact, as the Hon. Mr Feetham has said, and as she said herself, if there is a corrupt practice or if there is evidence of corruption, then a report is made to the Police, investigated and prosecuted today. How can the hon. Lady say ‘a corruption problem which is systemic’ and not have done her civic duty and reported that matter to the Police to be investigated as a criminal offence? It is a criminal offence today.

2210 How can the hon. Lady say that all of our regulatory authorities are under-resourced and underfunded? I have worked with probably the two largest regulatory authorities and I can assure her – and she will see it from the Estimates – that they are not under-resourced and they are not underfunded. Interestingly, those two authorities that I work with investigate activities of companies, and if they discover any criminal conduct, whatever it may be, corruption or otherwise, they report it to the Police for the Police to prosecute. Isn’t that, in a funny way, what the Anti-Corruption authority is seeking to do as one of its functions – receive complaints, receive information, investigate, and if they find evidence of a corrupt practice, report it to the Police to be prosecuted by the Police?

**Hon. D A Feetham:** No, this is part of it.

2225 **Hon. A J Isola:** That is precisely what the system is designed to do and is already doing in many other areas.

Mr Speaker, for my hon. Friend Mr Feetham to start off by saying, ‘I am going to leave politics aside,’ and then embark on, ‘We are going to abstain because we think it adds a level of bureaucracy and we do not agree with the list in the schedule, but if you add a few more other bits to the schedule, then it could begin to look more like what we think should be there.’ Surely ‘it does not go far enough’, which is what the hon. Member has just said, means it is a step in the right direction, which is what the lady said when she started her intervention this evening. The first thing she said was, ‘I welcome it. It’s a step in the right direction.’ What would be absolutely legitimate for the hon. Member to say is ‘We believe this is a welcome step, we believe this is progress, but we think we should go further.’ That would be legitimate, but to abstain in taking a step that I think everybody in this House should welcome because of the intent behind the legislation ... I do not understand how you can say you are going to abstain in the establishment, for the first time, of an Anti-Corruption Authority.

2230 The hon. Member says we still do not have a fully implemented code of conduct. It is true, we do not, but the hon. Member used to be the Minister for Justice in the previous Government. Where was the draft code of conduct? Below the belt? (*Interjection*) Mr Speaker, it is an absolutely fair point. For the hon. Member to have been a former Minister for Justice, to not have brought any legislation whatsoever on anti-corruption or a code of conduct –

2245 **Hon. D A Feetham:** That is not true.

**Hon. A J Isola:** – and when the step is taken, it is not enough ... Okay, but support it, for goodness sake, because that would be legitimate. *(Interjection by Hon. D A Feetham)*

Mr Speaker, when you look at the schedule, all the hon. Member is doing is suggesting that we should be adding other activities to that schedule. Well, let's have that discussion, but let's accept the step that we have made. Let's welcome the step that we have made.

This is why I say that politics has got in the way of common sense, because surely it is best for the jurisdiction to have an Anti-Corruption Authority. Surely it is better for the jurisdiction to have a place where ... because according to the hon. Lady, the place is rampant with corruption but nobody makes a complaint anywhere. Well, let's give the establishment of the Authority the public awareness so that people feel empowered to come and make complaints, to give information, to start investigations. But the suggestion that because we have not gone far enough they are not going to support it ... I just do not understand on what basis that can possibly be the right position to take.

The hon. Lady spent quite some time saying how on earth can the Chief Minister appoint the chairman. There is a letter, which all Members have, that shows that it is not the Chief Minister who is going to appoint the chairman. Not only is there a letter before all of us, but the hon. Lady the Minister for Justice explained the reasons why we are making that change. So has the hon. Lady not read the letter? Or did she not listen to the hon. Member, the Minister for Justice? It is a specified Appointments Commission that will appoint the chairman, not the Chief Minister. Why? Because it was a valid point, validly considered and changed to make sure there is no issue in that respect, there is no interference in that respect. In fact, it was welcomed by Mr Feetham. Of course it was – common sense.

So I really struggle to give any credence to the suggestions that we are creating, as Mr Feetham said, an extra level of bureaucracy, with cost, but if we add more items to the schedule, then we will be okay. Well, let's have that discussion, not the political abstention on a step forward, which just does not make sense.

I think this is a very good first step in the establishment of an Authority to do precisely what the hon. Lady has described this evening, and I have to say the mix between an Anti-Corruption Authority and establishing it and the act of corruption ... When we have anti-money laundering laws, which we have over the past years been focusing very heavily on in this House, it is not because we are accepting that there is an money laundering problem and that is why we need anti-money laundering laws; it is to stop any money laundering that we have the laws. This is precisely the same. This is not this Government saying there is corruption, so we need an Anti-Corruption Authority. Nonsense! It is precisely to ensure that we maintain good standards of conduct, it is precisely to ensure that there is no corruption, that we want people to be alive and aware so they can make complaints and we can stop it, not the reverse.

I think it is very unfair of the hon. Lady to stand up and say that we have a systemic corruption problem. If that is what she believes, I would expect her to make a report to the Commissioner of Police and ensure that those acts are fully investigated and ultimately – if it is true, which I do not believe – prosecuted.

Thank you, Mr Speaker.

**Mr Speaker:** Is the Leader of the Opposition going to be speaking? Who is? Roy Clinton then, yes.

**Hon. R M Clinton:** Mr Speaker, I think we can all agree that the Bill is on a very serious topic that is the subject of much debate, not just here but around the world. And, of course, if we are going to introduce legislation in this place and we are trying to tackle either a real or perceived problem – and it may be more perceived than real – we have to make sure that in the eyes of the people we serve it is indeed credible.

I obviously identify with all the remarks by my hon. Friend the Hon. Mr Feetham, and indeed the hon. Lady.

If I had to characterise this piece of legislation, I would use two words: toothless and caged. This legislation is toothless. The Hon. Minister for Financial Services says, 'I work with the regulators, and if they find criminal conduct they go straight to the Police.' Fine, but what he fails to mention is that those organisations have the ability to sanction. They have the ability to remove licences and they have other powers by which to sanction individuals. This Bill, as far as I can tell, has no power to sanction anyone for anything, other than to refer it to the Police if there is evidence of a criminal offence. So what, in fact, is this organisation doing? What value is it actually adding to the public? Is it perhaps that we should, as a Parliament, have a public relations campaign and tell the general public, 'By the way, do you realise that you can report corruption to the Police? These are the criteria and this is the bar you need to reach.'

As my hon. Friend said, I think the general public have a different view of what they think of as corruption, and they do not necessarily look at it at a criminal level. The bar may be set perhaps too high to meet the test to be deemed corruption in that sense. There are many different ways in which, in the modern world, you can actually achieve the same result without money moving, and it may be very difficult to prove to the satisfaction of a criminal court that that offence has been committed. However, if you had a body that considered, as has happened in the UK in the past, where – certainly in my experience in banking, where they are talking about tax – they start talking about the spirit of the law, not actually the letter of the law but the spirit of the law ... Perhaps what we should be looking at is a wider concept, rather than narrowly defining it in what are existing legal terms and an existing legal framework. So in that sense this legislation is toothless. It does not actually add anything to anything.

In terms of being caged, the method of appointment is very much in the control of this place. As the hon. Lady has said, that will not necessarily assuage the concerns, real or imaginary, of the general public. I think we should perhaps have been a little bit more inventive in coming up with this legislation and perhaps had a little bit more discussion across the floor if we genuinely wanted to achieve consensus, because it is a very important topic.

And so, Mr Speaker, on that overall theme, I would say toothless and caged, but specifically in terms of independence, I am going to drill down to one very narrow point, which is in respect of the public financing of this, and that is that the hon. Lady refers specifically, I think maybe once or twice, to the public ombudsman structure. I was looking specifically at the funding of this statutory body and I refer Members specifically to Part 2, clause 3(13) and (14), which reads as follows:

The Anti-Corruption Authority must manage its affairs and any remuneration and expenses payable to a member shall be a charge on the Consolidated Fund.

Members will know that a charge has very specific meaning in public finance. It is an item that goes straight out of the Consolidated Fund without any reference to Parliament. We do not vote on charges. But subclause (14) then says:

Expenses incurred by the Anti-Corruption Authority in the discharge of its functions shall be payable out of the Consolidated Fund.

The wording is entirely different. 'Shall be a charge' has a very different meaning to 'shall be payable out of', so you have this bizarre scenario where the appointed members are a charge, a bit like the Chief Justice, but then the expense of the Authority is subject to political discretion.

I do not think that is perhaps what the Minister for Justice was intending in drafting this legislation, because she did specifically refer to section 4 of the Ombudsman Act, and if you read section 4 of the Ombudsman Act, it has two clauses under Remuneration and Expenses:

4.(1) There shall be paid to the holder of the office of Ombudsman a salary, expenses and allowances at such rates as may, from time to time, be determined by resolution of the Parliament.

That raises one interesting point: who determines what the remuneration is of the members of the board? It is silent. We have nothing on that. And then secondly – and this is the important point:

(2) The salary, expenses and allowances of the office

– not the holder, the office –

of the Ombudsman shall be a charge on the Consolidated Fund without the need for appropriation.

That is very different wording to what we have here before us. If you look in the Estimates Book, for the Ombudsman it appears on page 16 as Head 6, Emoluments and Other Charges, and then the full expense appears in Appendix A as a statutory body. I am sure this is what the hon. Lady intended with this, but that does not appear to be the effect of the wording that has appeared in the legislation. Of course we are abstaining, but from a public finance point of view it seems to be undermining the independence of the statutory body, in that only the cost of the board members is a charge, but the expense of running it is a political discretion. That cannot be right, so I would urge the hon. Lady, if she is adamant to continue with this Bill, to look at that because it may not give effect to what she thought it was going to do, and that is fundamental in a body which has to be not just seen to be independent but has to be financially independent. You cannot have the members being paid without political interference, but then it cannot even pay the rent on its offices without a political sanction. I think that probably is not what the Minister intends.

Mr Speaker, I limit my contribution to that because, as I said, my hon. Friend has quite clearly laid out our position, as has the hon. Lady. As I said, if I had to sum this up: toothless and caged.

**Mr Speaker:** The Hon. Gilbert Licudi.

**Hon. G H Licudi:** Mr Speaker, thank you.

There may be some points that I make which have already been touched upon briefly by my colleague Mr Isola, but there are some points that need to be stressed.

Of course it is legitimate in a democratic society to have a difference of views on what legislation is or is not needed, so we can have a debate as to whether this Bill is necessary or unnecessary. What the Opposition cannot do legitimately, in my view, is say, 'This should not be done because we would not have done it.' Mr Feetham does not quite say that. He does not say this should not be done, he says this should be done but it should go even further – not that it should not be done.

What the Government has decided is that this is the right way to proceed, at least at this stage, and that this is the way it should be done, but importantly, it is the Government giving effect to a commitment that it made a number of years ago and on which Members opposite, year after year, speech after speech have been saying, 'When are you going to do it?' Now that it is being done, they get up and they are not happy, and they abstain instead of saying, 'We agree that this should be done and therefore we are going to support it, but we would have done it in a different way and we would have gone further.' That is a legitimate position for the hon. Members opposite to take, but that would necessarily involve saying, 'We agree that this is a step in the right direction.'

In fact, the hon. Lady touched upon this. I thought her contribution was going to be different, given that she started by saying this is a welcome step – a welcome and necessary step is what she says. Having described this as a welcome and necessary step, she says, 'but I am abstaining'. Well, if it is a welcome and necessary step, it is something that she ought to support. Why on earth she is not supporting it I fail to understand, given the contribution she has made.

What she said – and quite an extraordinary statement – is that this Bill is an acknowledgement that the body charged with tackling corruption is ineffective. That, with the greatest respect to

the hon. Member, is an absurd proposition to make. That is a slur on the Royal Gibraltar Police. What is it she is saying, and on what basis is she making that statement? Is she saying that the Police have received 20, 30, 50 reports of corruption and they have not done anything about it, they are totally ineffective, they have not got the expertise, they have not got the officers, they have not got the equipment, they have not got the software? Is that what she is saying? And if she is saying that, on what basis is she saying it? What is the evidence?

It is all very well to come to this this House and make these grandiose statements, but they have to be backed up. Hon. Members opposite often say that their job is to hold the Government to account, but each of our jobs is to hold to account what each Member says, and the hon. Member has to account for what she says in this Parliament. It is quite extraordinary to come here and make a serious slur on the Royal Gibraltar Police without a shred of evidence to back it up. That is shameful conduct in this House.

Mr Feetham – a point already made by my hon. colleague, Mr Isola – when he says it does not go far enough and then he says trading influence, cronyism, nepotism, undisclosed conflicts of interest and all of that should be added to the schedule –

**Hon. D A Feetham:** Offences should be created.

**Hon. G H Licudi:** Yes, that is precisely the point, offences should be created, so it is not just a question of legislating in relation to public conduct because, as the hon. Member knows – and it is important not to confuse the two issues – there are principles of public conduct, generally known as the Nolan Principles, the seven principles of public conduct, which deal with all of these issues, but those generally find their way into a code of conduct which can be breached and for which there can be sanctions. That is very different from criminal conduct, and that is not what this Bill is about. This Bill is about corrupt conduct in the criminal sense, and therefore bringing all those other matters, unless you make them criminal offences ... That is, of course, a debate that can be had, but the last major piece of legislation on criminal offences was the Crimes Act 2011. And who was the architect of the Crimes Act? The Hon. Mr Feetham (*Interjections*) – a seminal piece of legislation, as he described it at the time in this House, which was not actually implemented until we came in, until we had that new dawn in December 2011 –

**Hon. A J Isola:** A proper Minister for Justice.

**Hon. G H Licudi:** We had another Minister for Justice – I forget who he was – who brought in the Crimes Act, but of course not taking away any credit from Mr Feetham. Mr Feetham created that legislation. He prides himself on it and really we do not have to derogate from that at all.

Mr Feetham has said today we are missing an opportunity, we are creating legislation which could have done this. But what about that opportunity? Why hasn't he explained, if he feels the way he feels, that cronyism, nepotism and all that should be criminal offences ...? If he feels that way, why weren't they included? Has he changed his view, or is it that nepotism and cronyism have to be a criminal offence when the GSLP Liberals are in government but not when the GSD are in government? Then it is just about politics. (**Hon. Chief Minister:** Discrimination.) It is all about making political points for the sake of political points rather than conviction. If the hon. Member was really talking about conviction – and this is a matter of conviction – then he would have done it, but he did not. But now that the GSLP Liberals are in office, they should do it, and all of this should be criminal offences.

Mr Clinton, in again a rather extraordinary intervention, describes this as toothless and caged and asks what value this is adding to the public. That approach is totally inconsistent with the approach that Mr Feetham has taken, which is not that this does not add value, it is just that it is not valuable enough. In other words, there is value in this. That is the approach that has been taken by the official Opposition, and Mr Clinton has just got up and shot that to bits, saying this

2435 does not add any value at all. Perhaps they could get their story right from one speaker to the other.

When he talks about this being toothless – and let us remember that the official line from the official Opposition is that this does not go far enough because there should be other *offences*, not just legislation, in terms of conduct in public life added to the list – what is it precisely ...? I did not  
2440 hear him say it and perhaps he could elucidate and tell us what he is thinking and what he is proposing. What is the tooth, given that this is toothless, that this is lacking, particularly in the context that cronyism etc., according to them, should all be criminal offences and added to the list?

Let's assume that Mr Feetham is right. We have a piece of legislation like this, which is good  
2445 enough, but then it adds seven, eight, 10 pieces of additional offences. And this is toothless because it does not provide for sanctions by this administrative body. What is Mr Clinton suggesting? What is the Opposition suggesting? That in respect of criminal offences, which is what this deals with and what Mr Feetham has acknowledged, the list is not long enough. What is Mr Clinton suggesting that an Anti-Corruption Authority as a statutory body should do? Should it  
2450 be setting out sanctions? Should it be now hearing criminal cases? Should it now be acting as judge and jury and everything else, and then issuing whatever criminal sanction? Is that what he is suggesting, an alternative form of criminal jurisprudence and criminal procedure being created in Gibraltar? He does not seem to have an answer to that. I am happy to give way for the hon. Member to say precisely what he is proposing in respect of all these criminal offences. How do  
2455 you create a statutory body and give it the power?

What this is designed to do is for the statutory body to receive reports or make investigations of its own volition because it considers that it is necessary. It has the power to interview, it has the power to go to court to seek certain orders, it has the power to collect all the evidence that it needs, and then, having taken a view, it can pass it on to the Police, who will decide, after further  
2460 investigation, if necessary, whether a criminal procedure should be adopted. I would suggest that that is the only way this can work, even with the long list that Mr Feetham has suggested should be added to the schedule. Again, we have a situation where hon. Members get up and make these statements but do not think them through, do not think of the consequences of making those particular statements, and they honestly have no answer to that.

Mr Speaker, this is something that has been in the offing for some time. It is a complex piece of legislation. It required work and it required thought. When I was Minister for Justice, this was a piece of work that I started dealing with, and then others have been involved. Not being a frontbench Member of the Government, as I see it the Government is to be commended for taking this brave step of setting up an Authority which will have the power to carry out investigations,  
2470 which will have the authority to request evidence and seek orders if necessary, and then to refer, where appropriate, to the RGP, which is empowered, which does its job properly and which also ought to be commended, and certainly we do so from this side of the House.

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

2475 **Mr Speaker:** The Hon. Damon Bossino.

**Hon. D J Bossino:** Mr Speaker, we have had our internal discussions and we have adopted a view on how to vote because of our misgivings. It is no secret that we exchanged statements in the press when this Bill was first announced and we have, in many respects, already argued some  
2480 of the points that we have made and some of the points that no doubt the Hon. the Leader of the Opposition will be making on our behalf, certainly on the side of the Opposition, but one thing that we did comment is let's see if we can be persuaded by the hon. Gentlemen opposite. It is within the realms of possibility. *(Interjection)* The reality is this is a debating chamber, and unless you come here with a fixed and determined view for political reasons, as the Hon. Mr Isola is referring to, then you are not going to allow yourself to be persuaded. I must say, genuinely  
2485 speaking, that I am disappointed. The contributions we have heard up until now from that side of

the House have not persuaded us, and – (*Interjection*) There is a possibility that we change our minds by the time the hon. Gentleman to my right speaks. There is a possibility. Maybe the speakers who are lined up to speak now will be more persuasive than the hon. Gentlemen who have just spoken. That is a possibility.

Let me say this, Mr Speaker: the reality is that this is a political issue and, as a result, we are approaching this labouring under a very strong dose of cynicism because of the track record of the hon. Gentlemen, so their arguments need to be even stronger to persuade and change our minds in relation to this issue, because actually ... I think the Hon. Mr Isola mentioned, and I share that view, the message that Gibraltar could be sending out to the wider world as a jurisdiction ... At the end of the day, this is going to be passed with a Government majority. It is inbuilt and we know it is going to pass – unless we are able to persuade some of them to vote with us, but I very much doubt it. The hon. the backbencher, who is not subject to collective responsibility, may vote in our favour, but even then we do not have the numbers. The reality is it would have been nice if it had had the unanimous support of the Parliament because this is an important piece of legislation, as the Hon. Mr Clinton said earlier, but unfortunately ... It is not an entrenchment, it is as a result of the history of their behaviour. When the Hon. Mr Licudi talks about a new dawn, that new dawn should have ushered in the introduction of anti-corruption legislation. It did not. They flip-flopped. Not only did they delay and actually not do it during the lifetime of that Parliament, in 2015 when they went to the people it was not in their manifesto, it was not in their programme of government, and then it was in 2019 and they have left it, coincidentally – and with a dose of cynicism again – to the election year. Because of that, this just comes across as an exercise of window dressing and a box-ticking exercise.

I will tell the hon. Gentlemen who have spoken up until now why they have not persuaded us. I think the Hon. the Chief Minister, in the past, has said, when we have debated this issue in public, ‘The offences are already there. If you have a complaint to make, make it. You can make it to the Police.’ The Hon. Mr Licudi, in criticism of Ms Hassan Nahon ... criticises her very aggressively and vigorously about casting a slur on the RGP. That suggests that the RGP is doing its job and there is no reason to doubt or question that. Then what is the point of this legislation, other than to do the box-ticking exercise in advance of a general election which will be called during the course of the next 12 months? This is why I ask the speakers who are going to come after Mr Licudi and Mr Isola to be more persuasive. They need to come up with more. The Hon. Mr Feetham has suggested specifics that can be done to perhaps make us say, ‘Let’s back this legislation. We want to do more, but let’s back this legislation and then, as a society, as the political class currently in this Chamber, we can speak out in one voice, in unison, all united, that this is good for Gibraltar.’ But we cannot bring ourselves to do so.

Mr Licudi talks about a commitment. I have already talked about the flip-flopping nature of their attitude. And then he says that we have been complaining ‘When are they going to do it?’ But what is ‘it’? This nonsense ... It is a damp squib legislation, based on the arguments, submissions and contributions put forward by Mr Licudi and Mr Isola, because they are both saying these are offences set out in the schedule that are already criminal offences which the RGP can investigate. Indeed, if the RGP investigates, the role of this commission is redundant by law. This is what this Bill says, (*Interjection by Hon. Chief Minister*) so how many ...? And Mr Isola talks about ... I have just heard the Hon. Chief Minister talk about the FSC. I do not know the exact point he was making. What is this, other than ... what, a post box to receive reports and complaints, at expense? And manning it, having employees, having people investigating – for a post box?

**Hon. A J Isola:** It is a good idea.

**Hon. D J Bossino:** It is a nonsense. It is not a good idea as it currently stands. It is not enough. (*Interjections*)

**Hon. D A Feetham:** In fact, what I said was that.

**Hon. D J Bossino:** Mr Speaker, the Hon. Mr Feetham shows me his notes of his speech and he talks about an extra layer of bureaucracy, suggesting that he has not described it in positive terms. What is the point? An extra layer of bureaucracy, an extra expense – expense we can ill-afford because the hon. Gentlemen are having to use money from the Savings Bank because we have no money in the coffers.

What is the point of this, other than to tick the box? COVID and Brexit, no doubt – you forgot about that excuse. (**Hon. Chief Minister:** Excuse?) Yes, it is an excuse. It may be an excuse which he can rely on legitimately, but it is an excuse, Mr Speaker. (*Interjection by Hon. Chief Minister*) Maybe they do not want to listen to what I have to say. (*Interjections*) I am listening to what they have to say (*Interjections*) and I am telling them why we are not persuaded. In fact, the perennial thought I had whilst I was listening to these two gentlemen was that they are digging a bigger hole for themselves precisely because of that RGP point, precisely because we have a list there which is a nonsense because the list already lists criminal offences. So what is the point?

**Hon. D A Feetham:** How many reports have there been to the RGP in the last [inaudible] years? (*Interjections*)

**Hon. D J Bossino:** Mr Speaker, the Chief Minister's powers, in our view – and this is a bit more granular, but I think it still deals with the principle of this because there has been an attempt at slightly diluting those powers with this amendment, which quite frankly, yes, is a welcome step in the right direction, but it is a small amendment. It does not deal with the fundamental point (*Interjection by Hon. A J Isola*) because they have allowed themselves to include the Specified Appointments Commission to be the body which appoints the Chairman, and then they introduce – presumably as a sop to us, to try to get us to vote in favour ... I do not know, but again, I am afraid to say, with a dose of cynicism, as far as we are concerned, about every action they take – the Leader of the Opposition participating in the appointment of the four other members. But nothing is done – and the Hon. Mr Feetham has addressed this – about the removal powers, which stay with the Chief Minister. No attempt has been made at amending that provision.

I am not going to repeat the point that my hon. Friend has made in relation to that, which I concur and agree with because he suggested that maybe we should have the Appointments Commission also removing, but I would go slightly further. There is a list offences there which quite frankly, if they are committed ... It is absolutely and utterly bizarre that a person, for example, convicted of a criminal offence punishable by a term of imprisonment, is capable of continuing to be on the Authority, because as it currently stands the Chief Minister may, ergo can, exercise his discretion or her discretion – I am not personalising it to him; it is whichever Chief Minister we have in the future – and decide that that individual should remain or that that individual is guilty of misconduct. Yet the Chief Minister of the day decides, 'No, I think I am going to allow this individual to remain,' and that individual is actually going to be investigated for issues of misconduct. It is completely bizarre, and that shows that there has been an attempt at creating this sort of arm's-length situation, but the arm is very short, quite frankly. The arm is very short. The Hon. Chief Minister shakes his head and I look forward to hearing his contribution and seeing if he is able to convince and persuade us, but I very much doubt it.

One final point, Mr Speaker, talking about – (*Interjection*) Yes, of course.

**Hon. G H Licudi:** Before he makes his final point, I wanted to make a point on what he has said and give him a chance to respond to this before he sits down.

His main thrust in this contribution is what is the point of this legislation. That is essentially ... He has mentioned it several times: what is the point of this, because you have a list of criminal offences that can be investigated by the RGP? The main thrust of Mr Feetham's contribution was this does not go far enough because the list is too short. In other words, there should be other criminal offences added to that list which are criminal offences that are necessarily investigable by the RGP. So if there are more criminal offences that can be investigated by the Police, then



there is a point, but with the list as it is, there is no point. With respect, Mr Speaker, this argument makes no sense whatsoever.

**Hon. D J Bossino:** Mr Speaker, the hon. Gentleman has misunderstood the bones ... I know that he knows he is making a point on the basis of a misunderstanding. (*Interjection*) I know that he knows that. He is clever enough to know what point we are making.

I will explain, just for my final point, why we say that the Chief Minister still holds too much power. Under clause 39(2), reports are submitted in draft to the Chief Minister. (*Interjection*) They are submitted in draft to the Chief Minister, and there are elements of it where maybe ... I might be persuaded ... where he decides that material should be excluded because it would not be in the public interest. But then there is wording here which says where it would not be appropriate or it is necessary to exclude, and the individual who decides that is not the Authority and is not the Commission, which we have suggested maybe could be included in this decision-making process, it is the Chief Minister himself. I am not talking about Fabian Picardo, I am talking about any future Chief Minister. We hope that a future Chief Minister will be a different Chief Minister sooner rather than later – (*Interjections*) Well, I have made no secret about that. I am quite relaxed about that. I make no secret about that, that it will happen sooner rather than later.

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

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I welcome the opportunity to say a few words on this Bill, given the way things have evolved and the way the discussion has progressed, making the point also from the outset that I am not a lawyer, so I will be dealing with this perhaps slightly differently than my colleagues who have spoken before. But certainly I have to endorse every word that has come from my colleague Samantha Sacramento – and I congratulate her on her presentation of the Bill – and also from my colleagues, Minister Isola and Gilbert Licudi as well.

Let me say, first of all, that what we are doing in presenting this Bill is implementing our manifesto – that is to say our policy, the policy that we stood for election under, and what we are therefore obliged to do in government.

The House knows that in 2011 we had proposed the establishment of an Anti-Corruption Authority in our manifesto. At that time we were criticised and attacked by the hon. Members opposite for proposing it. Their view then was that they had full faith in the RGP and the Attorney General to administer the provision of the law and therefore the Authority was not, in their view, necessary. The PDP at the time also took the view that there was no need for an Anti-Corruption Authority at all. In fact, they went further and said it would serve only to create alarmist headlines which would undermine the attraction of inward investment into Gibraltar by creating the impression that there must be rampant corruption in Gibraltar if there is a need for a special Anti-Corruption Authority. We took the view at the time, on the advice of the RGP, that we were not going to proceed with that then. We then were re-elected in 2015. The view was put at the time that, as I said, this was not something which was necessary. We then said in our 2019 manifesto that we would establish an Anti-Corruption Authority regardless. That, Mr Speaker, is what we are doing today: implementing the policy of the Government, implementing our manifesto and doing what we set out to do.

So this whole business and area topic of an Anti-Corruption Authority has an interesting history, and in my view the Opposition have pitched their arguments too high to have criticised us for a clause in the Bill which has already been changed and which the Government has proposed to change, as my colleagues have already pointed out, and that is the question of the appointment of the chairman under clause 3(3)(a) of the Bill. The appointment is changed from the Chief Minister to the Specified Appointments Commission. The Specified Appointments Commission itself – I should just make the point – has two members appointed by the Governor, acting after consulting the Chief Minister, and two appointed by the Governor in accordance with the advice

of the Chief Minister. So I think there is a point to be made that when boards, bodies and organisations of this kind are set up – and I remember previous Chief Ministers making the same point – somebody has to do the appointing. They cannot just appoint themselves. So one of their main points in relation to this, which seems to have been the manner of appointment, we think has been taken care of by the amendment of which they have received notice and which was also announced and put forward to the House by my colleague the Minister for Justice.

They have, in my view, been ungenerous and too party political in the way they have decided to approach this issue, because the reality is we need to start somewhere. We do not have an Anti-Corruption Authority. They did not set up an Anti-Corruption Authority in 16 years in office. They never deemed it was necessary. Even in opposition, when we came into government, they still did not deem that it was necessary.

So we need to start somewhere, and as my colleague Minister Isola said, this is a good start.

Legislation, I do not need to tell anybody in this House, is not set in stone. There is always scope for amendments, for changes, for improvements. Nobody, certainly not us on this side of the House, is claiming to be infallible. There is always room for improvement. If they felt so strongly about it, the Bill was published on 1st December and we tabled amendments to the Speaker on 17th and 20th January, they had those six weeks that follow publication of a Bill to contact my colleague the Minister for Justice, to put forward ideas and suggestions to try to persuade the Government to do something different. That could have happened before the Bill came to the House and there could have been scope for some constructive, positive opposition or constructive, positive co-operation between the Opposition and the Government.

I think the case in point here is the schedule we have on page 33 of the Bill and the listing of offences in the schedule. Hon. Members, as I have understood it, are saying that this does not go far enough and there is scope for adding or creating new offences. That is something the hon. Members could have put to my colleague in the six weeks that the Bill has been published, and there may have been an attempt to try to see whether we could find some common ground on that issue too. If that is the only concern in relation to the schedule, that too may have allayed some of the issues and concerns that they have raised here this evening.

So in persuading them to try to vote for the Bill on the basis that it is not set in stone, I sadly do not want to conclude that nothing will ever be enough and whatever we promise, pledge or do, it will not be enough, because I think they have come here with a mindset. The fact that they did nothing in the six weeks before the Bill was taken by this House to try to see whether we could accommodate some of their concerns suggests that. But there is still scope, I think, if they accept what we are saying, that this is not set in stone, it can be changed, it can be amended, there is room for improvement.

It is not perfect, we are not infallible, but this is an important and essential first step to get the ball rolling, and I think I would ask them to ponder those remarks and see whether they are prepared to do something different. Otherwise, Mr Speaker, sadly, it is simply opposition for the sake of it.

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

**Hon. K Azopardi:** Mr Speaker, I am not in politics for the sake of it, and I do not do opposition for the sake of it. I come to issues on a principled position and I hope that by the time I sit down, people will see that we have a principled position on these issues, which I will explain.

I will pick up the points that different speakers have made as I go along, but I want to start quite broadly because I want to explain, as my hon. and learned colleague Mr Feetham has already explained, our broad position, which is really twofold: that it does not go far enough and that there are flaws in the drafting. Let me explain that, so that people understand as they listen to this debate.

The issue of corruption controls does not get resolved by setting up an Anti-Corruption Authority alone – let's start there, it does not – although an Anti-Corruption Authority, an

2695 authority of some form, should be set up, because that is our view. We call it the Commissioner for Standards. We are not wedded on the label. An Authority is an integral part, but it does not resolve it alone. If one is set up – and one should be set up – it needs to be effective, and so the controls need to be wider, its jurisdiction deeper and the powers stronger. When you analyse this Bill, it falls short at a number of hurdles, but it also falls short because it does not go far enough.

2700 Our position is that of course we want comprehensive controls on corruption and abuse – we have said that, it is our policy position – but our view, because it falls short, is that there must be the creation of much wider jurisdiction, rules and standards under the same umbrella of corruption controls to give the Authority that wider jurisdiction. Again, our point broadly is that if they are serious, they should go further.

2705 I hear the Deputy Chief Minister say he doubts our desire to co-operate or participate in that because we have not contacted them in the last six weeks, but the feeling of scepticism is mutual for some of the reasons the Hon. Mr Bossino has mentioned, because we have seen processes before where things we thought we shared common ground on do not progress. For example, the well-known examples of the establishment of Select Committees on important issues, which never meet, whether it is special needs, the environment or parliamentary reform. So we view each other – let me put it that way – with a degree of scepticism, well worn over so many years of politics. That does not mean that we cannot co-operate, but it does mean that that we view each other in that way.

2715 It is also a matter of fact that when he talks about the period of six weeks, we can talk about the period of 12 years. Whether the Members opposite like it or not, it is a fact that this is being debated today, in January 2023, in the 12th year of their administration.

Mr Speaker, for me to explain the principled approach that we take in relation to corruption controls, we need to take a step back and I need to explain our position in the context of our international standards in relation to corruption controls and why we say this does not go far enough if we are really going to grasp the corruption controls agenda, the controls and abuse agenda. I want to explain that, and the starting point, if I may, is the UN Convention Against Corruption, which Members opposite will be familiar with, which has in its scope a much more widely defined set of principles than just a body to criminalise or to pursue an investigative action in relation to criminal offences.

2725 The Anti-Corruption Authority is a body, under this draft that we are considering today, that will have jurisdiction to investigate certain criminal offences. That is one of the things the UN Convention Against Corruption says a country should do, but it is only one. There are many other things that need to be done and there are standards across the board that need to be dealt with, whether they refer to public sector supervision or interference of government officials with third parties who want things from the Government – ultimately, that is what it is about – the use of power, influence in the award and supervision of contracts or jobs or money, and regulatory accountability and standards.

2735 In the foreword to the to the UN Convention Against Corruption, the Secretary General of the United Nations talks about corruption having corrosive effects on societies, undermining democracy and the rule of law, distorting markets and eroding the quality of life. We can discuss and disagree in this House whether these principles that are in the Convention are met, but they are certainly much wider than criminality.

2740 I did think the hon. Lady's contribution opposite, the mover of the Bill, was helpful in giving us a guided tour of the Bill, so I am not going to criticise her. Her contribution was helpful in that way, but I was struck by the fact that she said the creation of the Anti-Corruption Authority was, I think she said, compliant with Article 6 of the UN Convention – and indeed it would be – which seeks the creation of an Anti-Corruption Authority. But of course the UN convention on corruption controls is not just about the creation of an Anti-Corruption Authority. I will give examples, so that people can understand the point I am making.

2745 Under Article 7 of the UN Convention, you are supposed to adopt, maintain and strengthen systems which are aimed to control any degree of corruption in the recruitment, hiring, retention,

promotion or retirement of civil servants – in other words, the appointment of public sector officers.

2750 Under Article 8, you are supposed to set up codes of conduct for public officials, to fight corruption.

Under Article 9, there are all sorts of controls that you are supposed to set up to deal with transparency, competition and objective criteria and decision making.

Under Article 10, states are asked to enhance transparency in public administration in relation to the organisation and function of decision-making processes.

2755 Under Article 12, there are supposed to be controls involving the private sector, enhancing accounting and auditing standards in the private sector.

2760 Mr Speaker, it is a long Convention, but the point I am making with these examples is that it is much deeper than just the establishment of an Anti-Corruption Authority to investigate offences that are already created. The Convention itself is much deeper and wider. It is about transparency, accountability, lack of opaqueness and public access to all this. So for us to seize that agenda of corruption controls, if we are really on the same page, it needs to be a deeper, wider and stronger Bill, legislation that is much wider in its jurisdiction, much more ambitious in its scope.

2765 My learned and hon. Friend Mr Feetham makes the point that trading influence is not a criminal offence and it is not scheduled to the Bill, but again, the Convention itself asks states to make it a criminal offence, and precisely this is part of what people talk ... maybe anecdotally, but this is the stuff that should be tackled if we are going to set up real controls that meet the issue that people are concerned about.

2770 The United Nations Convention Against Corruption is not the only document that sets out international standards. The Commonwealth Secretariat published, in 2021, 25 benchmarks on good anti-corruption practice. It is a number of benchmarks to deal with corruption offences, investigation and prosecution, asset recovery, transparency of asset ownership, political lobbying, public sector organisations, public officials, issuing permits, procurement, contract management, financial management, concession management, asset management – many more things than simply establishing an authority to be responsible for corruption. Establishing an authority happens to be one of the benchmarks, one of the 25, but it is only one out of the 25, and that is why this Bill does not go far enough, because it is not ambitious enough. It does not deal with the issue. This is not decisive.

2780 You have not dealt with the issue of corruption controls by setting up an Authority (*Interjection*) that, carbon-copy, has the same jurisdiction as the Police, but under section 18 of the Act needs to stop investigating if the Police are investigating, and therefore has nothing to do if the Police are already investigating. It does not deal with the issue. If you want to deal with the issue, deal with the other 24 benchmarks. Let's come up with legislation that is ambitious in its project, that actually deals with everything that we are supposed to, that is compliant with international standards.

2785 The Commonwealth Secretariat document, in its introduction, says this:

Corruption undermines the proper functioning of society. It corrupts government, parliament, the judiciary, law enforcement, public sector functions, private sector commerce, and dealings between private individuals. It results in poor public services and in over-priced and dangerous infrastructure. It damages organisations, resulting in reduced project opportunities and financial loss. It harms individuals, resulting in poor education and health, poverty, hunger, and loss of life. It prevents the proper rule of law so that the innocent and vulnerable bear the consequences while the guilty escape sanction.

It goes on to say:

In all countries, to a greater or lesser degree, corruption continues to erode all areas of society. Public officials embezzle public funds. Government ministers award contracts to political donors. Lobbyists improperly influence members of parliament. Law enforcement officers are bribed to tamper with evidence or bring false charges. [Etc.]

Obviously, this is a document written for the entire Commonwealth, and I am not suggesting in any way that any of these examples arise in Gibraltar, but the point is that if we are going to establish corruption controls against some kind of internationally acceptable set of standards, we need to be aware of what they are, and those benchmarks that are recommended by the Commonwealth are recommended as good-practice anti-corruption measures precisely because they are intended, as it says in the document, to help governments and public sector organisations assess their laws, regulations and policies to achieve the right standards.

When you look at the benchmarks produced by the Commonwealth Secretariat for the Commonwealth countries – and at the end of the day there are 54 Commonwealth independent states, and we are part of the Commonwealth family and like to think that we have common values and so it is important to look at these standards – it is obvious that it is much wider than simply setting up an authority. Several of the benchmarks are to ensure that there is adequate anti-corruption regulation in relation to activities which impact on the public, which would harm or produce loss to the public, including public services, or the financial system, or asset ownership, or political lobbying, financing, spending and elections, independent monitoring and auditing of public sector contracts. So it is about transparency and breaking down the opaqueness that we are concerned about on this side of the House. We have made it obvious by many of our contributions.

When you look at the specific benchmarks, benchmark 2 of the 25 is about setting up an authority responsible for preventing corruption, but there are so many other benchmarks on corruption controls that are not even touched by this legislation. At the end of it, when you make the balance sheet analysis on this legislation, it is poor and unambitious if it really wanted to deal with the issue.

Benchmark 10 requires public sector organisations to take particular action on anti-corruption.

Benchmark 11 is about public officials.

Benchmark 12 is about issuing permits.

Benchmark 13 is about procurement, contract management, financial management, concession management – none of this is dealt with – independent auditing and breaking down the web of transactions.

If there is going to be real and effective adherence to the international standards, this Bill is not it. This Bill is a half measure – not even a half measure; it is a poor shadow of a half measure.

More recently still, in England there has been a report on propriety in governance that talks about the revolving doors on Ministers and the appropriateness of certain conduct being followed by Ministers in relation to appointments or business or lobbying. Again, these are lessons to be learned, but every time you look at these things and you then put next to them the Anti-Corruption Authority Bill that the hon. Members have produced – with great fanfare that they are ticking the box of compliance with their commitment to people in Gibraltar, as if to pretend that this therefore deals with the issue of corruption controls – the verdict is that actually it does nothing of the kind when you set it against the international standards, because in fact you realise that this is a pretty poor attempt. Yes, it establishes an Authority, which is one of the benchmarks, but it establishes an Authority that is ineffective, controlled to a very large extent in its powers, not strong enough, without wide enough jurisdiction, not dealing with offences that should be created and very limited in task because it is only about criminality. So the reality is that when you look at all those issues, that is why we are concerned, and we are right to be concerned.

The hon. Member Mr Licudi says they are carrying out ... I think he said they are carrying out their policy. I am not sure if it was Dr Garcia. (*Interjection*) Both of you – yes, I thought I heard it from both of you. I accept we cannot force the Government to go down the route that we would like, but equally I do not think it is right for Members on that side to chastise us for taking the view that because we do not think it goes far enough, we do not agree with you, and therefore that is a legitimate point of view as well. I do not criticise the hon. Members for taking the view that they only want to do an Anti-Corruption Authority of this type – ineffective; if that is what they want, so be it – but I think we have a legitimate position in saying that if we do not think this goes far

enough, for the reasons I have explained and other colleagues on this side have explained, we are not going to vote for it. We are not going to vote against it, but we are abstaining because we do not think it goes far enough and the drafting in itself is flawed. I think it shows a terrible lack of understanding of the principles on corruption controls to think that this somehow does the trick, because it actually does not.

The same goes, with all due respect, to the contribution by the Hon. and learned Mr Isola. He does not understand, certainly, that this is a half measure and we do not support it on that basis, and it is a total caricature of the position of the Hon. and learned Mr Feetham to say that if we were to tinker with the schedule, somehow this was going to be enough. Of course it is not going to be enough, because the Bill needs to be much wider, deeper and stronger, and that is the point we keep making. The Bill is, to a very large extent, as my hon. colleague said, window dressing in that sense. If you believe that you are giving the signal to the public that somehow the corruption controls are being dealt with, it is, if that is what is intended, window dressing, because it does not deal with the issue. It does not regulate conflicts of interest or cronyism or trafficking of influence at all. It does not deal with any kind of tendering or contract issues or transparency in financial management. It is a half measure. The Government has been brought, in our view, kicking and screaming to this issue, and it does not go far enough.

The Hon. Dr Garcia made an allusion as to our position in 2011. It is correct that we were not in favour of the establishment of an Anti-Corruption Authority in 2011. We did not think it was necessary. But in the context of the current situation, yes, we do think there should be an effective Anti-Corruption Authority. Things have moved on, as well. The hon. Members can smile and smirk, but things have moved on. And things have moved on for them, by the way, because their party was in government in 1988 and they were elected in 2011 on the basis of doing things in a quite different way, so things have moved on in the same way things moved on for us as well.

Our firm view is that if Gibraltar is going to deal with the corruption agenda on a proper basis, it has to be against the backdrop of international standards, establishing controls that are at arm's length of the Government so that there is proper balance, so that there are real checks and balances in the controls in a small community – in any community, big or small – as the Commonwealth benchmarks illustrate. It is for those reasons that we abstain on the Bill and it is for those reasons it does not have our support.

This was an opportunity for a much deeper attempt at resolving the issue. After all, when Dr Garcia talks about the six weeks where we did not respond, if they have had almost 12 years to come up with this Bill he must understand that that is why we cannot see how they are serious about addressing the international benchmarks that exist in this area.

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

**Hon. Chief Minister:** Mr Speaker, it is late on a Friday, but I am afraid to tell Members that I wish to respond to a lot of what they have said and pursue the purpose of this Parliament. A parliament, as I have often had cause to remind hon. Members, is defined by the word 'parliament'. The word 'parliament' means to parley, which is to debate, and to debate to try to reach an accommodation or an understanding.

I am not one of those people who believe that we come to this House with our inbuilt majority simply to do that which we set out to do, and we have demonstrated that today in the moving of the amendment that the hon. Lady has put before the House already and which I will take a little further this evening, hoping that hon. Members will then feel that they are able to join us in supporting this Bill.

As I will demonstrate during the course of my address, what we are doing in this Bill is not failing to comply with the UN Convention because we do not do everything in the UN Convention, not failing to comply with the Commonwealth principles because we do not comply with all of the Commonwealth principles in this Bill; what we are doing is putting the last of the building blocks

2890 necessary for Gibraltar to be in compliance with the UN Convention and with the Commonwealth principles.

So the position that has been set out by the Leader of the Opposition in summing up for the official Opposition is actually logically, legally and factually wrong, because what he has suggested, as I will demonstrate when I go through their speeches, is the complete opposite of what the  
2895 Commonwealth principles are there for and what the UN Convention does. I will also demonstrate that they have said the same things in the past. I think what I will also be able to demonstrate to hon. Members is that their memories, even of what happened six weeks ago, is starting to fail.

Abstaining on something as important as this Bill, especially given the issues that the hon. Members have set out, I think is no more than a political tactic, so I hope to persuade them either  
2900 to support the Bill as I will propose it should be amended, or to have the courage of their convictions and vote against the Bill, (**A Member:** Hear, hear.) (*Banging on desks*) but not simply to abstain, because that is clearly no more than a political device deployed in an election year.

Of course, what hon. Members cannot do is get up and say this is a widely drawn Bill – that is how Mr Feetham suggested to us that this Bill was drafted, widely – but just not deeply enough.  
2905 Of course this Bill will not detract, and neither will any other Bill in this House, from the powers of the Royal Gibraltar Police to investigate and prosecute offences – of course not – but we see that, as Mr Clinton alluded, in other areas where the FSC is able to investigate matters but the Royal Gibraltar Police can take over those investigations and, in some instances, will be alerted by the FSC, or another regulator that we may have in our laws, to the investigations when there is a need  
2910 to prosecute criminal offences.

The Bill that we have drawn is complementary to the powers of the Royal Gibraltar Police. What we are not going to do, neither would hon. Members want us to do, and indeed I will remind them that they told us we should not do, is create a parallel police force, a new jurisdiction, and – given where some of the arguments were taking us, after Mr Bossino in particular – a new  
2915 kangaroo court where people would simply have allegations thrown at them and they would not have the guarantees of due process etc., that our well-tested and well-established legal system provide to them.

What we are doing, as the hon. Lady said in her intervention, is ensuring compliance, now full compliance, with the UN Convention on Anti-Corruption and Anti-Bribery. We already comply  
2920 with the Convention on Anti-Bribery in particular, because, as Mr Feetham reminded us, our Crimes Act, drawn by him, and therefore, because it was drawn by him, a seminal piece of legislation which, in effect, brought together lots of other pieces of legislation in one book – it is that seminal ... He defended it in 2011 as already ensuring compliance with the UN Convention.

This Bill is so widely drawn that we even go down the rabbit hole of providing anti-corruption measures in respect of corrupting the Anti-Corruption Authority. It is all there in section 33. That  
2925 is how widely drawn the Bill is. If Mr Bossino has not seen it yet, he should have regard to it.

I will descend to particulars in dealing with the issues that hon. Members raised specifically, but there is a key point about the power of the Chief Minister, a power of the Chief Minister in this Bill, that I am not going to defend, because as hon. Members will see when I come to  
2930 particulars, I will seek to persuade them through agreement with some of their points that we should change some of them. But this Bill, when it gives power to the Chief Minister, is drawing that power in exactly the same way as our laws already give almost exactly the same power to the Chief Minister, whoever the incumbent may be, to redact reports, make determinations as to the public interest, decide whether things should be stopped or things should be continued, and that  
2935 is a power that has been the power of Chief Ministers – power with a small p; we are Gibraltar, we have no seat in the Permanent Council of the United Nations – power such as it may be for Chief Ministers from the times of the AACR.

We shall look at those powers, but that model is not exclusive to Gibraltar. It is even the model in the United Kingdom, where the words 'Chief Minister' become 'Prime Minister', where in some  
2940 instances it is set out in legislation identical to ours, or where it is set out ... not set out in conventions where the Prime Minister has that power. It is all right and a model for the rest of the

world for Boris Johnson to have the power to dismiss the person who finds that he has failed to act properly, and yet here, where it is very unlikely – and I shall not speak about myself, but hon. Members have, I am grateful, depersonalised it from me ... where all of my predecessors would not deserve an allegation that any of them had acted in a way where they would be protecting themselves in respect of anti-corruption, yet here it is somehow unfair that it should be the Chief Minister. Well, the buck has to stop with someone. Or is it that we are still in the age where we have the chip that if the buck stops with Bwana in the Convent, it is fine, but if the buck stops with Fabian in Convent place, it is not fine?

Mr Speaker, I put it to the Hon. the Leader of the Opposition in particular that he has led thinking in Gibraltar to suggest that we should not simply think that putting in the hands of the United Kingdom appointed officials is better than putting in the hands of the Gibraltarian elected politician. If somebody has to make a determination as to what is in the public interest of Gibraltar, should it be the Governor appointed by the United Kingdom, or should it be the person ...? I know they do not like that it was me, and that is what the political game is about, but should it be the person who has topped the poll of confidence of the people of Gibraltar, who enjoys the confidence of the majority of the people elected by the people of Gibraltar to this place, and who in this particular instance, by the way, got a majority of two to one votes to those who were not elected to government?

Why is that relevant? And this is not about the last election, but why is it relevant? Who should be making the determinations as to the public interest? I put it to hon. Members that there should only be two persons who should be making the determination as to the public interest in the final end game of decision making in Gibraltar. One should be the senior elected politician representative of the people of Gibraltar and the other should be a judge. In some instances, judges have to make determinations as to the public interest, and in some instances, in fact, the determination made by the senior elected politician of this community – that is to say the Chief Minister – as to the public interest is even subject to review by a judge, who also makes a determination as to the public interest and can judicially review a decision or can, in any event, sometimes review statutorily a decision in the inherent jurisdiction of the court. We do not need to discuss those issues. We know that is the case. Of course it should be that way. But I will descend to particulars and I will try to create consensus across the floor of the House, because I want to send a signal not just to this community, but beyond it, that we are able to act together and in consensus on these issues.

Certainly the result of the election that gives the power to a Chief Minister under our laws – our laws before 2011, our laws before 1996 and our laws before 1988 – should give power to a Chief Minister whatever the result of the election should be, surely. And so there cannot be a different barometer for the moment when the person sitting here is speaking from St Peter's chair – Sir Peter's chair, sorry – or when the person sitting here is speaking from Fabian's chair, because that would be almost to take the view that extreme right-wing republicans are taking now, that one president is good and can do and another is not and cannot do, and none of us in this House, neither Mr Azopardi or myself, or any of the people we represent, I am sure, or the hon. Lady, stand for that. Power to a Chief Minister is as good when one party wins an election as when another party wins an election, whether or not we like what the power does or who will do it. Of course we have different views, but given that we four in particular have been in politics together for 30 years, none of us would think that we would abuse that power.

Let us analyse, therefore, what it is we are going to be doing with this Act that has caused hon. Members to suggest that it would be so different. If they want to change it, of course, as the Hon. the Deputy Chief Minister has said, they could have proposed a change, but they did not propose any change when we published this Bill.

I want to talk generally about a small part of the political history of this issue because it is fundamental in understanding the speeches that hon. Members have made. The Deputy Chief Minister rightly said, 'We published the Bill in December; you did not get back to us.' I say more: we published the Bill in December and what we got from hon. Members was a press release saying



that this was too little, too late, it does not go far enough, it is flawed, they have no faith in us given that we tolerate opaque financial and governance practices, that we fail to clamp down on conflicts of interest, waste, abuse and corruption, and we had 11 years to act and we did nothing. At the next election they said they will have a comprehensive package of reforms and that will be it. So I am afraid that the Deputy Chief Minister failed to reflect that, short of engaging with us, they actually went out of their way to say they would not engage with us.

Indeed, Mr Speaker, if the hon. Member, from a sedentary position, asked me why I did not reach out to him, it is because he has also forgotten what he did in April. In April, the Hon. Mr Azopardi held a press conference. I have, from GSD social media, a document that says '6th April 2022 – Back on Track.' The GSD says, in this document, they will set out anti-corruption provisions, they will investigate and audit the spending of all the government-owned companies – all the government-owned companies are being audited, they all have auditors, so I do not know what it is that they are going to do that is not being done already – and how Government awards contracts, etc. And when I said then I welcome this because this is actually in keeping with our own position on anti-corruption etc., when I reached out, as the hon. Gentleman says – 'Picardo welcomes Azopardi support for Government's agenda on standards in public life and anti-corruption' – I was told that they were not willing to engage with me because what I was doing was box ticking, it was late in the day. I understand that: it was April and Mr Clinton thought that the election was going to be the March before, so of course they thought it was late; they thought it was in month minus one after the election.

So, automatically, when we reach out, what we get is rebuffed, not only in December when we publish the Bill and they do not engage, in April when we reach out and they turn us down. So frankly, if all they are going to do is say that we are not genuine, say that it has to be wider etc., then they are doing what they always do, they are saying we are doing and, as the Hon. the Leader of the Opposition says from a sedentary position, we are going to do what we always do. We are going to lead, we are going to be pioneers and we are going to ensure that we comply with our manifesto commitment.

The Hon. Deputy Chief Minister alluded to this, but Sir Joe actually zeroed in on it on television. Gibraltar is the only place where the Opposition criticises the Government because the Government does what it told the public it would do in a general election and the public elected us to do. We went, in 2019, with a commitment in our manifesto to do an Anti-Corruption Authority and we went with that commitment saying to the public, 'We went with this commitment in 2011. We did not do it because we were persuaded not to do it. In 2015 we had set it out also, and in 2019 we are going to do it.' So hon. Members' criticisms that we are going to do an Anti-Corruption Authority is criticism because we are going to do what we said to the public in a general election that we would do.

What I find absolutely remarkable is that they have not criticised us for not doing it within six months of being elected. Our manifesto of 2019, if they bother to look at it, gives them fodder for criticism. We actually said that we would do it within six months of being elected. How I wish that I had been here being criticised by them because our Anti-Corruption Authority was not good enough in March 2020. Instead, he and I were standing together in Convent Place dealing with a worldwide pandemic. Of course that has delayed us. Of course it has. I make no secret of the fact that we are just coming out of that very difficult period of having to deal with Brexit and the pandemic. Now we are just dealing with Brexit – bad enough already, but it is one crisis, and you can legitimately say, 'When you were elected in 2019, you knew that you had to deal with Brexit, so it would not be proper for you to say Brexit.' Mr Bossino would be entitled to say – he did not alight on this point either, which would have been a good one – 'Brexit you cannot use as an excuse because you knew about Brexit when you made the commitment in your 2019 manifesto to do this within six months.' But none of us knew about the pandemic. That is why we are delayed, and I am giving a reason to the public in Gibraltar of why we are delayed beyond the six months that we said we would comply with, a reason that even they have not taken me up on, which I could have glossed over because their speeches are over. But because we are honest with

the public, we stand up for the things that we do and when we say we are going to do them, and when we cannot do them, we explain it. That is why we were not able to do it.

But perhaps the strangest thing there is that in 2019 they started to agree with us. In 2011, both Mr Azopardi as leader of the PDP and Mr Feetham as putative leader of the GSD, in positioning, were telling us that we should not have an Anti-Corruption Authority. I will come to the things that Mr Azopardi has said about that later. (*Interjection*) But now we have done an exercise of giving the very widest powers to this Authority to obtain information, we have made Ministers specifically subject to the provisions of the Act and public servants. My view is that Ministers are subject to the Act, even without the clause on Ministers, but of course we have wanted to be explicit. No public official, no Member of Parliament can avoid the provisions – production orders, search warrants, all very widely drawn. Yes, in respect of those offences, which are the offences that are in the schedule, which I will come to. It is all very good for Members to say there should be other offences in the schedule and not say which. The Hon. Mr Feetham at least said we need to create new offences. Well, okay, I will come to that in a minute, Mr Speaker, but if they are new offences which are required, they cannot be in the schedule because they do not exist.

In respect of certificates, by the way, a certificate issued by a Chief Minister is final because there has to be finality, and certificates usually when they are referred to in a statute are referred to as being final when issued by the person who is responsible for issuing them. That does not mean that they are not reviewable. Hon. Members should at least have indicated to the public in the course of their speeches that in this Bill there is no clause seeking to exclude the jurisdiction of the court, which there could be, because hon. Members know that there are clauses in statutes that say, 'and this shall not be inquired into by any court'. We do not say that, so even the things that I do – the redaction of reports, the granting of certificates, all of those things – are obviously reviewable by the courts.

So there is no question of us seeking to draw a narrow Bill that is not deep enough, that does not create the right jurisdiction. Indeed, if it is the public sector where there is an issue to investigate, we created during our first term in office the protection of whistleblowers and in this Bill we further protect whistleblowers who will be whistleblowing against somebody in the infrastructure of the public sector, who could be a Minister, and yet we are creating the protection for it. That is wide. That also demonstrates a confidence by this Government that there are no issues affecting any of the individuals represented here that could be drawn, despite the many things that are said outside this place by hon. Members.

Gibraltar also has to be a jurisdiction where people come to the House not to say the things that they say outside the House, where things that might be considered potentially defamatory are said outside the House rather than inside the House. Here, when we come, it is not about us; we depersonalise the debate – I think that is absolutely right – but then outside they say, 'It is your problem, it is because of you, you are the one who is tolerating the corruption; you are the problem.' I will come to the exact words used. Incredible.

So we create the whistleblower legislation, we comply with our manifesto commitment now, and we extend the provisions on investigations of corruption and protection of whistleblowers, and we get criticised for it. I would have thought that anybody who is prepared to give a fair hearing to what the Government is doing would understand that this is a Government that is acting entirely properly.

If what we are doing, as Mr Feetham suggests, is creating an extra layer of bureaucracy, I do not understand how he can reconcile that by saying, 'but you do not go far enough'. Those were his two opening phrases: an extra layer of bureaucracy that does not go far enough. And then the Leader of the Opposition says it has to be deeper, wider, better. What? A deeper, wider, better layer of bureaucracy? You either believe in an Anti-Corruption Authority or you do not.

The average person will say they are concerned about corruption now and historically, about all governments – probably true. Not legal corruption, not as set out in the Bill – also probably true; people mix many things up. But what is it that they are talking about? Standards in public

life, conflicts of interest etc? Maybe that is what they are talking about. Do they not know in our law where conflicts of interest are prohibited, the many places where conflicts of interest are prohibited and have to be guarded against and where conflicts of interest are a criminal offence? Do they not know that? They are the places where they have said they are concerned about them. I refer hon. Members to section 25 of the Procurement Act. Are they not aware of that? They are talking as if they do not know that these things are in our law. I will come to the detail of it later.

A trafficking of influence, undeclared conflicts of interest: 'These things are not provided for in our law.' Yes, they are, Mr Speaker. They are explicitly and they are implicitly, and of course we also have common law rules which deal with those issues. We do not have an explicit crime of nepotism or cronyism, but we have a fraud by abuse offence. Does he remember where it is? He brought it to the House: section 419 of the Crimes Act, fraud by abuse of position. We have the common law offence of misconduct in public office, which extends to Ministers and does not require evidence of corruption. Those things are there already. We have the provisions of our procurement rules which specifically provide about conflicts of interest and the obligation to declare conflicts of interest: section 25. If those are the things that the public are concerned about, which the Hon. Mr Feetham told us are the things that the public are concerned about, then they are provided for in our laws already. They are in our Corpus Juris. That is to say they are in all the laws that apply to Gibraltar. The hon. Gentleman says there is no legislation that comprehensively deals with that. Well, common law offences are not dealt with in a statute, they are common law. Unless he has now had a conversion from being an established common lawyer to being a civil lawyer who wants everything codified and in a statute, he would not be making that point.

'Take the opportunity to look at other types of conduct' – well, Mr Speaker, the codes of conduct of Ministers and MPs, we did them. He was here. Does he remember that it was Peter Caruana who asked us not to make them binding? He asked us to look at them in select committee. I have been dying to make them applicable generally. Why? Because we have acted from the day we published them – even though not binding – in keeping with the ministerial code, and we have to extend that to hon. Members also, who have the publication of the code but have not said that they would act in keeping with it. Frankly, I do not think it is fair.

If they said these things in a press release in 2015 or we said that we had to do more in 2015, a few things have happened. Shortly after 2015 we had Brexit, and that consumed us for a while. And then hon. Members know everything else that happened, which Mr Bossino calls an excuse. That is why we have not made the codes binding, but what have they done since 2015? Have they brought a motion with the codes of conduct saying we now adopt them? No, they have not brought that motion. They have not been dealing with Brexit. They have not been dealing with the intricacies of COVID. If this was so important, as they say it is because it is now stopping them from supporting us because the codes are not applicable, why haven't they brought a motion? Any Member can bring a motion. It is what I would do, bring a motion and say, 'When the time comes, that is what I will do. As Leader of the House, I will bring such motion.' Could the Government have voted against a motion saying that the code the Government said should be binding should be binding? Of course not. We stopped it from being binding because they asked us to stop it from being binding. These are just excuses not to support this Bill.

In 2019, they were going to put a Commissioner for Standards, they said, Well, okay. They went to the general public with that, to the electorate, and they got one vote for every two votes we got. Actually, the Commissioner for Standards in the UK has not been a body that has performed particularly well. We just have to see the resignation of Lord Geidt, the toothless nature of it, in particular when the person being investigated is the Prime Minister, which is *highly* unusual but it could happen, and there was no provision for what happened when the person being investigated was the *primus inter pares*, the Prime Minister.

The fact that all of these offences can be dealt with by the Police, says Mr Feetham, is enough to justify his cry that this is just a further bureaucratic layer, but in the United Kingdom, the issues that the Commissioner for Standards investigates which lead to a report can also, and very often

do, lead to a criminal investigation. I do not need to remind hon. Members of Partygate and the fines that have been issued as a result of the views of the Commissioner for Standards etc.

‘Why are the Police not already investigating these offences, if they are happening?’ said Mr Feetham. Well, perhaps because they are not happening. Perhaps because we talk a lot about things in this community. We do not like it when others get a contract, even if they have got it fairly, just because we did not get it and perhaps there is nothing untoward about that person getting a contract. Indeed, I had an episode once, when they were in government. I thought, ‘This is terrible, that person has got the contract as well.’ I dug a little and there had been a tender. On that occasion they had issued a tender and the person who got it was the only person who had applied. The street was rife with gossip and I thought, ‘Well, fair enough,’ but there was enough rumourology there to go to the Police every day of the week and for the Police to say, he was the only one who applied.’ So maybe that is why the Police are not investigating things that actually do not merit investigation and there is a lot of talking about but very little action on.

Mr Feetham has said very clearly what we need is an offence of nepotism and an offence of cronyism. I think those are hugely difficult to define. We have in our laws issues of conflicts of interest, which nepotism and cronyism are about. Conflicts of interest are inclusive in here, they are inchoate in these definitions and we should add them to the schedule. If hon. Members are serious, Mr Speaker – I have checked my diary – I offer them Thursday at 11 a.m. in my office. We should look together at the proposed definition that they might send me, before close of business on Wednesday, of an offence of nepotism and cronyism. If it was acceptable to the Government – on which we will take advice because we obviously do not want to make criminal offences that are not good – we would put a joint motion for the next Parliament, in February, to include that definition in our laws. We would bring a Bill to this House to make nepotism and cronyism as defined – if we can agree a definition – an offence, as he has said, and we will give hon. Members an undertaking that we will add that new offence to the Schedule of this Bill as soon as they have become offences after the six weeks have passed, and they will be passed with the Government majority before the Easter recess. There you go: the offence of nepotism and cronyism.

If you were serious about what you were saying, I challenge you to vote in favour of the Bill on that basis, and I challenge you to produce a draft of a law that makes nepotism or cronyism a further criminal offence, because we say it is already a criminal offence. And if you say it is not your job to do that from opposition, okay, it is not your job to do that from opposition, but then you are not serious about contributing to this. We have very senior silks on the other side, Mr Speaker. Of course they can turn their pen to drafting something, although we would have to ask ourselves why there is not, in the United Kingdom, in Canada, in Australia or in Hong Kong already an offence of nepotism or an offence of cronyism. The answer is very likely because those things are already inchoate in misconduct in public office, in the offences against conflicts of interest which are already in our law, and on the offences of fraud or abuse of position.

If they say that they can deal with that and bring a proposal, please let me know, so that I block out the 11 o’clock slot in my diary for two hours on Thursday. I will not hold my breath because when I offered them this in April, they said they would not meet with me on this issue – they turned me down – to bring about the changes that they might not want to bring about. Yes, they did, Mr Speaker, they turned me down, (*Interjection*) let’s be very clear.

Under section 3 – (*Interjection*) Yes, I have the hon. Member’s press release, if he wants me to share it.

**Hon. K Azopardi:** He probably has my letter, too, and my letter invites him to write to us with proposals, which he never wrote to us on.

**Hon. Chief Minister:** His letter says that what I am doing is creating a circus, and that is why they turned down the olive branch, because they are not interested. They are not interested today in doing what they said was necessary. They are not interested in crafting a law to make nepotism or cronyism an offence. I challenge Mr Feetham, if he says it is possible, to do it. And second, they

are not interested in engagement. They are interested only in party political posturing, whether or not Gibraltar, therefore, has an Anti-Corruption Authority or not, although it is one of the final building blocks for us to comply with the UN Convention. I know what I am saying is exactly true.  
(Interjection)

3205 Mr Speaker, let me now deal with something else they have said. Section 3, which is the appointment provision: we proposed, given what they said publicly, that, okay, we should have the Specified Appointments Commission appoint the Chairman of the Anti-Corruption Authority, and then the Leader of the Opposition could appoint two and the Chief Minister would appoint two. That is as politically neutral as it comes. They said that is not enough. By the way, Mr Feetham  
3210 should note it is not the Special Appointments Committee, it is the *Specified* Appointments Commission.

The Government is prepared to agree that all five members should be appointed by the Specified Appointments Commission. We have no issue with it. We are prepared to change the amendment so it is the five members appointed under the Specified Appointments Commission.  
3215 We are prepared to agree that you produce a draft of the offences of cronyism and nepotism that stands up to scrutiny and is not more bureaucracy – in other words, not just what our law already provides on conflicts of interest, what our law already provides under section 418 and what is already provided for under misconduct in public office – and we are prepared to allow that the five members be appointed by the Specified Appointments Commission. That, at least, they could  
3220 have written to us about.

**Hon. G H Licudi:** Or proposed an amendment today.

**Hon. Chief Minister:** Or proposed an amendment today, indeed. When the hon. Member got  
3225 up, he could have said, 'I propose an amendment', which could have gone further than that of the hon. Lady. But I am open to the fact that they just thought that politics was about confrontation and not about trying to work together, and that now they will reflect and, given the offers I am making, they will support the Bill, they will help us with the drafting of those offences and they will support the amendment that I will put, so that all members are appointed by the Specified  
3230 Appointments Commission outside of the hands of any Chief Minister, not just this one.

The hon. Lady got up to say that we had been postponing this Anti-Corruption Authority for over a decade. Well, the last time I checked my history, she had stood for election in 2015 with the political party that had told me in 2011 that an Anti-Corruption Authority was not necessary. Her policy in 2015 was not that I was postponing things by not doing it, but that I was doing the  
3235 right thing by not doing it, so you can hardly suggest, Mr Speaker, that I was procrastinating or postponing this.

And of course this does not emerge in a vacuum, she says. I accept that. That is why we proposed it in 2011, that is why we talked about it in our manifesto of 2015 and that is why we recommitted to it in 2019. We are not saying, however, that the RGP is incapable of complying  
3240 with its commitments. We are creating a dedicated body in great measure because the Commonwealth principles require it, because the UN Convention requires it, because it is one of the parts of the infrastructure of having effective anti-corruption provisions and complying with those conventions internationally.

And so, Mr Speaker, given what I have said about the Specified Appointments Commission, I  
3245 hope she also is able to accept the points as to independence, because the points as to independence disappear. She appeared in her address, as Mr Isola said, to have ignored the amendment which the Hon. Minister moved in her first speech, but now that I have told her we are going to go even further than that and the Chief Minister is going to have no power to appoint anyone, it is all going to be in the Specified Appointments Commission, I hope she will be able to  
3250 support it, because she said one of the key issues is that the chairman is appointed by the person he has to investigate or criticise. I am going to do away with that point for her, because the chairman will be appointed by the Specified Appointments Commission, but actually it would be

a very sad day indeed if the chairman of an Anti-Corruption Authority had to criticise the Chief Minister. In most instances, one would have thought he would be criticising people in the public sector, if necessary, if that was relevant, or elsewhere, but not the Chief Minister – in the United Kingdom it has happened once, although today the Prime Minister has once again been fined and has been subject to a criminal sanction – and I say that of all Chief Ministers in our history, all of them.

On the question of the redaction of reports in the public interest, I refer to what I said at the beginning of my speech. Who could be a better judge of whether a report needs to be redacted in the public interest than the Chief Minister? The Chief Minister is the person in the hierarchy of politics in Gibraltar who has the overview of everything. He has the overview of all the Departments, he has the overview of the public finances. There is no one with an office as privileged as the one I hold today – except maybe the Deputy Chief Minister, because he sits with me daily on all of these issues – that has the overview across Departments and across Ministries, and therefore all of the areas of public responsibility of Gibraltar. Who should redact, if not the Chief Minister?

It is very unusual that there should be a redaction. I have never redacted a report in the time I have been in office. A former Chief Minister decided not to publish a report, although it had been paid for by the public purse. Hon. Members might remember the GBC report. I said, ‘The minute I am elected, I will publish it,’ and the minute I was elected I published it. Reports sometimes have to go through the Maxwell process, where individuals are entitled to redact things about themselves if they are mentioned in it. That is not what we are talking about here. Those redactions are the legal process of redaction, where an individual is entitled to do that. But who better than the Chief Minister? Okay, on appointments it should be the Specified Appointments Commission, but on redactions how can it be anybody other than the Chief Minister? And even then you can appeal and go to a judge, and a judge can look at what a Chief Minister has proposed should be redacted and say it should not be redacted.

Then she said, ‘Don’t trust the wolf to guard the sheep.’ That, I have to say to her, is a very unfair characterisation of this or any former Chief Minister of Gibraltar. The Chief Minister of Gibraltar is not a wolf. Far from it, Mr Speaker. The Chief Ministers of Gibraltar – and I think all of them – have shown commitment to the people of Gibraltar, who are the ones in whose interests we would redact a report if we ever had to redact one.

The reference she made to an iron curtain of government-owned companies on which we do not give information is one which I am afraid I just cannot accept. Yes, we might not give all of the information that hon. Members want. Hon. Members want almost all of the information they would have if they were in government, or more, because sometimes they ask us for things that Ministers are not involved in, that are being done by civil servants, and they want that level of detail. But, in fact, Mr Speaker, in your usual ability to assist in the debate, your booklet on Speakers’ Rulings is extraordinarily useful because the hon. Lady says an iron curtain of government-owned companies where we do not give information, and in the second ruling contained in your booklet on Speakers’ Rulings, Speaker Vasquez, one of our longest-standing Speakers, in 1980, when the GSLP was not in government, said this on 24th January:

I think I have ruled on this once before. The Minister is answerable for his Ministerial responsibilities and not as chairman of any particular firm.

That is helpful. The next sentence of this ruling is even more important:

I think I must rule on this one, that he

– the Minister –

is not entitled to part with information which he has exclusively as chairman of the company and not as part of his Ministerial responsibility.

So this iron curtain is one that comes from a ministerial position in 1980 and as ruled by the Chair.

Mr Clinton then moved on to say that we may be able to save some part of the Bill, and I thought he was going to be positive, although then he turned very negative and called it all toothless and caged. Well, I think Mr Licudi dealt with a lot of those issues. But he did make a point. He said we should have been more inventive. Well, he was the one who did the press conference in April that led to the non-meeting when I offered it.

The point he made about section 14 of the Ombudsman Act is one that we are prepared to take on board, so we shall also move an amendment – and I am sorry Mr Clinton is not here to hear me, but I assume he is hearing from the antechamber – to deal with the issue he raised there. We shall amend section 3(14) so that the last part of the section will read ‘shall be a first charge on the Consolidated Fund’, so that we are taking the reference to payments being made by way of vote to the first charge language that he referred us to.

He then also talked about the issue of nepotism and cronyism. I will be very taken by Mr Feetham if he is able to produce a draft of a law that deals with that; he may have more time to research these things than I do.

I am pleased to see Mr Clinton back, and I am sure he has heard about my amendment to 3(14). **(Hon. R M Clinton: No.)** Oh, sorry, Mr Clinton. I have suggested we will move an amendment to 3(14) to make it a first charge on the Consolidated Fund, as he has suggested, and I hope that, therefore, will, together with everything else I have said, persuade him to vote in favour of the Bill.

On nepotism and cronyism, it is also true, I am sure, that one man’s cronyism, one man’s nepotism, is another man’s good government – surely, because let’s be very clear: the things they say they are complaining about in their statements outside of this House, grant of tenders etc ... At least there are tenders. What we inherited at Midtown was the direct allocation of the two naval grounds to one particular group of property developers by the party that they represent. **(Hon. K Azopardi: Direct allocations.)** I am sorry? **(A Member: Direct allocations.)** We have not done direct allocations. *(Interjection by Hon. K Azopardi)* No, we have not. Mr Speaker, the hon. Gentleman is saying from a sedentary position that we have done direct allocations. We have not done any direct allocations. We have not. **(Hon. K Azopardi: Yes.)** No. I am happy to give way to the hon. Gentleman if he wants to tell me about a direct allocation.

**Hon. K Azopardi:** Mr Speaker, there have been questions in this House that in the Bayside/St Anne’s plot and in the Eastside plot the person adjudicated those plots had not submitted any expressions of interest in the processes that were run, and therefore they were direct allocations. What else were they?

**Hon. Chief Minister:** Mr Speaker, I think the hon. Gentleman has taken leave of his senses. We gave the football pitch to the GFA without going to tender because it was the GFA. We have given it to an institution in Gibraltar. *(Interjection)* And on the Eastside –

**Hon. K Azopardi:** Mr Speaker –

**Hon. Chief Minister:** Sorry, if he wants me to give away –

**Hon. K Azopardi:** Yes. I am not talking about the Victoria Stadium, I am talking about the Bayside/St Anne’s plot –

**Hon. Chief Minister:** Oh, I see.

**Hon. K Azopardi:** – where there was not an interest expressed by that entity because it did not exist, you gave it to them, and the Eastside. Yes.

3350 **Hon. Chief Minister:** Mr Speaker, there is a description that refers to the genitalia of the male  
cow that is the best way to describe what the hon. Gentleman has said. Let us be clear: tender  
processes were run in respect of the Bayside/St Anne's plot. They did not submit one, but they  
came with an offer of more, and what the Hon. the Leader of the Opposition is suggesting is that  
it is a direct allocation to give a plot of land that has gone to tender to a party that has bid more  
3355 than the highest tenderer. We call that looking after the interests of the taxpayer, because that is  
what a tender is for. A tender is to ensure that we get the best value for the taxpayer, and when  
we saw that it was possible to get it, we did. Moreover, on the Eastside, exactly the same thing  
happened and what we got was more per square metre for the taxpayer in respect of those plots  
than had ever been offered in a tender.

3360 **Hon. R M Clinton:** How do we know?

**Hon. Chief Minister:** We know because in the tenders they submitted less. That is why it is obvious.

3365 **Hon. R M Clinton:** How do we know that?

**Hon. Chief Minister:** Well, look, if you distrust us, to lie to this House – because I have now put  
on the record of this House what this position is – if you ever win government, come and look. I  
am very happy to see the hon. Member on Wednesday morning and show him all of the bids that  
3370 came in, so that he can see that I have not misled this House. We cannot publish them because  
we cannot publish the names of people who submit bids that are not successful. We have taken  
advice on that because people insist that they need ... a lot of their covenants are based on that.  
I would never mislead this House. Mr Clinton, by saying, 'How do we know?' suggests that I might  
be thinking of misleading this House, something I would never do, even implicitly, but on  
3375 something that I know empirically because numbers are numbers and this number is higher than  
that number, I can tell hon. Members there have never been direct allocations and we have always  
given to the highest bidder.

But what did they do? They gave Midtown, two naval grounds, on direct allocation with no  
previous tender – in other words, it is not that they gave it to one because they had run a tender  
3380 process and this was more; they never ran a tender process. Indeed, to the same group they gave  
a contract with a value of £1 billion and did not run a tender process, and when I asked how does  
this comply with the procurement rules, I was told that the Government would not answer, and  
the Speaker at the time said to me, 'I am sorry, Mr Picardo, I cannot compel the Government to  
answer.' When I was elected, I exercised my right to check the file – I cannot see some things in  
3385 the former Governments' files but I can see others – and I saw the advice that said they had acted  
in breach of the procurement rules. One man's cronyism and nepotism is another man's good  
government or another man's golden legacy.

That brings me, conveniently, to Mr Bossino, who is the one who talked about the golden  
legacy of the GSD when he was elected here before 2015, the first time he decided that now was  
3390 not for him and it was all about the following election. He started by saying that they could be  
persuaded. Well, I have agreed to the provisions of the nepotism and cronyism Bill being  
proposed, if they propose it. I have agreed that all appointments should be under the Specified  
Appointments Commission. I have agreed to change that this should be a first charge on the  
Consolidated Fund under section 3(14). But when he says that one of the reasons they are not  
3395 going to support us is because they look at this in the context of our track record, it grates a bit  
with the fact that they said they were going to depersonalise this, because why is our track record  
relevant?



We arrived in 2011 wanting to do an Anti-Corruption Authority. I still have the report in the *Chronicle* on 26th October 2011, where for the first time they were making common cause, Mr Feetham and Mr Azopardi, Mr Feetham saying we comply with the UK Bribery Act, we comply with the United Nations Convention, and Mr Azopardi saying creating an Anti-Corruption Authority is telling the world that we have a corruption problem and you should not do it, the Police have all these powers and we do not need to do these things. I have it here. 'Half-baked ideas' and 'checks and balances' – that is what they said. There is his press release: 26th October 2011. And now, because of our track record, it needs to be done and it needs to be done deeper and wider.

The fascinating thing is that the United Nations Convention is dated 2003. It was signed in 2003, it was accepted by all the parties in 2005, and in 2011, when I was saying that we had to do an anti-corruption convention to comply with the UN Convention, they said, 'No, we already comply.' And yet today they take the view that, actually, not only do we not comply but even with this Anti-Corruption Authority we will not comply because it is not wide enough, not deep enough – all the words that have lots of meaning and none.

In 2015, we set out our position. In 2019, the position that appertains now is the one that I have told them about already. So the delay that he talks about, the new dawn that should have ushered in the Anti-Corruption Authority he forgets was what they said should not happen, and what we said in 2015 was, 'Fair enough.' We were persuaded by what our opponents said and what the Police said at the time.

So it is not that we have left it to the end. In fact, we should have done it within six months, but I have explained why we did not. But as usual, the hon. Gentleman does not think through the points he makes. He does not even look at my 2019 manifesto so he is able to criticise me.

Mr Speaker –

**Hon. Member:** Will he give way?

**Hon. Chief Minister:** Well, I am now dealing with Mr Bossino. I dealt with you 15 minutes ago. Mr Speaker, we are never going to finish. It is Friday night. If I give way, he is going to have to buy 12 Heineken for us all later, because it is going to be that time, so he will allow me to continue, if he does not mind. I have given way to the Leader of the Opposition, Mr Speaker.

Mr Bossino said, 'What is this? Is this going to be a post box?' Well, their manifesto has two-thirds of the same thing in the context of an anti-corruption ... 'Anti-corrupt practices', they talk about on page 85, and then they say they would:

Establish an independent Public Offices Commission whose remit would be to ensure standards in public office, investigate and address any issues of conduct or misbehaviour of anyone in public office. [...] The law will be able to deal with any allegations of corruption or offences involving, for example, the allocation of land, contracts or tenders ...

– except we have those laws already. Our laws on the procurement of things already provide for issues relating to land, contracts or tenders. They do not seem to know it, because they are going with a manifesto promising to do that which is already in our laws.

I noted, by the way, Mr Speaker ... it may be a glitch, but their manifesto is no longer on their website. I do not know whether they are just trying to do that to avoid us all going back and embarrassing them. Happily, I download these things and we have them for posterity. (*Interjections*) Probably, they want to block me. I am not surprised, they know the damage I can do when I get their material.

**Hon. D A Feetham:** As a hacker.

**Hon. Chief Minister:** No, not as a hacker, Mr Speaker. The damage I do to them, I do intellectually. It is intellectually, Mr Speaker.

3445 This idea that removal of individuals from the board they might have been appointed to by the Specified Appointments Commission – in 3(9), I think it is, of the Bill – is still dealt with by the Chief Minister. That is before I told them that all appointments would be dealt with by the SAC. Well, I am prepared to think about removals being dealt with by the SAC, but the SAC does not deal with removals, it deals with appointments, so somebody has to deal with removals. Unless it is the very  
3450 evil Chief Minister, who could then remove somebody who is investigating him – the wolf guarding the sheep – this rule about ‘may remove’, even if convicted, is not autochthonous to this Bill; it is what the power of removal is like anywhere. So you have in our statutes, elsewhere, references to people who might be convicted and, if they are convicted, may be removed from something by a Chief Minister or another. So what point is he making? It is another non-point: ‘It looks bad, it is  
3455 something I can potentially embarrass with; I do not think through that actually my own Government did that when it was in Convent Place.’ The GSD did that as well.

I have dealt already with the reports redaction.

A theme that developed on the other side was this idea that we were window dressing, that we were box ticking by complying with our manifesto. We consider our manifesto to be an  
3460 obligation, and if we fail to comply with it, we have failed our obligations. In some instances we may have to fail to comply with it because we have not had time because of COVID, what he calls an excuse. They have again demonstrated that, for them, complying with a manifesto, by criticising us for doing this, is window dressing and box ticking. I am reminded of the GSD mantra on this. In the leadership interview on radio in November 2011, the GSD leader said, ‘For the GSD,  
3465 a manifesto is a wish list.’ We shall take their manifesto with the requisite pinch of wishes when they publish it when a general election is called.

Mr Speaker, for all of those reasons I have dealt with already, I challenge them, given that the only specifics they have come to are the ones that I have dealt with, to vote in favour of the Bill or to have the courage of their convictions and vote against the Bill. Otherwise, they will be seen  
3470 simply to be playing a device. A device is what the Leader of the Opposition tells us he is not in politics to play with. He says, ‘I am not here to do politics for the sake of it,’ and yet, on these issues in April and December all he did was respond with what might be considered by somebody with a less thick skin to be insults – that I am the problem today. This is what Keith Azopardi has permanently been saying. Whether it is on direct democracy or whether it is anywhere else, he is not saying, ‘I am going to abstain because I do not like this clause or that clause,’ which is what  
3475 they have come here to say to our faces. When we are not there to defend ourselves, it is completely different – ‘an air of recklessness that pervades the handling of your public money, waste, abuse and sufficient controls to prevent corruption’. We bring an Anti-Corruption Bill and they say, ‘This does nothing. It’ is a layer of bureaucracy. The laws are already there on corruption.’  
3480 I really could not make up the inconsistencies that hon. Members reflect in the arguments they put. It is just remarkable and it is frankly unfair on the people of Gibraltar.

So I put it to him that in fact this is just a device, a political attempt to avoid dealing with these issues, and that, given what I have read hon. Members, that their 2019 manifesto is a more radical version of our law than this is an utter nonsense. What they are going to put in is what has been  
3485 shown not to work in the United Kingdom, unless they are going to appoint somebody with greater power than the Chief Minister, a Governor and a Speaker, who will then be the person that we will have to guard is not ever corrupt, because if that is the person who is going to hold all the power, somewhere there is going to have to be a control. The controls need to be wider, the jurisdiction needs to be deeper and the powers need to be stronger. When the time came to put  
3490 some flesh on that, at least Mr Feetham talked about what offences were missing. What did he do? Nothing. It is not enough, he says, but he never says what more is needed. When he talks on any issue he says, ‘We are going to have a big programme to deal with this. Then, when you go to the programme, it says, ‘We are going to have a great law that will provide for this.’ Do we ever see the law? No. It is like the law that never came, that was going to provide an alternative on

3495 abortion, that was going to ensure that we were going to be able to have a law that ... but then it never came. These laws never come, because they were never really thought of. The soundbite was good, it was a good way to react to Picardo, but there is never really anything behind it.

And so, Mr Speaker, when they say that the feeling of scepticism is mutual, I am pleased at least that we both feel the same way, because in April they did not want to work with us, in  
3500 December they shot us down when we published our Bill, and it is frankly remarkable that he gets up in this House and says, 'We judge you by the fact that you have not called a meeting of the Select Committee on Disability, on the Environment, on Parliamentary Reform or the Constitution.' He did not mention the Constitution, but it is also an important one. We have not called a meeting, and he knows, because we are all political geeks in the same way, that the  
3505 Deputy Chief Minister and I would love to have a meeting of the Select Committee on the Constitution and be able to pursue the reforms that he drafted for me when he was in private practice, when I asked him to practise and which will form the basis of what I bring here and therefore I hope will enjoy his support, given that he prepared them. But he knows what has happened since October 2019. He knows what has happened, so if he is going to judge me because  
3510 I have not had Select Committee meetings in that time, and at the same time say that I have not brought a safe and secure and beneficial treaty and I should bring it sooner, he knows that what he is saying is for the birds.

It is not too late, and this is not a box-ticking exercise because, by the way, there are many months left to a general election, and not because there are many months left to a general  
3515 election is this the last minute, because I think it is only he and his supporters who think that this is our last year in government, even though there is going to be a general election. We put ourselves in the hands of the electorate. The electorate will decide, but we are making this Anti-Corruption Authority Bill not thinking that these are our last potential six, seven, eight, nine, 10 months in power. We are making this Bill for the long term, expecting to be returned after the  
3520 next general election, if people give us their confidence. It will be up to them. We humbly put our performance in the past four years before the electorate and ask them for their support and ask them to return us – not late in the day and not box ticking.

Mr Speaker, it is remarkable that the Hon. the Leader of the Opposition took the position he took on the Commonwealth principles and the UN Convention. All of them say that an Anti-  
3525 Corruption Authority is one of the things that has to be provided for, but when you go through the rest of the list you find that much, if not absolutely all of the rest of it is already provided for in our laws, even the things the Hon. the Leader of the Opposition talked about. Let me take him through the list.

Benchmark 1, corruption offences, sanctions and remedies – already in our law. Mr Feetham  
3530 has said so himself. It is why he says that this is an extra layer of bureaucracy.

Benchmark 2, an authority responsible for preventing corruption – we have not got it, so benchmark 2 we do not meet.

Benchmark 3, investigation, prosecution, asset recovery and policing – we have got it, of course we have got it, we do it all the time on many issues.

3535 Benchmark 4, the court system – we have got it and it is one of the best in the world.

Benchmark 5, Parliament – I think, therefore I am; we have got it.

Benchmark 6, regulatory authorities – we have got them.

Benchmark 7, regulation of financial institutions and the financial system.

3540 Benchmark 8, transparency of asset ownership – we do not just have it, we have an open Register of Beneficial Ownership, which even the United Kingdom does not have yet.

Benchmark 9, political lobbying, financing, spending and elections – we certainly have that.

Public sector organisations – we have that.

Public officials – we certainly have.

A provision for issuing of permits – we certainly have.

3545 Procurement rules – we have some of the toughest procurement rules in the world. Every time they criticise the procurement rules, I assume they are criticising them on the basis that we are

practising the procurement rules in the same way they were, i.e. not, and giving £1 billion contracts and giving vast tracts of land on direct allocation.

Contract management – we have that; we have a Contract and Tort Ordinance.

3550 Financial management – we have that, of course we have that; we have these processes etc. in our budgetary process.

Concession management – of course we have.

Asset management – we have that.

3555 Independent monitoring – indeed, we have it, and now we even have an Independent Monitoring Authority for the things that relate to our obligations under the Withdrawal Agreement.

Independent auditing – we have an Act on the Principal Auditor and it is in our Constitution.

Anti-corruption training – we actually already have that in the Royal Gibraltar Police.

3560 Reporting of corruption – of course we have that; we have been debating it today and this will make it stronger.

Standards and certification – we also have that throughout our institutions.

Professional and business associations – of course we have that.

A hugely important part of civil society: participation of society – you could not get more of that than you do in Gibraltar.

3565 International co-operation.

The only one missing is benchmark 2, and he says he is not going to support this because it does not do all those things. Is he seriously telling the people of Gibraltar, in a way that he expects them to believe, that in order to comply with the Commonwealth principles and the UN Convention, you have to have one law that does all that? No, you have to have these things in our laws, and in our laws we have these things. The only one we do not have in our laws ... The nervous laughter; every time I catch them out, the nervous laughter. The only thing we do not have is the Anti-Corruption Authority. As we say in the courts, Mr Speaker, *res ipsa loquitur*. We need this Act.

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3575 **Hon. D A Feetham:** I have never said that in my life, I have to say...

**Hon. Chief Minister:** I am afraid your Latin is not up to standard then.

And so all of the things that are in the Secretary General's forward are the things that we subscribe to, Mr Speaker, and are the reasons why we are acting. We would have acted in 2011, we should not have listened to them, and we are acting now as quickly as we are able to in compliance with our manifesto commitments.

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In the circumstances, having dealt with all of those issues – including, by the way, trafficking of influence, which in my view is covered already by misconduct in public office and is covered by the rules on conflicts of interest, which we already have, but if it is not, I look forward to receiving, before the close of business, the draft that the hon. Member will provide, (*Interjection*) which I will, of course, get the law draftsman to provide for us – (*Interjection*) Oh, you are going to provide it, but you are not going to vote in favour of the Bill. (*Interjection*) Why am I not surprised? (*Interjection*) When I address all of the things that hon. Members tell me are their legitimate concerns, they are not going to vote ... I am not surprised, Mr Speaker.

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The things that people talk about anecdotally I have dealt with already. I am not going to, at this time, labour in the House, but the things that people talk about anecdotally we are all long in the tooth enough to know are very often utter codswallop.

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The example I gave before, of a tender that everybody was saying was disgraceful and in fact there had only been one applicant and the applicant had got it, is like the joke about the guy who goes to pray because he wants to read the lottery. Christ appears to him and says, 'I am happy to help, but buy the lottery ticket!' Mr Speaker, frankly, I really do believe if the hon. Member does not even get the joke, then we really are on a hiding to nothing with this Opposition. (*Laughter and interjections*) His critics are right.

3595

Wider, deeper, stronger. Never has a law on anti-corruption been proposed in this House that is wider, deeper or stronger than the one we are bringing, because it is the first one that has been proposed. But ours is not sound bites, ours is not about failing to provide the flesh on the bones; ours is about actually going ahead and doing.

As the Hon. the Deputy Chief Minister said, absolutely rightly, we do not believe we are perfect, we do not believe we are infallible. If the hon. Member comes up with something good, we will do it ourselves. We will bring the law to this House and we will add it to the schedule, no doubt without their support, because we certainly have not had to be dragged here kicking and screaming. Quite the opposite. We published a Bill, and the minute we published it we exposed ourselves to criticism. In fact, what we are doing is not just complying with a manifesto commitment, we are complying with a manifesto commitment, our obligation to the people of Gibraltar, and we knew that the minute we published our Bill we would hear the screaming and suffer the kicking, because immediately we issued the Bill I got the kicking and I was told that I was the problem with Gibraltar. Today I was told that the issue that had to be resolved was my tolerance of corruption etc. Utter nonsense, and if ever there was a time to demonstrate that, it is now, to vote in favour of the Bill, to support the Minister for Justice, who has taken an oath to support the rule of law and is moving this Bill on that basis, and to comply with our manifesto commitment.

So, Mr Speaker, for all of those reasons, before I commend the Bill to the House, I deprecate the points the hon. Members made. Some of them were wrong in law and wrong in fact, and indeed for all of those reasons I have laid down a challenge to hon. Members that I am sure they will not take up. They will not support the Bill. They will, despite those explanations, vote against it, but I certainly commend the Bill to the House.

**Mr Speaker:** Does the hon. the mover of the Bill wish to respond?

**Hon. Miss S J Sacramento:** Mr Speaker, I am grateful to my colleagues on this side of the House for their interventions, and given the late hour and what we have heard from this side of the House, I have nothing further to add.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the establishment of the Anti-Corruption Authority and to provide it with powers of investigation and other duties, powers and functions for the investigation of corrupt conduct and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against?

**Hon. Chief Minister:** Mr Speaker, this is a hugely important piece of legislation and seminal. I call a division.

**Hon. D A Feetham:** We are all abstaining. (*Interjection by Hon. Ms M D Hassan Nahon*)

**Mr Speaker:** A division is being requested, so we need to have produced the list of Members and then we will ask individually how they will vote.

*Voting resulted as follows:*

FOR	AGAINST	ABSTAIN	ABSENT
Hon. P J Balban	None	Hon. K Azopardi	Hon. Sir J J Bossano
Hon. Prof. J E Cortes		Hon. D J Bossino	Hon. E J Phillips
Hon. V Daryanani		Hon. R M Clinton	Hon. E J Reyes
Hon. Dr J J Garcia		Hon. D A Feetham	
Hon. A J Isola		Hon. Ms M D Hassan Nahon	
Hon. G H Licudi			
Hon. S E Linares			
Hon. F R Picardo			
Hon. Miss S J Sacramento			

**Mr Speaker:** The result of the voting is as follows: 9 were in favour, there were 5 abstentions and there are three Members who are absent, so the Second Reading of the Bill is carried.

3655

**Clerk:** The Anti-Corruption Authority Act 2022.

**Anti-Corruption Authority Bill 2022 –  
Committee Stage and Third Reading to be taken at this sitting**

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

3660

**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**

3665

**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 Commonwealth Park (Amendment) Bill 2022, the Employment (Amendment) Bill 2022, the Personal Light Electric Transporters Bill 2022, the Adoption Bill 2022, the Crime (Disorderly Behaviour Penalty Notice) Bill 2022, the Domestic Abuse Bill 2022 and the Anti-Corruption Bill 2022.

3670

*In Committee of the whole House*

**Commonwealth Park (Amendment) Bill 2022 –  
Clauses considered and approved**

**Clerk:** A Bill for an Act to amend the Commonwealth Park Act 2014.  
Clauses 1 to 4.

3675

**Mr Chairman:** Clauses 1 to 4 stand part of the Bill.

**Clerk:** The long title.

3680

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

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

**Clerk:** A Bill for an Act to amend the Employment Act.  
Clauses 1 to 3.

3685

**Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Chairman, I think there should be an amendment to all the Bills.

**Mr Chairman:** You are now moving an amendment to the Bill, replacing 2022 with 2023?

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**Hon. S E Linares:** And I think that should be the case with all the others.

**Mr Chairman:** Well, you can speak about that – or is it automatic? (**Hon. S E Linares:** Okay.) Automatic, right, okay.

3695

**Hon. S E Linares:** Thank you.

**Clerk:** The long title.

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

**Personal Light Electric Transporters Bill 2022 –  
Clauses considered and approved with amendments**

3700

**Clerk:** A Bill for an Act to regulate the operation of personal light electric transporters, to amend the Traffic Act 2005 and the Crimes Act 2011 and for related purposes.  
Clauses 1 to 12.

3705

**Minister for Transport (Hon. P J Balban):** Mr Chairman, there is an amendment.

**Mr Chairman:** Clauses 1 to 12 stand part of the Bill.  
There is an insertion that the Member wishes to make.

3710

**Hon. P J Balban:** Mr Chairman, I may take this as read, the letter?

**Chief Minister (Hon. F R Picardo):** They are very technical.

**Mr Chairman:** The Members of the Opposition would have received a circular letter containing amendments. Are the Opposition content?

3715

**Hon. K Azopardi:** Yes.

**Mr Chairman:** The Minister needs to say that he is moving an amendment where he inserts after ... He has given notice of an amendment, which inserts, after clause 12, a new clause 13. He needs to say that.

3720

**Hon. P J Balban:** Mr Chairman, the amendment is that after clause 12, we insert the amendment of which I have given notice.

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**Clerk:** Clauses 1 to 12 as amended.

**Mr Chairman:** Stand part of the Bill.

**Clerk:** The long title.

3730

**Mr Chairman:** I think there is an amendment to the long title.

**Hon. Chief Minister:** It is just the date.

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**Hon. P J Balban:** It is just the date.

**Mr Chairman:** It says here, 'In the long title, after "Traffic Act 2005", insert "the Insurance Motor Vehicles Third Party Risk ..."'.

3740

**Hon. P J Balban:** Mr Chairman, there is an amendment:

*After the long title, after Traffic Act 2005, insert 'the Insurance Motor Vehicles Third Party Risk Act 1986'.*

**Mr Chairman:** The long title as amended stands part of the Bill.  
I also need to raise the fact that the Hon. Mr Feetham was abstaining on this Bill.

3745

**Hon. D A Feetham:** Mr Chairman, yes, because I had written to the Minister in a professional capacity in relation to this.

#### **Adoption Bill 2022 – Clauses considered and approved**

**Clerk:** A Bill for an Act to provide for the regulation of the law relating to adoption and for connected purposes.  
Part 1, clauses 1 to 4.

3750

**Mr Chairman:** I take it there are no amendments to ...?



**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Chairman, following some of the interventions from the Hon. Mr Bossino on some typos earlier, I will deal with those under the slip rule because, checking them all, they are pretty much caught by the slip rule. They are amendments such as changing 'they' to 'he' or 'she', and very minor, inconsequential typographical amendments, I would say.

**Mr Chairman:** I made a reference to this. I do not know whether it was clarified by the Hon. Minister. In clause 15(3)(a) you made reference to the word 'placement' and that there should be a reference ... I do not know whether this is something that you are going to be discussing as a future amendment to the Bill or ...

**Hon. D J Bossino:** I am not sure how the slip rule works, but would it assist the Minister if I wrote to her with the points I made in the course of my intervention, and then she can take a view?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, my understanding is that the slip rule enables you to deal with the typos. The hon. Gentleman talked about typos etc. Anything which is more than that, we would want to consider if we have not agreed it in the debate. So the typos can go under the slip rule, and you can exchange letters just to make sure that they are agreed, but otherwise it should be a more substantive consideration for the future.

**Hon. D J Bossino:** I think, given the time, I will write to her with all the points, and then she can decide how best to approach it.

**Mr Chairman:** Please continue.

**Clerk:** Part 2, clauses 5 to 13.

**Mr Chairman:** Part 2, clauses 5 to 13 stand part of the Bill.

**Clerk:** Part 3, clauses 14 to 60.

**Mr Chairman:** Part 3, clauses 14 to 60 stand part of the Bill.

**Clerk:** Part 4, clauses 61 to 70.

**Mr Chairman:** Part 4, clauses 61 to 70 stand part of the Bill.

**Clerk:** Part 5, clauses 71 to 74.

**Mr Chairman:** Part 5, clauses 71 to 74 stand part of the Bill.

**Clerk:** Part 6, clauses 75 to 83.

**Mr Chairman:** Part 6, clauses 75 to 83 stand part of the Bill.

**Clerk:** Part 7, clauses 85 to 95.

**Mr Chairman:** Part 7, clauses 85 to 95 stand part of the Bill.

**Clerk:** Part 8, clauses 96 to 106.

**Mr Chairman:** Part 8, clauses 96 to 106 stand part of the Bill.

3805

**Clerk:** Schedule 1.

**Mr Chairman:** Schedule 1 stands part of the Bill.

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**Clerk:** Schedule 2.

**Mr Chairman:** Schedule 2 stands part of the Bill.

**Clerk:** The long title.

3815

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

**Crime (Disorderly Behaviour Penalty Notice) Bill 2022–  
Clauses considered and approved**

3820 **Clerk:** A Bill for an Act to make new provision for on-the-spot penalties for disorderly behaviour.

Clauses 1 to 12.

**Mr Chairman:** Clauses 1 to 12 stand part of the Bill.

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**Clerk:** The Schedule.

**Mr Chairman:** The Schedule stands part of the Bill.

3830

**Clerk:** The long title.

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

**Domestic Abuse Bill 2022–  
Clauses considered and approved**

3835 **Clerk:** A Bill for an Act to make provision in relation to domestic abuse; to create an offence in relation to controlling or coercive behaviour in intimate or family relationships; to provide for an offence of threatening to disclose private sexual photographs and films; to provide for an offence of strangulation; to make provision for the granting of measures to assist individuals in certain circumstances to give evidence; and for connected purposes.

Clauses 1 and 2.

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**Mr Chairman:** Clauses 1 and 2 stand part of the Bill.

**Clerk:** Part 1, clauses 3 to 5.

**Mr Chairman:** Part 1, clauses 3 to 5 stand part of the Bill.

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**Clerk:** Part 2, clauses 6 to 36.

**Mr Chairman:** Part 2, clauses 6 to 36 stand part of the Bill.

**Clerk:** Part 3, clause 37.

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**Mr Chairman:** Part 3, clause 37 stands part of the Bill.

**Clerk:** Part 4, clauses 38 to 40.

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**Mr Chairman:** Part 4, clauses 38 to 40 stand part of the Bill.

**Clerk:** Part 5, clauses 41 to 43.

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**Mr Chairman:** Part 5, clauses 41 to 43 stand part of the Bill.

**Clerk:** Part 6, clause 44.

**Mr Chairman:** Part 6, clause 44 stands part of the Bill.

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**Clerk:** Part 7, clauses 45 to 49.

**Mr Chairman:** Part 7, clauses 45 to 49 stand part of the Bill.

**Clerk:** The Schedule.

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**Mr Chairman:** The Schedule stands part of the Bill.

**Clerk:** The long title.

3875

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

**Anti-Corruption Authority Bill 2022–  
Clauses considered and approved with amendments**

**Clerk:** A Bill for an Act to make provision for the establishment of the Anti-Corruption Authority and to provide it with powers of investigation and other duties, powers and functions for the investigation of corrupt conduct, and for connected purposes. The Hon. the Minister for Justice, Equality and Public Standards and Regulations.

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Part 1, clauses 1 and 2.

**Mr Chairman:** Part 1, clauses 1 and 2 stand part of the Bill.

**Clerk:** Part 2, clauses 3 to 14.

3885

**Mr Chairman:** Part 2, clause 3 needs to be amended.

**Chief Minister (Hon. F R Picardo):** Mr Chairman, the hon. Lady has given a notice of amendment to clause 3(3)(a). During the course of the debate I said that the proposal from the Government would be to continue to amend clause 3(3)(a) as is proposed in the letter, but that in clause 3(3)(b) we would change matters a little more, and instead of saying, as set out in the Minister's letter, that it would be the Chief Minister and the Leader of the Opposition who would

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appoint two each, we will in fact propose to change (b) by saying 'four persons appointed by the Specified Appointments Commission and who, in the opinion of the Commission' and then the rest should stay the same.

There was then also an amendment, which has been circulated in writing, to clause 3(12) by the Hon. Minister, and additionally, although we have not given notice in writing, in respect of clause 3(14) we are proposing to change the words 'payable out of' to 'a charge on'.

**Mr Chairman:** So the Chief Minister is suggesting that we remove 'be payable out' –

**Hon. Chief Minister:** Of.

**Mr Chairman:** 'shall be' –

**Hon. Chief Minister:** A charge on.

**Mr Chairman:** A first charge or a charge?

**Hon. Chief Minister:** No, a charge on. First charges, I think, are constitutional.

**Mr Chairman:** 'Shall be a charge on' –

**Hon. Chief Minister:** The Consolidated Fund.

**Mr Chairman:** So it should read 'shall be a charge on the Consolidated ...' That is the amendment to –

**Hon. Chief Minister:** That is right, yes.

I think that is, apart from ... Later, I think the hon. Lady was moving ... in clause 21, anyway.

**Clerk:** Clauses 3 to 14 as amended.

**Mr Chairman:** Clauses 3 to 14 as amended stand part of the Bill.

**Clerk:** Part 3, clauses 15 to 28.

**Mr Chairman:** Part 3, clauses 15 to 28 stand part of the Bill. (*Interjection*) No. It should be clauses 15 to 20 stand part of the Bill, and there is an amendment to clause 21.

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Chair, I gave notice to proposed amendments to clause 21 and, in particular, subclauses (3) and (4)(b), in my letter of 17th January. May I respectfully suggest that we take those amendments as read, as contained in the letter?

**Mr Chairman:** Clause 21, as amended, stands part of the Bill.

**Clerk:** Clauses 22 to 28.

**Mr Chairman:** Clauses 22 to 28 stand part of the Bill.

**Clerk:** Part 4, clauses 29 to 32.

**Mr Chairman:** Part 4, clauses 29 to 32 stand part of the Bill.

3945 **Clerk:** Part 5, clauses 33 to 38.

**Mr Chairman:** Part 5, clauses 33 to 38 stand part of the Bill.

**Clerk:** Part 6, clauses 39 to 40.

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**Mr Chairman:** Part 6, clauses 39 to 40 stand part of the Bill.

**Clerk:** The Schedule.

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**Mr Chairman:** The Schedule stands part of the Bill.

**Clerk:** The long title.

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

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**Commonwealth Park (Amendment) Bill 2022;  
Employment (Amendment) Bill 2022;  
Personal Light Electric Transporters Bill 2022;  
Adoption Bill 2022;  
Crime (Disorderly Behaviour Penalty Notice) Bill 2022;  
Domestic Abuse Bill 2022;  
Anti-Corruption Authority Bill 2022 –  
Third Reading approved: Bills passed**

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

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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Commonwealth Park (Amendment) Bill, the Employment (Amendment) Bill, the Personal Light Electric Transporters Bill, the Adoption Bill, the Crime (Disorderly Behaviour Penalty Notice) Bill, the Domestic Abuse and the Anti-Corruption Authority Bill have been considered in Committee and agreed to, some with amendments, and I now move that they be read a third time and passed.

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**Mr Speaker:** I now put the question, that the Commonwealth Park (Amendment) Bill 2022, the Employment (Amendment) Bill 2022, the Personal Light Electric Transporters Bill 2022 as amended, the Adoption Bill 2022, the Crime (Disorderly Behaviour Penalty Notice) Bill 2022, the Domestic Abuse Bill 2022 and the Anti-Corruption Authority Bill 2022 as amended be read a third time and passed.

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Those in favour of the Commonwealth Park (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

Those in favour of the Employment (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

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Those in favour of the Personal Light Electric Transporters Bill 2022?

**Several Members:** Aye.

**Hon. D A Feetham:** I abstain, Mr Speaker.

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**Mr Speaker:** But the Opposition will be voting in favour.

**Hon. D A Feetham:** I am abstaining.

- 3990 **Mr Speaker:** You are abstaining, right, but I did not quite catch the ...  
Those in favour of the Adoption Bill 2022? (**Members:** Aye.) Those against? Carried.  
Those in favour of the Crime (Disorderly Behaviour Penalty Notice) Bill 2022? (**Members:** Aye.)  
Those against? Carried.  
Those in favour of the Domestic Abuse Bill 2022? (**Members:** Aye.) Those against? Carried.
- 3995 Those in favour of the Anti-Corruption Authority Bill 2022? (**Members:** Aye.) Those against?  
Abstentions? The Opposition is abstaining. The Bill is, therefore, carried.

### Adjournment

- Chief Minister (Hon. F R Picardo):** Mr Speaker, it is late in the hour. The Government does not like to keep Members this late, but if we had not resolved these issues today, we would have had to come back next week and I know we all have other commitments – the Deputy Chief Minister
- 4000 and I will be travelling.
- I am grateful to all Members for the debate this afternoon on all of the legislation that has passed. We have passed some seminal pieces of legislation, not least and in particular the Domestic Abuse Bill that is now law, a very short but important Bill on employment matters which will deal with trade union recognition, and a seminal Bill on the creation of Gibraltar's first Anti-
- 4005 Corruption Authority. On that basis, I thank all hon. Members for the debate and I move that the House should now adjourn *sine die*.

- Mr Speaker:** I now propose the question, which is that this House do now adjourn *sine die*.  
I now put the question, which is that this House do now adjourn *sine die*. Those in favour?
- 4010 (**Members:** Aye.) Those against? Passed.  
This House will now adjourn *sine die*.

*The House adjourned at 10.13 p.m.*