



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3 p.m. – 8.58 p.m.

Gibraltar, Wednesday, 15th March 2023

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The Gibraltar Parliament

The Parliament met at 3 p.m.

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

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

PRAYER

Mr Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Wednesday, 15th March 2023.

5 Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 13th, 14th and 15th February 2023.

Mr Speaker: May I sign the Minutes as correct?

10 **Members:** Aye.

Mr Speaker signed the Minutes.

ANNOUNCEMENTS

Ministerial Code and Code of Conduct for Members of the Gibraltar Parliament – Statement by the Chief Minister

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

Mr Speaker: The Hon. the Chief Minister.

15

Chief Minister (Hon. F R Picardo): Mr Speaker, the Government has always been firmly committed to the policy of a Ministerial Code of Conduct for Ministers of His Majesty's Government of Gibraltar and a Code for Members of Parliament. I have asked you, Mr Speaker, this afternoon, for leave to make a Statement in respect of that, which you have graciously agreed to, and I have given a copy of my Statement to the Leader of the Opposition.

20

A draft Code of Conduct for Ministers and another for Members was published and circulated in September 2015. The intention then was that those Codes, along with other matters, would be reviewed by the Select Committee on Parliamentary Reform, as was suggested by my predecessor and former Chief Minister Sir Peter Caruana.

25

The House knows that the hectic schedule imposed on Government by our departure from the European Union, the COVID-19 pandemic and the future relationship negotiation with the

European Union has meant that the Committee has not been able to meet and perform its functions of review. However, the draft Codes have been published and have always been available online on the website of the Gibraltar Parliament. The Government has not received any comment or feedback on the publication of these draft Codes during all this time and, as I said at the time that we adopted them, we would be behaving in keeping with those Codes. Although we have been criticised for not formally implementing them, we have adhered to them.

In order not to delay matters any further, I have the honour today, after my Statement, when we come to it on the Order Paper, to lay before the House a Code of Conduct for Members of the Gibraltar Parliament and a Code of Conduct specifically for Ministers of His Majesty's Government of Gibraltar. In doing so, I want to thank my friend and colleague the Deputy Chief Minister, who has led the detailed work on both, although it is my obligation as Leader of the House to be the one to lay these particular Codes.

The draft Ministerial Code available until now was largely based on the Code applicable to Ministers of His Majesty's Government of the United Kingdom from time to time. It was the first such Ministerial Code for Gibraltar, which we had the honour to publish. However, that Code, which was first published in September 2010 in the United Kingdom, was subsequently amended several times. There were amendments in October 2015, just after we had published our Code in September 2015, in December 2016, in January 2018, in August 2019, in May 2022 and most recently in December 2022, and usually, if I may put it colloquially, scandal-led amendments which were made to the Code.

The new Gibraltar Code is based on the latest United Kingdom version and has been amended and updated by the Deputy Chief Minister to be in line with the most recent December 2022 version, which is applicable in the United Kingdom. This means that the 2015 Gibraltar Code has now been updated and the relevant amendments have been incorporated into it, so that the Code laid today is bang up to date with the Code in the United Kingdom.

There are some areas which are completely irrelevant to the circumstances in Gibraltar which are envisaged in the UK Code, for example the question of special advisers and their behaviour, and parliamentary private secretaries. None of those concepts exist in Gibraltar and therefore we have expunged the Code of them.

The Gibraltar Code provides for the appointment of an independent adviser who would investigate alleged breaches of the Code. This can come about if the Chief Minister, having consulted the Chief Secretary, feels the matter warrants further investigation. An investigation can also be initiated by the independent adviser where he or she believes that an alleged breach of the Code warrants further investigation and the matter has not already been so referred.

The Ministerial Code is divided into 11 sections and restates at Annex A, at the end of the Code, the Seven Principles of Public Life, which are identical in Gibraltar to those applied in the United Kingdom.

The Code of Conduct for Members of the Gibraltar Parliament more generally was also first published in September 2015. The Government has received no comment or feedback from hon. Members opposite since the publication of the Code for Members.

The new updated version is also based on the Code applicable to Members of the House of Commons, where relevant, and amended to the circumstances of Gibraltar. This, too, repeats the Seven Principles of Public Life as being applicable to Members of the Parliament, as it is to Ministers, in the same way as the Ministerial Code sets out.

The Code provides for the Gibraltar Parliament to appoint an independent expert panel with the relevant experience to investigate a specific matter relating to a Member's adherence to the rules of conduct under the Code and the allegations that might be made of breaches of the Code.

The Government has been very conscious that to a degree this was unfinished business, and we recognise that the process of giving effect to these Codes could have been different in other circumstances, which unfortunately did not apply. However, the point is that it is preferable to give this matter some finality and to get it done, than to allow the situation now to continue any

further. If we have to amend, we can amend going forward, but from the position of having already made the Codes fully applicable going forward from now.

80 It is for this reason that the Government remains open to any ideas and suggestions for further improvement that hon. Members or any person may wish to put in writing to the Government. Further, it is also a condition of both the Code of Conduct for Ministers and the Code of Conduct for Members of Parliament that they shall be subject to annual review by the Gibraltar Parliament, which will provide another opportunity to further review the Codes, but that should not stop us
85 from amending these Codes at any time before a year is up after today, if the House should consider it necessary.

Mr Speaker, on that basis, when the moment comes, after I have clarified any questions that may be raised or any points for clarification that may be made, I shall be laying both these Codes at the appropriate moment under the Agenda item.

90

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

Hon. K Azopardi: Mr Speaker, thank you.

Indeed, I received, earlier today, at quarter past one, the Statement of the Chief Minister that he intended to make, together with a copy of these Codes that he will lay a bit later, subject to
95 the comments that we may make.

Of course we welcome the introduction of the principle of a Code of Conduct for Ministers and indeed for Members on both sides of the House; it was in our own manifesto at that last election. However, I have to say it does look like a bit of a box-ticking scramble ahead of the next election, given that this is a commitment that the Members opposite had in, I believe, their first manifesto and indeed it was discussed in their second and third manifestos – indeed, the last one. I do accept,
100 as the Hon. Chief Minister has said, that since the last election there have been intervening events that have made it difficult perhaps to have a more detailed discussion on some aspects, but it is also true that before that moment there were opportunities to do so. Indeed the drafts that were
105 first published were some time ago, so there could have been an opportunity to properly introduce these earlier.

Can I just ask him to clarify, if he will ...? As I said, we welcome the principle of these documents. We would like to, obviously, study the detail of it, because the Hon. Chief Minister has indicated that these documents that he intends to lay are different to the ones that we saw some time ago;
110 he says both of these documents are updated. So subject to a review of the detail – because we may have the opportunity to then engage with the Government on improvements to these, and he says there will be an annual review, which of course we welcome – we may want to go further, and in that context we may be able to engage with Government if we have any particular thoughts in that regard.

Can I just ask him to comment, though, because from a formalistic point of view, we would see the Codes quite distinctively in this sense: it seems to me that the Government can introduce a Ministerial Code of Conduct to the extent that it wants and lay a copy in this House – and it would be effective, of course, because it binds the Ministers of the Crown in that sense – but to the extent of a Code in relation to the Members of this House, I wonder whether it would be effective
120 simply to lay it in the House, and I ask the hon. Member perhaps to reflect on the comments that I make in this regard.

I start from the premise that he did, himself, acknowledge ... on that side of the House the Members opposite did themselves acknowledge in their last manifesto, and indeed the one before that, I believe, that the approval of a Select Committee would first be engaged before there was
125 an attempt to introduce this document. Can I just say that nothing I say is to suggest that I am placing hurdles on the introduction of this document, but rather what I would like us to do is to make sure that it is effective in that sense.

In the short time available, I reflected on the provisions first of the Constitution that allow the Parliament to prescribe its own rules of procedure in sections 36 and 39. It seems to me that that,

130 together with the provisions of the Parliament Act, would allow us to perhaps pass a resolution or
a motion that would give effect to the Code, but I am not sure it would become effective by simply
laying it in the House. The Standing Orders of this House themselves are made, on the face of
them, by express reference to section 39 of the Constitution and it seems to me – and it is
135 something that I would ask the hon. Member to consider, reflect on and, if necessary, clarify, if it
is not a point that catches him at all by surprise, because he may have thought about it himself ...
It seems to us on this side that this may require a resolution or a motion insofar as the Code of
Conduct that would bind the Members of this House. I say that because section 39 of the
Constitution says ‘The Parliament may from time to time make, amend and revoke rules of
140 procedure’ for the regulation of the proceedings, and section 36 of the Constitution allows the
legislature to ‘prescribe the privileges, immunities and powers of the Parliament and its
Members’, but it seems to me also that the prescription of that would require some degree of
formality, a decision of the House, and the laying of a Code in the House does not seem to me to
amount to a decision of the House to do so.

145 I give way to the hon. Member and those are my closing remarks. Perhaps the main issue, as
he can see from my remarks, is a matter of formalistic procedure and adoption.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful to the hon. Member for recognising that
150 I provided him quite considerable notice of my Statement – almost two hours before I delivered
it, which is more than is usually the case even in the House of Commons – and for the fact that in
his address he is not in any way challenging the content of the Code or indeed the objective of the
Government in providing for the Code. But he, of course, as usual, does not permit the form to
get in way of the substance – or does he? – because what the hon. Gentleman has talked about is
155 really just the form in which we have submitted the Code. The fact that the two Codes are now
before the House I think is a remarkable step forward for governance of the Rules of this House
and the ministerial standards to which people will be held in the form of this new Code. But of
course the hon. Gentleman starts not seeking to clarify, not seeking to question, which is what he
should be doing in the context of a Statement I have made. He starts by pugilistically seeking to
160 engage a party political debate, for which I am always up. He says this is a box-ticking scramble. It
can only be a box-ticking scramble in respect of seeking *their* adherence to the *parliamentary*
Code, it cannot be a box-ticking scramble in the context of *our* adherence to the *Ministerial* Code,
because in 2015 we published the Code and we said, at the request of the GSD, ‘This is going to
go to a Select Committee before it gets formally adopted, but we subject ourselves to it from
165 now.’ So if the hon. Gentleman had stopped to consider the position as it has applied and
appertained from 2015, he could make the argument that in 2015, in September, after four years
of work in Government and the report of the Canepa committee, we scrambled in September to
ensure that the Code was applicable to Ministers before an election in October – perhaps
November. In the autumn. (*Interjection*) November? Fine, November, yes. Sixty-eight per cent, we
170 got. I will never forget that: 68%. So box-ticking scramble in September to ensure that it was in
place for November, but not in 2023, eight years on from our subjecting ourselves voluntarily to
the Code. The only scramble would be to subject *them* to the Code, because it is the parliamentary
Code that we are saying should be applicable from today, because they have not professed
voluntary allegiance or adherence to the parliamentary Code like we professed it voluntarily to
175 the Ministerial Code.

I would say to the hon. Gentleman that a little thought might have delivered him a little bit
more logic behind his argument because, as a result, what he has done is demonstrate that if there
is a need to scramble to secure adherence to a Code, it is in respect of Members who are not
Ministers, because Ministers have subjected themselves voluntarily to the Code. That is where he
180 started, with this pugilistic party political point that unfortunately, like the proverbial firework,

blows up in the palm of his hand because of the lack of generosity with which he approaches the point.

185 The second point that he makes is the formalistic point, as he calls it, having said that he will study the detail and he wants to check the amendments. As I have told him, he will find that the amendments are designed to ensure that figures and issues that are referred to in the UK Code and are not relevant here have been provided for. The Deputy Chief Minister has done it in very great detail. He has taken me through it. I have agreed the differences with him. I am sure they will not be controversial. But what he will have to study the detail of, I assume, are the differences between the Code published in September 2015 and the Code published today, because he has
190 not, since 2019 when he was elected, raised with us any issue in respect of the 2015 Code. Therefore, one has to assume that either he has not read it, although he has said repeatedly that this is an important part of the architecture of the Government he would like to lead, or he has not thought that there was anything in there worth commenting on. So he can look at the differences between the 2015 Code and this Code and how that has been affected in fact by
195 changes in the United Kingdom.

He has said that perhaps they want to go further. Well, they may want to go further than the United Kingdom, which is seen as a lead jurisdiction in many respects in the concept of the Seven Principles of Public Life etc., although in the past year and a half we have seen some of the shortcomings of the system in the United Kingdom, but it is recognised as one of the best systems
200 in the world in that respect, in terms of accountability of Ministers and Members of Parliament. If he wants to go further than the United Kingdom, he should tell us where it is that he wants to go further. We are happy to consider it in some circumstances where Gibraltar might be able to do things which are not provided for even in the United Kingdom.

Is a resolution necessary? Well, the analysis the hon. Gentleman does I think is otiose, because
205 what we are talking about here are not offences. Nobody is going to be tried by a court. These are issues of political responsibility and adherence to rules that we subject ourselves to. Indeed, the Canepa Commission talked about the Ministerial Code being reviewed – because we had one at the time – drawn up, made applicable to Ministers and kept under review. It did not say anything about a resolution. What former Speaker Canepa said in respect of his recommendation for a
210 parliamentary Code, not a Ministerial Code, was that that should be adopted by resolution. But it is not *required* to be adopted by resolution because the Canepa Commission was a commission giving advice and making recommendations.

We have wanted to ensure that the Code is published and that it is known, but I have absolutely no difficulty with the principle that we pursue that which Mr Canepa as a Member of the House
215 did when they introduced the Declaration of Members' Interests, I think in 1982 or something like that, which was to do it by way of resolution, which is how Speaker Canepa must have come to the conclusion that it was prudent to advise a resolution in the Code. The Government is happy to give notice now – because we only need 24 hours for a Government motion – that we will be putting a resolution in this session of the House to adopt the parliamentary Code, and the Code
220 can then be adopted by resolution.

The approval of the Select Committee, however, is not necessary for us to do this because, to the extent that we are Members of Parliament, I tell the House today that this side of the House gives a commitment to adherence to the principles of the Ministerial Code *and* the parliamentary Code, which would apply to all of us, including Mr Licudi as a backbencher, whilst the Ministerial
225 Code will apply only to those of us who sit on the front bench. So without a resolution, the House knows that the GSLP-Liberal side of the House will adhere to the Code. By resolution, we will all be bound to adhere to the Code, but they could vote against and we could vote in favour. Because we have the inbuilt Government majority, it will still apply, so to an extent we are playing an element of a 'formalistic' – to use the hon. Gentleman's word – game.

230 In terms of the effectiveness of the Code if it is not adopted by resolution or by motion, there is no difference, because it tells us what we are supposed to do. There is nothing in here which is rocket science. These are the rules of public life, the ones that we all instinctively must know we

235 have to abide by, and any breach of them would require, in any event, a motion of censure in this House. So the hon. Gentleman would forgive me for connecting the way that he has tried to weave his references to the Constitution and the Parliament Act and his opening gambit on a box-ticking scramble, to see only an attempt to get up to say something which might gain him some party political advantage, if there is any to be had in standing in the way of a Ministerial Code and a parliamentary Code, when in fact what the Government is doing is giving further effect to the commitments we gave in 2015 in respect of both of these Codes and which they have singularly failed to do.

240 I shall, Mr Speaker, give written notice of the resolution that I propose to present in a few minutes when I am able to prepare it, so that the House has it in good time to be able to deal with it in the timetable that I believe we will be working to during the course of this session between now and Friday. I hope that despite the party political points that the hon. Member has made, the underlying reality will be that hon. Members opposite, even between today and Friday, even though they have not between 2015 and today, will confirm their voluntary adherence immediately to the Code of Conduct for Members of the Parliament.

I am happy to deal with any other points that any other hon. Member may raise.

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

Hon. M D Hassan Nahon: Mr Speaker, I have just had sight of the document now because I am a third entity and not a part of the official Opposition. I would have been to receive the paper with the same two hours' notice afforded to the Leader of the Opposition so that I could have perused it and offered a more considered set of questions. We are trying to enhance democracy in general and parliamentary conduct in this House. Why not afford me that gesture? I do not think it would have taken the Chief Minister more than 10 seconds to add my email address to the correspondence he sent to the Leader of the Opposition.

260 Anyway, it has been almost eight years that this incentive was first thought of or designed and we see a pattern that we normally see before an election, something which reminds me of how the Government also tried to ram the parliamentary reform three months, or even less, before –

Mr Speaker: I think the hon. Lady must ask questions seeking clarification, not make political points.

265 **Hon. Ms M D Hassan Nahon:** If I can, yes. We saw the same thing eight years ago, and if it were not for the public outrage it would have been a fait accompli, as it looks like this one is.

270 What I would like to ask is, firstly, when does this Code actually materially come into effect? If there are any Ministers who have taken advantage of gifts or hospitality by donors or funders of the party, for example, when would that end? Would it end today? Would it end next weekend? Would it end this weekend?

275 And why is there not ... because we can definitely see clearly here that there is no really good will from the two sides, that we have seen, in terms of giving us a meaningful opportunity for exhaustive discussion before this is set in stone? The fact of the matter is, even though we can harp back to 2015, eight years have passed, many other things have taken over the agenda, and we get this today – the Leader of the Opposition got it two hours ago; I got it 10 minutes ago – out of the blue, as a fait accompli. So how could the Chief Minister think that this was a constructive way to bring this Code into the House at this present moment? Doesn't he want more input from across the House? It seems to me that the Chief Minister has all his answers ready. He has the dates, he knows when it started, he knows when it was reviewed, but we do not have that privilege today. We have two hours and 10 minutes here. He knows all the pathology, everything that is going on, but how can he think that it is a good idea to present this across the board, bring it here and win by majority and tell us that we have until Friday?

Thank you, Mr Speaker.

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

Hon. Chief Minister: Mr Speaker, can I start by wishing the hon. Lady a happy birthday? She has been remarkably pugilistic for a day that should be celebratory for her, but I do wish her all the very best on a day like today, and I do look forward to my cheat day at coffee time, when the time comes for us to be able to raise a glass of coffee and nothing else to her good health.

290 The hon. Lady has confirmed that she is a third party, as she described herself – actually a fourth party in the House (*Interjection by Hon. Ms M D Hassan Nahon*) – in the sense not a part of the official Opposition, despite the wishes as expressed on national television by the Leader of the Opposition. Despite his wishes, she remains, rebuffing him, a third party and –

295 **Hon. Ms M D Hassan Nahon:** It is not relevant.

Hon. Chief Minister: Yes, it is, because you were the one who said that you were not.

300 **Hon. M D Hassan Nahon:** How is that relevant to what I was saying or coming to?

Hon. Chief Minister: Mr Speaker, I am replying to the points that the hon. Lady made in the way that the hon. Lady made them. (*Interjection by Hon. Ms M D Hassan Nahon*) And so that is, in itself ... She asked me a question: ‘Why didn’t you send it to me?’ For a simple reason: because she is not the Leader of the Opposition, and the Rules require, as we explained them in the House last month, that I should share with the Leader of the Opposition a statement before I share it with other Members in this House, and she is A N Other Member. She did not say anything at the last meeting when we explained that, she accepted that, and in this meeting she has seen the consequence of that rule. In the United Kingdom, statements are shared with the Leader of the Opposition; they are not shared with every other Member.

305 I have no difficulty if the hon. Lady wishes me to share my statements with her, but this is an issue for the Leader of the House and the Leader of the Opposition, because it is about parliamentary procedure. She says that she has had 10 minutes to consider this. The same point applies to her with even greater force and vigour than to the Hon. the current Leader of the Opposition, because she has been a Member of this House since 2015. He has been a Member of the House since 2019 and of the GSD since 2018 ... 2017, whenever it was ... that was not in keeping with the constitutional rules. But she has been a Member of this House since 2015, when we laid the parliamentary Code – now he gets it! – so she has, I would have thought, familiarised herself with the Codes. She, no doubt, who lectures us on standards in public life ... the first thing she would have done, in November 2015 when we held the General Election, upon becoming a Member of this House was to say, ‘Let me have the parliamentary Code, I have to familiarise myself with it.’ Or is it that despite the lectures that she gives us on standards in public life, she had not read the Code to which she should have been voluntarily adhering from the day that she was elected in 2015? Maybe the Leader of the Opposition could have said, ‘Look, I became a Member in 2019 – that is when I looked at it.’ So she cannot tell me that she has had 10 minutes. It may make good copy to get up and say, ‘The dreadful Chief Minister has given the Leader of the Opposition two hours of notice and me only 10 minutes.’ Yes, but of something that you have all had since 2015. The changes are relatively minor. We are talking about a few sentences here and there, and they are the changes that anybody who has been following United Kingdom politics would have read on the front page of *The Times* each day that those changes were made to the Ministerial Code and, indeed, has led to leaders in *The Times* in respect of those changes in the Ministerial Code. So anybody politically aware will know what those changes imply – of course, if you have read the Code since you have been elected in 2015.

320 There is a pattern, of course, emerging. The hon. Lady is absolutely right, a pattern of things being done before the end of the lifetime of the Parliament. Well, surprise, surprise. We are elected for four years. Our obligations are to do things in those four years, and despite having got

the red light of COVID that stopped us in our tracks, in 2016 the amber light of Brexit that made everything harder and like going through treacle because of, first of all, negotiation of the withdrawal agreement, then negotiation of the future relationship ... Despite all that, we published these Codes and now we are updating them. The sin of which we are attacked today is the updating of the Codes to which we subjected ourselves voluntarily in 2015. So it is not credible to say that you have had 10 minutes to consider this. You have not had 10 minutes. Indeed, much of the discourse of the Opposition ... Indeed, a year ago, when I understand that they thought an election was going to be called, they held a press conference on these issues – not her, them – and the Ministerial Code etc. So these are live political issues and what we are doing is giving effect to these things. So the *fait accompli* to which she refers is a *fait accompli* which has applied to this side of the House for eight years. It is not that this weekend or next weekend the hospitality/not the hospitality, the gifts/not the gifts. We have subjected ourselves since 2015.

Hon. Members can believe all the rumours they like about what we are given or not given. As hon. Members know, I was told in a memorable *Direct Democracy* some months ago on GBC that people said I had a great villa in Portugal that had been gifted to me by a contractor locally who had built it in Portugal etc. If somebody would at least tell me the address, I might be able to visit this great gift that I have been given and enjoy the benefit of it. There are rumours about gifts that we are told they get from people who are supporting them so that they will replace us, and they will hear rumours of gifts that we get *‘para asermos el peloteo’* so that people are going to get tenders. Nonsense on stilts. I do not believe it when I am told of them. I say *No me diga*. I trust that they do not believe it when they are told it of us. There are rules about that. There is a register in my office of anything that comes in which is a gift. It is assessed for value and it is put in the register. So these things, for us, to answer her question, have been set in stone since we published the Codes in 2015. I just told the Leader of the Opposition that when she got up to ask me again. So getting it today ‘out of the blue’ should not be a surprise. She should have said, ‘Long time coming – why didn’t you do it sooner?’ I would have said, ‘I did it in 2015.’ But not that it is out of the blue.

In terms of wanting to be constructive, the Hon. the Deputy Chief Minister rightly said that we tried to be constructive – in one of his Budget speeches, I think, on this subject – by agreeing the GSD proposal that instead of putting a motion in 2015, which we said we were going to do when we introduced the Commission’s report, we agreed the GSD position, which was not to do that and send it to the Select Committee, and there it lay, because the Select Committee was not able to meet. But in the time that those who represent the GSD, as she did since 2015 in this House until the schism in the late part of the second decade of the third millennium, none of them wrote to us to say, ‘We want to improve the Code in this way. When we get to the Select Committee, this is what we are going to be proposing in respect of the Code.’ They have never said that. So if they wanted to be constructive, they have had a lot of time to be constructive, and if they now want to be constructive, we will welcome any constructive suggestions for amendment of the Code. We might or might not agree it, it depends on what they propose and whether it is constructive or whether it is actually designed to be destructive whilst dressed up as being constructive, which is so often what we see. But most of what she had said had already been answered in the statement that I gave earlier in the context of replying to the Hon. the Leader of the Opposition, because these Codes have been in Parliament since 2015.

Mr Speaker, none of that response, which I know is perhaps a little, for me, uncharacteristically vehement in respect of the hon. Lady, diminishes my good wishes to her on this happy day.

Mr Speaker: Before I ask the Hon. Roy Clinton to respond – he wishes to say a few words – I would like to remind the hon. Lady and Members of a ruling which I made several years ago about what was expected from persons contributing in a Statement scenario. I said:

1. The Leader of the Opposition and any member of the Opposition, the Leader of any other political party in opposition or any Member that sits on the Government bench who is not a Minister are entitled to ask questions for clarification purposes ONLY.
2. In addition, the Leader of the Opposition or any other member of the Opposition that shadows a Ministry to which the statement refers is permitted a short contribution on the merits of a Statement. This also applies to the leader of any other political party in opposition.

Thank you. The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, I rise to raise a point of order and I would really like your ruling on it.

390 The Opposition has been accused today of engaging in games. The tabling of a paper which is meant to bind Members of this Parliament I do not believe is a matter of games or semantics.

The Hon. Chief Minister did mention the Register of Members' Interests, which I did have a look at with the Clerk to the Parliament before the session started, and that was on 31st October 1979. What happened there was that the Select Committee made a report to Parliament, there was a question put to Parliament as to whether the report of the Select Committee should be adopted and that resolution was passed. I think that is an important precedent and I think it is logical that any rules that are meant to bind any Members of this House should be passed by this House. I do not think that the mere laying of a paper is sufficient that that should be seen to have the endorsement of this House. The Government may lay whatever paper it wishes, but at the end of the day it is the House that should pass a resolution as to the applicability of that paper. I am glad to see the Chief Minister has agreed to that procedure, but I would be grateful, Mr Speaker, if you would formalise that, so that in future there is no misunderstanding as to anything that binds Members of this House.

400 Thank you.

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Hon. Chief Minister: Mr Speaker, what rule of Standing Orders is the hon. Gentleman asking you to rule under? If you are going to make a point of order, you have to make it under one of the rules of order of the House.

410 What Speaker Canepa did when he was a Member of this House was lead in part in the debate on the question which was put as a motion at the time in respect of a Select Committee question. We did exactly the same thing. I do not think he was a Member of the House. We had the Canepa Commission and we brought that as a question to this House, and as a result we adopted various of the measures which the Canepa Commission set out, including the televising of Parliament, which had already been done. We adopted all of those, and in that debate which I have referred the House to, Sir Peter said, 'Please don't do this straight away, send it to a Select Committee.' So we agreed to send that to a Select Committee and everything else was adopted, and we then set out our adherence to the Codes.

415 Mr Speaker, under what rule is Mr Clinton asking you to make a ruling that the Government must provide for things to be done by resolution or motion, rather than publish by way of laying in the House? That is a matter which is entirely up to the Leader of the House at the time. Whether there is more or less legitimacy in the context of something that is done de facto unilaterally by the Government in terms of its application to Members who are not in the Government is a matter which may or may not be moot, but it is not a question for ruling by Mr Speaker at this stage. You might be asked for a ruling. Given that hon. Members have not said that they will adhere to the parliamentary Code until Friday when it is adopted by resolution, if one of them were to be found on Thursday to be in breach of the Code, you could then be asked, 'Can this Member be made subject to whatever discipline may be provided for in the Code, given that he was not able to vote for or against the Code in the resolution?' But you cannot be asked to set out in a ruling, at least without reference to which order you are being asked to rule under, that the Government can only do things by way of motion or resolution and cannot lay on the table and say we now feel bound by this. That is to seek, in my view, to ask you to create a new rule without having given

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you the opportunity to hear all sides in respect of such a rule and the consequences that it may or may not have.

435 Mr Speaker, if I had an opportunity to reflect on what Mr Clinton has said, I would reflect that that is seeking a ruling that could constrain the Government and the Leader of the House in ways which we would have to consider very carefully before the Government would agree to adhere by it.

440 **Hon. R M Clinton:** [*Inaudible*]

Mr Speaker: You cannot speak anymore.

Hon. R M Clinton: I am still on the point of order.

445 **Mr Speaker:** No. Well ... It is very unusual for a Member to raise a point of order without making reference to which order is being impinged. (*Interjection*) Hold on. I am happy to listen to further explanations by the Hon. Roy Clinton, but in any event I am not, here, in a position to rule on the spot, if that is what you are expecting from me. That, I cannot do. I will need to listen to what you have to say now but also take into account what the Chief Minister, the Leader of the House, has
450 said, and then I will consider and, in due course, come back to you, if I feel it is necessary.

Thank you.

Hon. R M Clinton: Mr Speaker, I have asked *you* for a ruling, not the Chief Minister. I refer you specifically to Standing Order 12, on the laying of papers, and my simple question as to a ruling is:
455 is the laying of a paper by the Government binding on the conduct of Members of this House?

Hon. Chief Minister: Mr Speaker, sorry, the hon. Gentleman says he has asked you for a ruling, not me. I know that he often reminds us that he is not a lawyer, but there is a basic rule of natural justice, which is *audi alteram partem*, which means you must hear all sides. Before somebody
460 makes a ruling, and a ruling that binds all sides, they must hear all sides.

The laying of a paper does not purport to bind hon. Members. The laying of the paper sets out the position, and what I have said to him repeatedly in the ... what I have said to the Leader of the Opposition and the hon. Lady is we are subjecting ourselves voluntarily to the Codes, and what they are saying by saying, 'We will not consider ourselves bound' is that they are not going to
465 comply with the Code. That is absolutely fine, but it does not require a ruling about whether things are binding or not binding by individuals or parties, and if it did require a ruling, Mr Speaker, I would ask you to bear with the Government, because there may be rulings that set out that things which are laid on the table can be, in effect, binding, because when we lay something on the table it binds us. When I lay an account on the table, if it is not correct I will be required to come back
470 to the House and explain why I have misled the House by laying something in the House that has a figure in it which is incorrect. And so we act, when it comes to the Budget, by reference to the papers that are laid before the Budget, which hon. Members use to inform their debate etc.

So this is not as straightforward as Mr Clinton would like to pretend, and neither is it fair to say, 'I have sought a ruling from you, don't listen to anybody else.' If that were the case, courts
475 would be places where things are resolved very quickly because the first person to speak or the last person to speak simply would persuade the party that has to make up their mind. That is not how proper rulings are made in keeping with the principles of natural justice.

Hon. K Azopardi: A point of order, Mr Speaker, and only to assist, in view of the exchanges.
480 Can I just make the point, for your reflection when you consider this issue, that it would seem to me that the Speaker must have power to always consider questions of procedure in this House and to give rulings where the Speaker considers it appropriate, not necessarily in the moment but always having considered the issue as to if there is an important question that arises in terms of

485 the effect or procedure that the Speaker can then consider the arguments and come back with a ruling, as indeed Mr Speaker has done, on occasion, on issues where you have considered it has merited a particular clarification or ruling.

So really I think my hon. colleague is doing no more than that and I certainly welcome what the Chief Minister has said, that in his view the laying of a paper does not bind the Members. All sorts of things get laid on the table. Regulatory authorities and all sorts of documents get laid on the table, which clearly cannot have that effect. So it seems to me that Mr Speaker does have power.

490 Can I just say, before I sit down, that the Chief Minister has said two or three times that we have said we are not bound, we are not saying we are committed to this. We are saying quite the contrary. We are saying we want to make sure it is effective and binding, and that is all we are saying, so let's not twist the words of the points that we have made.

Hon. Chief Minister: Mr Speaker, can I thank the Leader of the Opposition –?

500 **Mr Speaker:** Yes, this will be the last intervention. Before you continue, I would ask the Hon. Roy Clinton to put down his views in writing, so I will have a good opportunity to read through them, to digest them and come up with a fair conclusion.

Hon. Chief Minister: Thank you, Mr Speaker.

505 Can I thank the Leader of the Opposition for his statement, because when analysed dispassionately, what the Leader of the Opposition has done is agree entirely with the statement that you made in response to Mr Clinton and the statement that I have made. That is to say that of course you have the power to regulate the proceedings through ruling, but you want to hear all the arguments before you make a rule which is not in keeping with one of the Standing Orders as they are today, and as a result you have now asked Mr Clinton to put in writing what it is that he purports.

510 Can I also take the point that the hon. Gentleman makes about the binding nature of things laid on the table, and can I just repeat to him, because he does not appear to have appreciated the point, that of course when something is laid on the table it binds at least the person laying it on the table – this is the point I am making – and those who are Members of the House take the benefit of that. So if I lay on the table the figures for the Gibraltar Electricity Authority, hon. Members enjoy the benefit of the rule that says I will not mislead the Parliament, and if there is a figure in the report that I have laid, they take the benefit of relying on that figure and I take the obligation to amend that figure if it is wrong.

520 What we are saying here and what I said in my introduction is we are laying it on the table – when he said why not do it by resolution, I said we will do it on Friday for the parliamentary Code – but we are adhering since 2015 and from today. He says, 'Don't twist my words,' but he has not said they have studiously failed to say since 2015 and since three o'clock this afternoon that before the resolution is passed on Friday, when they will be bound by it, they will voluntarily adhere to the Code. We voluntarily adhere from 2015 and from between now and Friday. There is no twisting of words that have not been used, because they failed to say that they commit.

525 **Mr Speaker:** May I ask the Chief Minister also to put his views in writing, so I may consider them? Thank you.

530 **Hon. Chief Minister:** Mr Speaker, once I have seen Mr Clinton's, because it would be in response rather than ...

Mr Speaker: The Hon. Roy Clinton.

535 **Hon. R M Clinton:** Mr Speaker, I may not have been in this House long enough to understand what is normal process in seeking a ruling from the Speaker, but surely it cannot be right that he has to see it before I send it to you?

540 **Hon. Chief Minister:** That is not what I have suggested, Mr Speaker, for one moment. Once he has sent it to you, either Mr Clinton can send it to me so I know what I am replying to, or you can send it to me so I know what I am replying to, which is the normal way of having an argument on the papers, and in court it would not happen otherwise. One is not expected to meet a case which has not been put.

545 **Mr Speaker:** I would suggest that we proceed along the lines that I sought before, which was to get the views of the Hon. Roy Clinton, then I will ask the Chief Minister to give me his views and then I will decide how we proceed.

Thank you.

PAPERS TO BE LAID

550 **Clerk:** (vi) 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 Ministerial Code and the Code of Conduct for Members of the Gibraltar Parliament, so that they be binding from today.

555 **Mr Speaker:** Ordered to lie.

Questions for Oral Answer

TRANSPORT

Q236/2023

Sundial roundabout – Plans to refurbish

Clerk: (vii) Reports of Committees; (viii) Answers to Oral Questions.
Question 236/2023. The Hon. D J Bossino.

560 **Hon. D J Bossino:** Are there plans to refurbish the Sundial roundabout?

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

565 **Minister for Transport (Hon. P J Balban):** Mr Speaker, plans to refurbish the Sundial roundabout are in hand to coincide with the project to relocate the College of Further Education and the development of the new GFA National Stadium, both of which, alongside the redevelopment of the old Blands/AVIS building and the plot of the old Bayside School, will very materially enhance the area.

Hon. D J Bossino: Mr Speaker, it was more from a tourism angle that I asked this, because representations have been made to me about that particular roundabout, and indeed I have
570 another one on the Order Paper about the aesthetic state. I have a few questions on the Order Paper which deal with issues like those, which are basic points that we on this side of the House think ought to be addressed and sites which ought to be refurbished to make the place look nicer and more adequate. Is he able to give me a timeline as to when he thinks this particular roundabout will be refurbished?

575 And may I ask him – I appreciate I am asking a second question, but it is so closely linked, so with the Speaker’s permission – would he consider, subject to how long he thinks it is going to take to refurbish the roundabout, doing some basic refurbishment in advance of that?

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer because I am dealing with matters
580 that relate to budgetary provision and making money available for this sort of work, and with the Deputy Chief Minister I have sight of what is being proposed in the area.

The hon. Gentleman has got up, in effect – and I want him to reflect on how we hear what he says – and is saying to us, ‘Make a few hundred thousand available to refurbish the Sundial roundabout.’ Gibraltar is in deficit. We are not in surplus. We have run Gibraltar through nine
585 years of surplus, and COVID came and there is no surplus. Everything that we are asked to do, therefore, involves spending. The question is does it involve spending that we should prioritise at this stage? There will be other questions on the Order Paper that will have higher priority in spending. The refurbishment of the Sundial roundabout is not a priority for government spending at the moment. Indeed, we believe that it is likely we will be able to provide for the refurbishments
590 in the area to also provide for the refurbishment of the Sundial and other parts of the public thoroughfare there, as part of the social gain that the development will provide through the funding of developers for that area.

There are many things to do in Gibraltar that cost a lot of money. Government is about
595 prioritising that spending, and when we prioritise that spending it may not be visible that we spend on something else that matters more, but it matters more. So when the Minister for Financial Stability and I are looking at the estimates for the Gibraltar Health Authority and deciding to let them have more for better healthcare in Gibraltar in a particular area which might see an improvement on ... I am not meaning to be facetious, but I want him to understand how politically
600 less valuable it is for us but important as a Government when we are going to provide better quality nappies for those in ERS in advanced age who might need them, or spend that same £100,000 on refurbishing the Sundial. It is always difficult to do the exercise, but you have to do it first by looking at the gain to our people directly rather than the gain we would have – because I am not saying it is not a gain – in having a nicer entrance roundabout to Gibraltar.

If he bears with me, I will tell him – there is another question on the Order Paper, but it is
605 already public – that the first roundabout you are going to hit when you come into Gibraltar is not the Sundial roundabout anymore. As from the end of this month, before we are back for questions the tunnel will have opened, so a huge new roundabout, planned not by us but by them when they were in government, in the area of Eastern Beach is going to be facilitated, is being planted, will have lights etc., and the first point at which people will be in Gibraltar under our magnificent
610 North Face will be at that Beach View Terraces Eastern Beach roundabout and the Sundial will be somewhere else, in an area that will be covered in construction for the better part of the next 18 to 24 months: the new stadium – well, at least the new stadium if we are elected, not if they are elected, because they will not build it; the new College of Further Education, as long as we grant the contract and it starts being built, because they might not; and a new facility where the
615 old Blands/Avis building was going to be.

If you were going to see all of that area up in development for the next 18 to 24 months, you would not be refurbishing the Sundial roundabout anyway. With all of the works that are going to be there, you would refurbish it after that. So you would make the choice to spend the money now on the other issues rather than the Sundial roundabout, and I hope that when he sees it that

620 way he will reflect that actually the Government is making the right decision in spending on the things which are directly relevant to our people rather than on a refurbishment in this area at this stage.

Of course, we can have a fuller debate at Budget time, once we have shown hon. Members, after the end of March, how we have prioritised the spending we are going to do, despite being
625 in a deficit situation, in the Book that we will circulate in keeping with the Rules.

Hon. D J Bossino:] I think he has got to the point in a rather roundabout way, if I may. Is he telling this House, in answer to my direct question as to when the Government thinks it will be in a position to refurbish that particular roundabout, that we are talking about a period of about ... I
630 think he said 18 to 24 months. I do appreciate that you would not spend money on carrying out this particular work if it is going to be a construction site in a short period of time.

Hon. Chief Minister: Mr Speaker, the last thing I intended to do – and I assume that the pun was intended from the hon. Gentleman – was to give him a roundabout answer. I was just showing
635 him that things are not as linear in government as they might appear to be from opposition, and neither can questioning be of the cross-examination style when one asks for a yes or no answer and asks for a clear timeline.

What I am saying is that we think it will not be necessary to use government money to refurbish the Sundial roundabout. We believe it will be possible to include the refurbishment of the Sundial
640 roundabout as part of the public gain from the developments in the area, and that the developments in the area are likely to take 18 to 24 months. I hope that distils the answer that I gave the hon. Gentleman to its irreducible facets so that he considers his question answered.

Hon. D J Bossino: Yes, Mr Speaker, and I think he, himself, acknowledged in a television
645 interview that particular roundabout did require refurbishment, so in that sense I think we are both on the same page.

I think he said in his initial answer a couple of hundred thousand pounds. Is that a formal estimate he has in terms of what they intend to do by way of refurbishment?

Hon. Chief Minister: No, Mr Speaker, it is not a formal estimate. It is my decade-long
650 experience of what anything costs in government if the Government does it. I will give him the reason for that.

When I was first elected, I had been very vehement in my opposition to the then GSD Government's failure to deal with one particular pavement. I was elected and immediately said, 'I
655 want this dealt with immediately,' as you do when you are first elected. That was a week before we found out that actually the only difference between the 2010 arrival at the Treasury by Conservative Ministers and the 2011 arrival at the Treasury by Socialist Liberal Ministers in Gibraltar was that we did not have the courtesy of a note that said there is no money left, and we were told that actually there was a £100 million hole that we needed to deal with. So we had to
660 stop all the spending that we were doing until the new financial year, to be able to start rebuilding. I said, 'This this must be fixed' – this pavement, I kid him not it was a stretch no longer than 50 m, I forget where – 'and it must be fixed immediately.' They said, 'We will bring you a quote.'

The quote for the pavement – it will be in my autobiography, so he will read the detail of it when the time comes – was in excess of £150,000. I thought it just required some tiles and a little
665 bit of cement. It will be a right riveting read, I assure them, Mr Speaker, although I will not describe how a former Chief Minister described somebody else's biography, which I will share with hon. Members behind the Speaker's Chair because it is far too funny to share here. The cost was £150,000. I could not understand how laying 50 m of paving could cost £150,000. Well, because when you are doing it, you have to go down the three layers of utilities. Every time we do works,
670 we refurbish the utilities that are passing under the area where we work. That is how we ensure that we do works on utilities. So the AquaGib area, the Gibelec area, the other municipal ducts

that we had in the area, all of that had to be done. The works were going to take three months, it required more than one contractor and it was £150,000. I said, 'Hold that thought, we will deal with it in the next financial year.'

675 It is difficult to find anything the Government does that does not cost at least £100,000. That is not inefficiency, because we have managed to keep costs down in many areas and do things below the cost we were being charged in 2011, even now, but it is a reality of what we have to deal with, and the hon. Gentlemen should hear it from me as soon as possible to understand what things entail and why we have to prioritise other things in many instances, especially when we are
680 in a deficit situation.

Hon. D J Bossino: Mr Speaker, I am grateful for –

Mr Speaker: This will be the last one.

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Hon. D J Bossino: *[Inaudible]*

Hon. Chief Minister: No, Mr Speaker, I have not made a formal prediction of how long the works are going to take, but from what I know of the timings I expect that the projects in that area will take 18 to 24 months once they start. I cannot tell him when they are going to start. The Deputy Chief Minister is finalising negotiations in respect of one of them, the College, and there is another question on the Order Paper in respect of that. The Savings Bank and the GFA are continuing their work to start the work on the stadium, and the Blands project I know has already got DPC consent and I think some works have already begun. Hon. Members will have seen that
690 there is some work going on there at the moment which relates to cycle lanes. That is going to become effective because the runway is going to close, we are going to have bicycles and pedestrians only on the runway, so that can start happening now and the tunnel is going to open before the end of the month. In that context, it is 18 to 24 months from the start of the relevant works on site in each of those projects, all of which I think will happen probably within six months
695 of each other.
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Mr Speaker: Next question.

Q237/2023

International driving permits – Waiting times

Clerk: Question 237/2023. The Hon. Ms M D Hassan Nahon.

705 **Hon. Ms M D Hassan Nahon:** What is the current waiting time for both types of international driving permit?

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

710 **Minister for Transport (Hon. P J Balban):** Mr Speaker, once international driving permit applications are processed, licences are produced and posted within five working days.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the hon. Member for his answer. Does he, himself, have any queries from people complaining about the length of time? Perhaps it is not the delivery of the permits themselves, maybe the post is slow. My information is that they are taking
715 a while, so I am just trying to understand where that break actually happens.

720 **Hon. P J Balban:** Mr Speaker, I asked the question numerous times because I thought this question was being asked for a particular reason, and obviously this is the reason. I asked them and they said that there had not been any delays. I asked them have there been times when it has taken more than five days and they have confirmed that it has not and we have not received any complaints, so whether it is postage ... no idea, but it is not from our side.

725 **Hon. Ms M D Hassan Nahon:** Thank you. Can I just ask are both types of international permit dispatched in the same timeline?

730 **Hon. P J Balban:** Mr Speaker, I would assume so. The permit that is mostly applied for, which now is, in fact, going to be relevant because we have just issued a statement – I think it was yesterday – stating that we have come to an agreement whereby Gibraltar driving licence owners will not need to have an international driving permit to be able to drive in Spain ... But the one that is relevant to most of us is the 1949 Geneva Convention on Road Traffic, which includes Spain, and that is the one that has most of the countries we would expect to visit. The Vienna Convention is the other one, and I think very few people apply for that. I believe there is a third one as well, which only includes two countries. But for all intents and purposes, the one we need at the moment is the one that we have managed to remove successfully.

735 **Mr Speaker:** Next question.

BUSINESS, TOURISM AND THE PORT

Q238/2023

Fitur fair –

Whether attended

Clerk: Question 238/2023. The Hon. D J Bossino.

740 **Hon. D J Bossino:** Did the Government attend the Fitur fair in Madrid this year?

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

745 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, Mr Bossino, the CEO, and I took the decision not to attend Fitur this year. Mr Bossino advised that rather than attending Fitur we should employ a more direct strategy. We feel that it will be more beneficial to engage on a personal basis with relevant CEOs in the industry at the top level. Therefore, Mr Bossino has embarked on meeting with tour operators in Spain and their agents personally. Mr Bossino is also looking at other marketing opportunities in Spain. The Government can review next year whether it considers it would be beneficial to attend Fitur.

750 **Hon. D J Bossino:** Mr Speaker, the position of the hon. Member was not to attend the Madrid fair last year. The Madrid fair occurs in January every year. He says that this is now the CEO's decision. My first question is: is he in agreement? He is shaking his head. Is he in agreement with what Mr Bossino is saying?

755 **Hon. V Daryanani:** Mr Speaker, I did not say that this was Mr Bossino's decision. This was a decision taken jointly by us. This is how I work with him. We talk, we discuss, and then we decide what we want to do.

760 There are many trade fairs that we could attend, but we need to pick and choose because, as you know, we have financial constraints and we need to look for the best value for money. We think personal engagement with tour operators in Spain would be more beneficial, and that is what we are looking at doing.

765 **Hon. D J Bossino:** He says that that is what he is looking at doing, which is to have that personal contact, yet at the same time he is telling the House that he is considering attending next year. So what is it going to be? Is it his policy decision that he does not wish to attend this particular fair, which is a very important fair? This is the Fitur fair in Madrid, in the capital of Spain, our most important market by far.

770 He and I have had this debate before and I have criticised him for having taken this decision. Is he allowing the possibility – which I think he is, from his answer, but he needs to expand, given the answer he has just given – to attend the Madrid fair next year and following years thereafter?

Chief Minister (Hon. F R Picardo): Mr Speaker, I rise because there is a question that is beyond the Ministry.

775 First of all, the Government does not agree that our most important market is Spain. That is his view. We believe our most important market is beyond Spain and visitors to Spain who come from beyond Spain who might want to come to Gibraltar as well.

780 Second, there is a reason why that answer is worded in that way, and it is an answer that cuts across all the Ministries. It is that there is going to be a General Election this year and we may not be the Government next year. We go to the General Election with the humility of knowing that the next Government of Gibraltar will be decided by the people of Gibraltar, and so the Government can consider next year whether or not it goes to Fitur. If we are not in government, the decision may be made to go to Fitur. If we are in government, we will not go to Fitur, because that is the decision we have made consistently. We have assessed it, we have tried it, we have
785 spent money doing it, we have not seen the returns, so we have built a policy about attendance at Fitur based not on what we read in the newspapers but on the effect it has on the bottom line, on the arrivals in Gibraltar, on the cost involved. That is why we are going elsewhere, and that is why we do not agree with the basic principle that this is going to our most important market, to market in that market or not market in that market. That is why I have talked about the
790 Government making a decision next year. If the Government is of one particular complexion the decision will go one way, and if it is of a different complexion it may go another way.

Hon. D J Bossino: Mr Speaker, the Hon. the Chief Minister has clarified the position and it is clear ... With complete clarity he has said that it is his Government's policy decision not to attend
795 Fitur into the future. When he talks about 'elsewhere', can the Hon. the Minister to whom the questions are being made, and who has answered, tell the House with more particularity what it is that they intend to do in relation to the Spanish market, or shall we call it Spain?

Hon. V Daryanani: First of all, I hope that the Chief Minister and the Deputy Chief Minister do
800 a deal that will allow fluidity at the Frontier. (*Interjection*)

Mr Speaker, I have made it clear in the answer to the question that the CEO is engaging with the tour operators in Spain to see how we can attract more tourists through the Frontier. It is being done, but it is not being done in the way that he wants.

Q239/2023

**Flight connection with Morocco –
Prospects of securing**

805 **Clerk:** Question 239/2023. The Hon. D J Bossino.

Hon. D J Bossino: What prospects are there to secure a much needed flight connection with Morocco?

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

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, as the hon. Member knows, it is difficult to convince airlines to open up new routes and keep them here. I spend a lot of time speaking to itinerary planners and airlines executives. Over the last few years, airlines have lost millions of pounds and have become even more cautious with new routes.

815 Having said that, last month I attended the Connect Route Development Forum in Tangier and held meetings with airlines that could fly to Gibraltar from Morocco. Discussions are taking place internally to see if there is a business case for these flights. We would then explore how to progress this.

820 **Hon. D J Bossino:** Mr Speaker, back in November the hon. Member said that ... I asked a very similar question about trade links with Morocco, and there is another question on the Order Paper in relation to this, because I think it is a very important consideration for this Government and any future Governments, of whichever complexion, to secure new business with Morocco. I think we can all agree that it is very difficult to achieve that without a restoration – because we have had air links with Morocco in the past – of those air links, and I know that the hon. Member is keen to do that. But he said in November in this House that an announcement would be made in the coming months. Is he able to say what has happened in relation to that, why this has not come to fruition despite his, at the time, laudable aim that this was something that would materialise in the coming months? This was November 2022. We are now in March 2023 and he is still at a planning/contact stage.

Hon. V Daryanani: Mr Speaker, I am not at a planning/contact stage. Let me make that clear first of all. The negotiations are ongoing. We have been speaking to the airline for a while now. I think the hon. Member has to understand that we do not own this airline. We cannot force them to fly to Gibraltar. It has to make financial sense to them as a business. As he said, I am very keen. I am constantly knocking on their door and speaking to them. They have a procedure to follow, and in the case of this airline the procedure is very simple. The itinerary planners and the business development department need to prepare a business case and take it to the board, and the board will then decide whether they will start up a new route. That is the procedure they have to follow. I am constantly talking to them to see how we can help them in any way. We hope that we will have a decision soon, but at the end of the day the decision will be theirs because it has to make financial sense to them. They have lost money in the past and therefore they will be very careful in what they do.

845 **Hon. D J Bossino:** The hon. Member – I am assuming he was the drafter of the press release – talked about airlines in the plural. I sense that he is talking about airline company in the singular. Is that the case? Has he narrowed his approaches and contacts to one particular airline?

850 **Hon. V Daryanani:** No, Mr Speaker, one airline that we making progress on and the other one, we are not making as much progress as we are with this other airline.

Hon. D J Bossino: Just to narrow down on the detail ... I think this is important because this is suggestive that, at least as far as one of them is concerned, there are strong possibilities, if I could put it in those terms, of that coming to fruition. He is talking about two airline companies. I am assuming he will not be able to give us names – I am assuming that is the case; if he is able to, obviously I would welcome that information – but are they both airlines that operate exclusively from Morocco? The reason why I ask this is because it has been put to me that it is possible also to have, for example, Spanish airlines, which may have an interest in a Gibraltar-Morocco-Spain route. I appreciate that there are aspects in relation to the treaty, but if I could ...

I know I have suggested a few things and put a few questions to him, but if he could answer as much as he is able to, appreciative of the fact that some of this will be commercially sensitive.

Chief Minister (Hon. F R Picardo): Mr Speaker, there is presently no right for an airline that is a Spanish airline to originate a flight in Gibraltar to a third country, because that would assume that Gibraltar Airport is a Spanish airport, and that is not acceptable to the Government.

Hon. D J Bossino: But is he able to confirm that there are two? I accept what the Hon. the Chief Minister has said and it was wrong of me to have premised the question the way I did. In relation to the airlines, are we talking about two? And if he can give me the information as to which airlines they are ... but he is already shaking his head.

Hon. V Daryanani: Yes, Mr Speaker, I can confirm that there are two airlines, but I would rather not give him the names.

There are many factors that come into why we are talking to both these airlines, because they have different aircraft. In the past, the aircraft that flew to Gibraltar was a 70-seater. The other airline has bigger aircraft. So all these decisions ... It is not easy. You cannot just knock on the door and say, 'Come to Gibraltar', and they will say, 'Yes, we will come to Gibraltar.' There are many factors that come into play before an airline will take a decision on whether they open up any routes, let alone a route where they have done so in the past and perhaps it has not worked as well.

Hon. D J Bossino: Mr Speaker, the Connect Route conference took place in Tangier. May I assume that the connections he is looking at are with that particular Moroccan city, or is he considering others such as, for example, Casablanca, which I am told is more of an international hub than is Tangier?

Hon. V Daryanani: Mr Speaker, Casablanca and Tangier.

Hon. D J Bossino: So both?

Hon. V Daryanani: Both, yes.

Mr Speaker: Next question.

Q240/2023
UKGTA –
Date of last meeting

Clerk: Question 240/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please state when was the last time the UKGTA met.

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

900 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the last time the UKGTA met was in 2017.

Hon. D J Bossino: Mr Speaker, that is six years ago. Is there an explanation for that? I am confident that he will be giving ... He is indicating with his mannerisms that he will be able to provide me with an answer, because it is a long time, so I would ask him to expand on his reply.

Hon. V Daryanani: Mr Speaker, I do not know whether the hon. Member is aware of the background to the UKGTA. Is he? Yes, well, let me tell him.

This association was formed in the 1990s after the Gulf War, when it was a private sector led initiative, when the industry approached the then Government to see whether they could come together to attract overnight tourism from the United Kingdom. What happened after that was they got together and they would produce an annual brochure which would then be sent to different travel agents in the UK, where they could sell Gibraltar. This went on for quite a few years. But then, as the years have gone by, and the way things have changed ... First there were some issues with travel agents. Like I said, this was over 20 years ago, and the way they did things was valuable in the day, but as times have changed, selling tools have changed and the way people market has changed, companies themselves are doing their own marketing. One of the main participants of this UKGTA was the hotels, but the hotels are now doing their own marketing; they have their own marketing managers. So I think as time has elapsed, the importance of the UKGTA has fizzled out.

Hon. D J Bossino: Mr Speaker, from what he is telling me, is the decision therefore to not proceed with the UKGTA, not to have any meetings? I do not think he has gone as far as to say that, although the suggestion is that everything is pointing in one particular direction, and that is that the matter is ... He talks about it fizzling out, so is the idea that this will be formally dissolved?

Hon. V Daryanani: No, Mr Speaker, no such decision has been taken because since I have been the Minister for Tourism in the last three and a half years there has not been a need to have this meeting. No one from the industry has come to me and said, 'Why aren't we having these meetings?' I think the industry is doing things in its own way. We work with the industry. I work very closely with the Hotel Association, for example, and with the Taxi Association. These are organisations that form part of the UKGTA, and no one has come to me and said that we should have these meetings or we should participate or meet together as the UKGTA. No concrete decision has been taken. If anybody thought it was important to resurrect these meetings, I would be happy to do so, but there is no issue as such.

Hon. D J Bossino: May I encourage him to consider it? It does not have to be the UKGTA or pursue what the UKGTA particularly was doing at the time, but it may be a replacement umbrella organisation, which would give him the opportunity, as the Minister for Tourism, to discuss in one place with the various relevant interested parties. Can I ask him to consider it? I think certainly my and our view would be that an organisation like this – maybe not necessarily the one he explained when he has going through the history that was in existence from the 1990s all the way through to 2017 ... It seemed to have been a good idea in the first couple of terms of the administration opposite ... that he does not abandon the idea, or at least the concept of having this opportunity to discuss this at a wider level. By this I mean tourism policy and the way to go forward, because I think certainly it is something that would assist him or any future Minister for Tourism of whichever complexion.

950 **Hon. V Daryanani:** Mr Speaker, I will take his advice on board and I will speak with the associations that form part of the UKGTA, to see whether they feel that it is something they would like to participate in and do. I will look into it for sure.

Mr Speaker: Next question.

ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q241/2023

UKGTA –

Date of last meeting

Clerk: Question 241/2023. The Hon. E J Phillips.

955 **Hon. E J Phillips:** Mr Speaker, can the Government state what further measure it will be deploying in the area of Harbour Views Road to prevent the unsightly and indiscriminate discarding of cigarette butts?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, there are several measures that will be implemented in this area. These include increased patrols for littering and the designation of a smoking area elsewhere for GHA staff.

965 **Hon. E J Phillips:** Mr Speaker, it is a shame. I think we heard this before, insofar as the measures are concerned, back in 2022 – different language, but it is effectively the same answer that we have received before.

970 Just insofar as the history, before I get to my question, in 2020 we raised this important issue with the Minister and at the time he said, 'I will not legislate, I will deal with it on the basis of enforcement in terms of littering.' That was changed in 2021, when they did legislate, thankfully, and I congratulated the Minister for doing so. In 2022 we repeated the same message that we were receiving from constituents about the unsightly disposal of cigarette butts – and the Minister is too familiar, of course, with how those cigarette butts get into waterways and how damaging they can be for marine life – but now, in 2023, we are having the same messaging from the Minister insofar as those measures.

975 When are they going to get a handle on this particularly disgusting habit of people throwing cigarette butts in this particular area, which actually damages, ultimately, marine life?

980 **Hon. Prof. J E Cortes:** Mr Speaker, it is a disgusting habit and clearly it is the people who do it who are to blame initially. The increase in patrols has already commenced, so we are starting off by pointing out that this should not be carried out and we will be following up by fining and other stricter measures.

985 There are currently discussions with the GHA for them to provide somewhere else, possibly within their premises. This problem got worse when the GHA banned smoking totally within the premises. Clearly this was not deliberate. They did not think that people would smoke and throw the cigarette butts on the ground, because there are possibilities of doing this in bins and in other ways. So we are hoping that nevertheless the GHA providing a ... perhaps the words should be 'more supervised smoking area' will improve the situation.

990

Hon. E J Phillips: Mr Speaker, obviously there are other institutions in Gibraltar that have banned smoking. I think at the end of the day the Health Authority is there to promote healthy living, and whilst people do smoke – I do appreciate that people do smoke – we must do more, mustn't we, to try to push that unhealthy habit outside the precincts of the Hospital and not encourage people who are going to our Health Service, to use it to get better, only to find that the GHA medical staff and doctors and nurses are smoking outside our Hospital? Come on, we need to do better, don't we, Mr Speaker?

Hon. Prof. J E Cortes: Mr Speaker, I said somewhere else. I did not necessarily mean within the hospital premises. Clearly, the problem comes from there. We are getting co-operation from the GHA and discussions are ongoing that there should be some kind of supervision, so that this can be supervised, for want of a better word – I am not going to say 'policed' because clearly it would not be accurate, but supervised – by those who essentially have responsibility for the staff who do this. Clearly, it would be better if they did not smoke at all.

Q242-43/2023

**Gorham's Cave and Parson's Lodge –
Footfall**

Clerk: Question 242/2023. The Hon. D J Bossino.

Hon. D J Bossino: What is the footfall at the Gorham's Cave UNESCO World Heritage Site, divided into the cave itself, the viewing platform and specialised boat trip, since it was designated?

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I will answer this question together with Question 243.

Clerk: Question 243/2023. The Hon. D J Bossino.

Hon. D J Bossino: How many visitors have there been to Parson's Lodge over the past 10 years?

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

Hon. Prof. J E Cortes: Mr Speaker, visitors to Gorham's Cave site itself with a guide: 2016, 77; 2017, 132; 2018, 107; 2019, none – I will just add, before I am asked, that was a year when there were problems with rockfalls and the site was not accessed by visitors until the measures were taken to prevent that; 2020, 73; 2021, 123; and 2022, 94. It must be noted that the site is subject to an annual visitor quota of 120. It was slightly exceeded in 2017 due to interest after inscription, and in 2021 with post-COVID backlog. The balance was restored in the subsequent years. Site visits are subject to weather and are at the discretion of the site's director. In relation to visitors to Gorham's Cave viewing platform: 2017, which is the year it commenced operating – that is why there are not any figures for 2016, the platform opened in 2017 – 48; 2018, 724; 2019, 679; 2020, 546; 2021, 548; and 2022, 733. Visits by boat are run by a private operator and we do not keep records of their commercial operation. There is provision of assistance of information to the operator to enhance the visit.

In answer to Question 243 regarding Parson's Lodge: 2015, 52; 2016, 72; 2017, 94; 2018, 128; 2019, 144; 2020, 17; 2021, 244; and 2022, 105. Note that also visits to Parson's Lodge are by prior

1035 appointment and with a Museum guide. These commenced in 2015. The site's principal function
is as a support establishment to the research work at Gorham's Cave.

Hon. D J Bossino: The answer in relation to the first limb of Question 242/2023 did strike me
as being low in numbers, but the Hon. the Minister did talk about a visitor quota. Is that a visitor
1040 quota imposed by UNESCO as a result of the UNESCO listing?

Hon. Prof. J E Cortes: It is a combination, Mr Speaker. Remember that the access to Gorham's
Cave is through the MoD and there are certain arrangements that have to be made with the MoD.
But mainly it is because it is a sensitive site and the World Heritage Organisation does not
1045 encourage overexploitation by visitors of sensitive sites.

Hon. D J Bossino: He talks about the sensitivity of the site and putting overexploitation at bay
in relation to that, and it is understood on this side of the House, but is he able to state whether
that is subject to a particular figure, or is it simply the subjective decision-making by him or any
1050 other relevant authority? I am not sure exactly how that works.

Hon. Prof. J E Cortes: Mr Speaker, I would have to clarify exactly where that comes from. What
I can say is that Gorham's Cave access by land is gruelling, particularly the way back, and the
demand is not huge. I do believe that most requests to the Museum they are able to fit in within
1055 that quota, but as to exactly how much flexibility there is, I will need to seek advice on that. We
are currently filling in our first six-yearly reports, when such issues are reviewed in consultation
with the World Heritage Organisation, and therefore it may be that there are some tweaks to that
arrangement, but I will find the information and I will certainly let him know.

Hon. D J Bossino: Mr Speaker, the concern here is that from speaking tour operators and those
who wish to make Gibraltar a better, more interesting place to visit, this site and the other site
that is the subject of the other question, i.e. Parson's Lodge, have been mentioned to me as
potential visitor sites that are not sufficiently exploited, certainly not exploited enough. These
1060 figures would tend to agree with that analysis.

1065 He talks about the demand not being huge, and he also says in the answer he has just given
me to my supplementary, but also in answer to Parson's Lodge, that appointments need to be
made via the Gibraltar Museum. Is he satisfied that that process is sufficiently advertised so that
tourists and other visitors know that this is the way to access these sites and that these sites are
indeed available – in other words, that a visitor is not subjected to the perhaps unimaginative
1070 tourist excursions that they are currently subject to, which is, in a limited period of time, the caves,
Europa Point and the galleries, if that?

Hon. Prof. J E Cortes: Mr Speaker, I think all the tour operators who access Gibraltar are well
aware of the fact that we have a World Heritage Site. I think that in connection with the World
1075 Heritage Site it is absolutely necessary that this should be booked and it should be with a specialist
guide.

I must say that these sites are now going to be added to the new website, which relates mainly
but not exclusively to the Nature Reserve, which we launched just a few weeks ago.

1080 Parson's Lodge, before my time as Minister for Heritage – maybe even before my time as
Minister – used to be open to the public, but it was not economically viable. The footfall was not
there, and certainly the interest by operators did not reflect what the hon. Member is
representing now. I think it is a pity, but that is the case.

1085 Certainly the viewing platform is clearly visible. It is signposted. You can see it when you get
there. People are aware of it. It has numbers that are obviously higher than the others. It could be
higher, we would want it to be higher, but once again the tour operators may or may not wish to
stop and take their clients there.

1090 **Hon. D J Bossino:** I was going to ask him, by way of supplementary, in relation to the viewing platform in particular is he able to confirm that that particular area of the Gorham's Cave site is not subjected to any of the restrictions that are applicable to the cave itself? In other words, he talks about the visitor quota, which is impacted by the exigencies of UNESCO, but also by the MoD property issues. I imagine that in relation to the latter, that may have an impact in relation to access to the viewing platform, but I would ask him to confirm the position. I was going to ask him this, but he has already stated that he himself is also not particularly satisfied by the low numbers to that particular area of the site.

1095 **Hon. Prof. J E Cortes:** Yes, there was higher interest, as I think I said in my answer, shortly after the declaration of the site, when everybody started to find out about it. But in relation to the viewing platform, that is not subject to any restrictions and the Museum does encourage visitors. It has quite an interesting web presence and I know that they do field lot of interest, but clearly, 1100 yes, I agree that it would be wonderful to have more visitors. There are things happening in the near future which I think will advertise the site more, but that I will have to leave for another time, Mr Speaker.

1105 **Hon. D J Bossino:** Would he agree with me that there is mileage in trying to get the ...? It seems, from what he is telling the House in replies, that the Museum seems to have a lot of control over these particular sites. This is not on the Order Paper and one would need to presumably ask questions in relation to the contractual arrangements the Government has entered into with the entity – I have a name, but the particular limited company that runs the Museum. But should the 1110 entity that runs the Museum and the Museum itself not be encouraged to speak more to the Minister for Tourism – and, indeed, himself – to try to get those visitor numbers up? Those are very interesting sites which I think ought to be seen and Gibraltar should be showcasing those particular sites.

1115 **Hon. Prof. J E Cortes:** Mr Speaker, they do try and I meet with them regularly. In fact, I met with them yesterday and the day before, and this is why I say they are going to be included in this website, and we are working on that. So the answer is that there is that communication, but there seems not to be the response that we would all like there to be. The operators of the viewing platform are the entity that is responsible for the World Heritage Site, and that happens to be the Gibraltar National Museum, and there are contracts in place that cover that.

1120 **Hon. D J Bossino:** Mr Speaker, there were two questions. In relation to Parson's Lodge, may I ask him whether there are ...? I appreciate that it is the Museum, presumably, that receives ... and those who operate the Museum because they are also in control and have custody over Parson's Lodge, from his answers, and receive a budget from the Government in order to refurbish the 1125 place etc. I have not been there myself, but I have been shown photographic evidence that suggests to me that Parson's Lodge, certainly the area round it, is in a particularly deplorable state. Would he agree with that assessment that I am making? And if he does, does the Government, his Department, have any plans to knock on the door of the particular operator to get their skates on and sort that place out?

1130 **Hon. Prof. J E Cortes:** Mr Speaker, I have not had any reports saying that the site is in a deplorable state. After hearing this, I will make sure that we have a look and that, if that is the case, it is rectified, but I have never, ever been told that.

1135 **Mr Speaker:** The Hon. Elliott Phillips.

Hon. E J Phillips: Mr Speaker, I have been listening attentively to the questions that my hon. Friend has put forward. I just have one question, which relates to the value for money that this community is receiving from the contract that includes Parson's Lodge.

1140 The Minister will know, of course, that the Government, on 1st August 2014, entered into a contract with Knightsfield Holdings Ltd to provide services, supply agreement, and Parson's Lodge was included as part of that. That contract I think amounts to £1 million a year. I just wondered what the Minister's view was, on the fact that the hon. Gentleman has made reference to the deplorable state, and the visitor numbers are reasonably low in the context of this ... For an
1145 amount of money that is now coming up to £10 million, is it acceptable that Parson's Lodge remains in that state and also receives low visitors? Shouldn't we be doing much more, given the money that is being spent under this contract, to encourage people to see our sites?

Hon. Prof. J E Cortes: Mr Speaker, that is rather disingenuous and totally unfair. Firstly, I have
1150 not accepted this definition of deplorable state. That is the first point. I would have to look into that.

Secondly, this money, which is voted in Parliament, does not go exclusively to Parson's Lodge. It goes to the tremendous work that the Gibraltar National Museum is doing at the forefront of research, for example on Neanderthals, where we probably have the world's greatest experts
1155 here, who are responsible for promoting Gibraltar and the richness of our prehistory around the world, who regularly hold internationally acclaimed conferences every year and who hold a magnificent collection on behalf of the people of Gibraltar. So trying to relate the fact that even when Parson's Lodge was open nobody turned up to whether or not the money is well spent I think is not a fair statement at all, and clearly I do not accept it.

1160 **Hon. E J Phillips:** I am grateful, Mr Speaker. It is just one question, because obviously this contract was put in place on 1st August 2014 and we only have a number of years when visitors were visiting Parson's Lodge. What were they doing for the other six or seven years when Parson's
1165 Lodge was not visited? Were repairs being made? Was it being used as a tourist asset to encourage people to use it, to visit it and buy tickets to see it, so that we could generate some revenue in our community from it? What have they been doing to improve some of our tourist assets?

Hon. Prof. J E Cortes: Mr Speaker, I really do not know where Mr Phillips is trying to get this conversation. The first figures I have are 2015, so I have to assume that that was the first year
1170 when Parson's Lodge was open to the public. I would have to go into the past to see whether there are more details that would be helpful at all. If the Hon. Mr Phillips wants to ask specific questions on what he is stating now, he may do so, or he may want to share his thoughts with his colleague who has the portfolio for heritage to raise it in future. I really do not know where he is trying to take this conversation, but if he wants to ask for more specific details, I will, as always, be very
1175 willing to answer them.

Mr Speaker: Next question.

Q244/2023
Nature Reserve –
English-speaking tourist guides

Clerk: Question 244/2023. The Hon. D J Bossino.

1180 **Hon. D J Bossino:** Does the Government have plans to appoint English-speaking guides at appropriate locations in the Nature Reserve?

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

1185 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, no, sir, all our officers at the tourist sites within the Upper Rock are English speaking.

1190 **Hon. D J Bossino:** I asked the question because of information that I have been given which suggests the country, but maybe if he allows me to explain ... I was told of not an incident but of more than one incident where somebody witnessed the way that tourists were treated. I am not suggesting that they were ill-treated, but treated in terms of trying to relay information, because the individual was unable to speak English and those particular tourists – I think he may understand where I am getting to – only spoke English. They certainly did not speak Spanish, and this gentleman, as I understand it from the information that I was given, speaks Spanish. This is an
1195 OSG employee, so his answer may be totally and utterly accurate, but I am putting it to him and I give him the opportunity to respond to that particular point. In terms of the entry point, I think it was the Lathbury Barracks entry point but I think it also impacts the St Michael's Cave area and is an embarrassment and something I think should be sorted out as soon as possible.

1200 **Hon. Prof. J E Cortes:** Mr Speaker, first to point out that the question referred to guides and we do not have guides, these are members of staff. I can confirm that all our employees are English speaking. They are not the only ones who are told things. We are told things too, and we have been told about a particular occasion and we have acted on it. This was, in fact, a security guard and not one of our employees, and we have since required that the company that supplies security
1205 guards will only supply English-speaking security. So this should not happen again, and if it does, I am sure somebody will tell me.

1210 **Hon. D J Bossino:** Given that he acknowledges the importance of this issue, because this is frontline stuff that is happening and we need to resolve it, that instruction ... I am assuming it has already been given – does he know? Rather than awaiting somebody reporting to him, or to me, or to me across the floor of the House, can he ensure that this happens and that it happens immediately?

1215 **Hon. Prof. J E Cortes:** No. The team at the Department of the Environment is keeping tabs on this. If on any occasion, despite the supervision, somebody turns up who does not speak English, then clearly that will be taken up very seriously with the company concerned. They have been told very clearly what our requirements are.

Mr Speaker: Next question.

Q245-46/2023
O'Hara's Battery and World War II tunnels –
Closure and reopening

1220 **Clerk:** Question 245/2023. The Hon. D J Bossino.

Hon. D J Bossino: When was O'Hara's Battery closed and when has it reopened for visits by tourists, and what was the reason for its closure?

1225 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, I will answer this question together with Question 246.

1230 **Clerk:** Question 246/2023. The Hon. D J Bossino.

Hon. D J Bossino: When were the World War II tunnels closed, what was the reason for their closure, and have they been reopened for visits by tourists?

1235 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Hon. Prof. J E Cortes: Mr Speaker, O'Hara's Battery was closed in July 2022 for extensive refurbishment. Works are ongoing and it is intended to reopen in early summer.

1240 The World War II tunnels were closed in January 2023 for rock stabilisation and electrical repair works. Works at this site are also ongoing and the intention is to open in the next two months.

Hon. D J Bossino: Mr Speaker, in relation to O'Hara's Battery, has that been the subject of delay – because talks about extensive refurbishments – or is it within the timeline that was expected?

1245

Hon. Prof. J E Cortes: It is within the timeline. There was quite a lot of work to be done. It opened in the middle of the season, but we felt it was not up to the standard and there were one or two issues that were health and safety concerns. The intention is early summer, so that for the height of the new season it will be ready.

1250

Hon. D J Bossino: Mr Speaker, that is welcome news. I think it is, again, an important site that many tour operators want to get their clients to visit.

1255 Is he able to give me further information as to which company is carrying out the refurbishment and – I appreciate this is a second question, but I think it is related – what is the nature of that, as he put it, extensive refurbishment?

Hon. Prof. J E Cortes: In O'Hara's?

Hon. E J Phillips: Yes.

1260

Hon. Prof. J E Cortes: Mr Speaker, I believe that a lot of the work is being done in house by our own team. There is probably some work that is contracted out, but I would need notice of that question. As to the details, the site had deteriorated, but again I do not have a work schedule here, something that I can share with the hon. Member. If he cares to remind me, as he often does he can contact me by WhatsApp.

1265

1270 I have more information, though, in order to assist, on the World War II tunnels, where there were, again, health and safety issues with some of the rocks falling, and therefore that was examined. Even though it was not a danger to life because they were small pieces of stone rather than heavy rocks, it was something that we did not want to risk, in case that indicated anything worse. There were also electrical repair works. Again, that is a health and safety issue. Remember, these are very damp locations and there is deterioration of cabling and switches and so on. That is important work and that is what is being carried out.

1275 **Hon. D J Bossino:** In relation to the World War II tunnels, I think it was managed at one point by a private company, but that contract was terminated by the hon. Members, or at least not renewed. Is he able to confirm that that is now done – if I can borrow his expression in relation to the reply to the other question – in house?

Hon. Prof. J E Cortes: Yes, Mr Speaker, that is the case.

1280 **Hon. D J Bossino:** And a similar question to the O'Hara's Battery question: the repairs to the electrical faults and the falling rocks – is he able to say whether that is also being done in house? And if it is not, which company and entity is doing it, and does he have the costs in relation to that should it be the latter?

1285 **Hon. Prof. J E Cortes:** Mr Speaker, I have been reminded that the entity that was terminated ... No, in fact it went into liquidation, it was not terminated, and had to be taken over.

The works on rock stabilisation and the electrical works are not being done in house. These are specialised works. I do not know which companies. There was the usual process of obtaining different quotes and one was selected. Again, I can answer that question but I do not have that information here. Remember that those are the kinds of details that do not immediately jump at you when you see the original question.

Hon. D J Bossino: Yes, either we can have a WhatsApp exchange in relation to that, or I can file questions in the House.

1295 Finally, Mr Speaker, is the Government considering whether to enter into the arrangements again with another private contractor, as was the case before that other private contractor, as he has clarified in his answer, entered into liquidation? Is it something that the Government would consider as a matter of policy into the future?

1300 **Hon. Prof. J E Cortes:** I do not think that is a relevant supplementary, but at the moment, no. At the moment we are looking at improving the displays and updating them; they were quite dated. At the moment, we are not looking at anything else.

1305 **Mr Speaker:** If I could remind the hon. Gentleman about the whys and wherefores of supplementary questions ... I am just going to read a number of explanations about what is the purpose of a supplementary and how it arises:

A supplementary is a follow-up device flowing from the response. The object of a supplementary question is to elucidate any ambiguity in the reply or to seek further information. It must only refer to the answer

– this is important –

out of which it immediately arises and be clearly linked to it. They must be related to it, not indirectly, but directly.

I think we have been moving away from those. *(Interjections)*

I will allow this last one.

1310 **Hon. D J Bossino:** In fact, Mr Speaker, this last question I think I am pretty confident will follow the rule.

We know from the answer that it is closed and we know the reasons for it: rockfalls and electrical repairs. He now says in the answer that he has given me that they are considering further refurbishment because the site is dated in some respects. Is he able to provide further information in relation to that, as to what the intentions are in respect of that?

1320 **Hon. Prof. J E Cortes:** Mr Speaker, no. There are display panels there which need to be updated and so on, and this is what we are looking at. Again, this is largely being done in house because the information is kept by our Heritage department and so on. So nothing more general than that.

Mr Speaker: Next question.

Q247-48/2023
Cemetery –
Preferred contractors list

Clerk: Question 247/2023. The Hon. the Leader of the Opposition.

1325 **Hon. K Azopardi:** Mr Speaker, when will the Government issue a call for expressions of interest to establish a preferred contractors list for works at the cemetery, and what will the desired scope of works that would fall within the scope of the expression of interest be?

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

1330 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 248.

Clerk: Question 248/2023. The Hon. the Leader of the Opposition.

1335 **Hon. K Azopardi:** What will be the criteria for eligibility and appointment on to the preferred contractors list for the cemetery?

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

1340 **Hon. Prof. J E Cortes:** Mr Speaker, an expression of interest was published in October 2022. An onsite meeting with the interested parties was held on 1st November. After due consideration, the selection process was completed in February. Letters of appointment will be issued this month to those entities that have been successful for inclusion on the list of approved contractors.

1345 The criteria for eligibility are as stated in the expressions of interest published on 24th October 2022.

Hon. K Azopardi: Mr Speaker, I am grateful for that. They have not received the letter of appointment, but presumably the successful companies have been notified. They have not been notified? I give way to him – and can I just ask him how many companies we are talking about?

1350 **Hon. Prof. J E Cortes:** Mr Speaker, they have not yet been notified. They will be notified this month. I believe there were five, six, seven entities that applied, but I am not sure how many have been successful. I would need to seek that information.

1355 **Hon. K Azopardi:** Sorry, five, six or seven that applied, but how many would be successful on the list?

1360 **Hon. Prof. J E Cortes:** Mr Speaker, I do not have that information here. It would probably not be more than a couple, but I do not have ... It also will depend on how many of those companies met the criteria. I have not been personally involved in the selection, so I would need to refer that to my officials.

Hon. K Azopardi: Does Government intend to make the list of successful entities public?

1365 **Hon. Prof. J E Cortes:** I would not have a problem in making it public. I think it would probably be in the companies' interests, anyway, to publicise it because they would be wanting to attract trade. We have not decided whether we will or we will not, but I do not think there is any reason why we should not. Certainly those who are successful; those who are unsuccessful, clearly we would not.

1370 **Hon. K Azopardi:** I have not got the expressions of interest that the hon. Member referred to
in front of me, but presumably the purpose of the preferred contractors list was so that preferred
contractors can do works at the cemetery – in other words, on things like family vaults etc. People
who would be commissioning works – because I understand that that work would be to the cost
of individuals – would need to know who is an official contractor, because as I understand it,
1375 nobody who is not on the preferred list can do those works from the point when the official
preferred contractors list is there. So it would be not just desirable but I would say important for
the Government to make the list public. Does he agree?

Hon. Prof. J E Cortes: Yes, Mr Speaker, but I repeat that the companies will probably advertise
1380 it themselves. It is indeed true because we have had instances of ad hoc individuals or contractors
doing works in the cemetery to standards that were not acceptable, which led to this now being
regularised. The contractors will have to meet with the conditions, otherwise they stand the
likelihood of not being allowed to carry out works in the cemetery in future, so this is something
that I think people will welcome.

1385 **Mr Speaker:** Next question.

Q249-50/2023
Supply list for SNLSAs –
Fixed-term/zero hours contracts; hourly pay rate

Clerk: Question 249/2023. The Hon. the Leader of the Opposition.

1390 **Hon. K Azopardi:** Mr Speaker, how many people are there on the supply list for supply special
needs learning support assistants on (1) a fixed-term contract and (2) a zero hours contract?

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

1395 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Question 250.

Clerk: Question 250/2023. The Hon. the Leader of the Opposition.

1400 **Hon. K Azopardi:** Mr Speaker, what are the differences in hourly pay rate for persons on the
supply list for supply special needs learning support assistants who are on a fixed-term contract
as compared to those who are on an ad hoc supply arrangement on a zero hours contract, why
are there different rates and does the Government intend to remove those differences?

1405 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

Hon. Prof. J E Cortes: Mr Speaker, (1) 64; (2) 27.
The hourly rate is the same.

1410 **Hon. K Azopardi:** Mr Speaker, the hon. Member says the hourly rate is the same and I am glad
for that confirmation. The reason for the question is that we were receiving information – and I
am reading directly from the question that was put to us, from constituents – that there is a
different daily rate for supply SNLSAs who are on ad hoc as opposed to on fixed-term contracts.
At the very least there appears to be a misunderstanding, if I can put it no higher than that, that
would affect 40 or 50 people who have apparently been told through the channels of

1415 communication with the Department itself that they are being paid at a different rate. Is he aware that that issue exists?

Hon. Prof. J E Cortes: The hourly rate is the same. There had been a discrepancy in how the number of hours worked was calculated, and that has been rectified. I think that explains it, but the hourly rate was the same.

Hon. K Azopardi: So can the hon. Member say, when he says it has been rectified ...? When the information reached us, it was in relation specifically to the November and December pay packets. People were receiving different sums of money. Can he now say, when they have been rectified, have people now been paid the right sum of money that they were due? Now that it is March, have they been paid that money?

Hon. Prof. J E Cortes: Not yet, Mr Speaker, but steps are being taken to rectify this issue.

Hon. K Azopardi: When he says steps are being taken, he will understand and accept the point that I make that when we are talking about supply special needs learning assistants, they tend to be on a fairly low income. It is important, does he not agree, that not only steps should be taken, but that by the end of this month – does he agree? – people should be paid the sums of money that they are due because they will be small but important to them?

1435

Hon. Prof. J E Cortes: Mr Speaker, the instruction has been issued and this has been rectified. I have not got control of the actual people who prepare wages. It will be done as soon as possible.

Hon. K Azopardi: Mr Speaker, I am grateful and certainly I would urge the Government to do it as soon as possible, and certainly by the end of the month, I would say, given that the discrepancy has been noted and it affects people in relation to November and December salaries.

In respect of the fixed-term contracts and zero hours contract numbers he has given me, he has said to me that 27 people, I think, are on the supply list for zero hour contracts learning support assistants. Can he tell me what kind of judgement is made as to why people are placed on fixed-term contracts and others are put on zero hour contracts? Can he explain that to me, and what correlation of need there is in respect of that?

1445

Hon. Prof. J E Cortes: Learning supply assistants for special needs respond to the specific needs identified for specific children. It could be a transitory need, in which case it would be ad hoc, or it could be a need that a child, perhaps for some particular difficulty that they are having in a particular subject or perhaps some particular difficulty in the home environment, needs to have support for say a month, say a term, and that is when that kicks in. It is very much depending on the needs of the child being looked after.

1450

Hon. K Azopardi: So it is a rolling kind of assessment. Given the answers he has given in this House on previous occasions as to the number of children categorised as special needs hovering around 1,800-1,900, and given the sort of movement that we are seeing in the Early Birds Nursery, St Martin's and so on, does he envisage that the requirement in this area will grow? And is the Government alive to assessing that in some kind of projected coherent way for the future?

1460

Hon. Prof. J E Cortes: Mr Speaker, there is no way of telling. Clearly not every child listed as special needs will need one to one. Sometimes the need is more general and it is just one a group. Time will tell. It is very difficult for me to know what is going to happen.

Mr Speaker: Next question.

1465

Q251/2023

**College of Further Education –
Removal to Cross of Sacrifice site**

Clerk: Question 249/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Does the Government still intend to move the College of Further Education to the site of the Cross of Sacrifice in the North District?

1470

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

Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes): Mr Speaker, yes, sir. We are already in negotiations with a preferred bidder as a result of the expressions of interest advertised on 7th January 2022. The current plan is to keep the Cross of Sacrifice on the site.

1475

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Hon. Minister for his answer because my supplementary was going to be asking about the actual Cross itself. Maybe he has also heard representations of some people who are rightfully concerned.

1480

Now that he has answered, I wanted to further ask him whether ... I assume but I wanted to confirm that keeping the Cross of Sacrifice there is being done from a heritage perspective; it is something that the Government or the Ministry for the Environment will be recognising into the future as a landmark of heritage value.

1485

Hon. Prof. J E Cortes: I think it is clear that it is a landmark of heritage value. I think the possibility of moving it to another location ... Campion Park was one that was identified, as it is a legitimate course of action. It was, in fact, representatives of the Royal British Legion who suggested the move of the Cross of Sacrifice, but the Royal British Legion are not the leaseholders of the site. That is the War Graves Commission, who also agree with the hon. Lady and with a lot of people in Gibraltar – not all – that it should stay on site. I can say that I am in regular discussions with the War Graves Commission as to what it is going to look like, what the surrounding area is going to be, what arrangements we have to make. So the plans are currently that the Cross stays.

1490

Mr Speaker: The Hon. Roy Clinton.

1495

Hon. R M Clinton: Thank you, Mr Speaker, just a very quick question for the Minister. Can he advise the House whether, once the College moves to a new site, the site they are vacating will be used for educational purposes? Does he have any idea as to what the site would be used for?

1500

Hon. Prof. J E Cortes: I think that is not directly related to the question asked, but we have not determined that at the moment.

JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q252/2023

**Electric scooters –
Number stopped by RGP since new law introduced**

Clerk: Question 252/2023. The Hon. E J Phillips.

1505 **Hon. E J Phillips:** Mr Speaker, can the Government state the number of people who have been stopped by the Royal Gibraltar Police for contravening new laws in respect to electric scooters?

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

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, the number of people stopped is not recorded by the Royal Gibraltar Police. However, in the lead up to the coming into force of the legislation in January 2023, the Royal Gibraltar Police conducted an education campaign with regard to personal light electric transporters (PLETs), including placing posters at strategic locations around Gibraltar. Around a thousand leaflets were also handed out to riders of PLETs. Those who were stopped were educated on the legislation and the offences they could be reported for, if in contravention.

1510

Hon. E J Phillips: Mr Speaker, just a statistics question. As the Hon. and learned Minister will know, police officers, when they stop individuals, make a note in their pocket notebooks. I am sure she will remember from her days in practice that that is a very common thing for them to do. Do the Police have difficulties in collating that information, or is it just that it lies dormant in police notebooks and that information cannot be ascertained and is a terribly difficult thing to do?

1515

Hon. Miss S J Sacramento: Mr Speaker, I cannot speak for the Royal Gibraltar Police to that extent, other than that the information I have been given is that they do not record it. So it may well be that there is no system that then centrally collates that. It may well be that things are recorded in a pocket book – that is what the pocket book is for – but it is then not input, so there will not be a record of every single thing that happens throughout the day and what a police officer does throughout the day. As the hon. Gentleman knows, the pocket book is there for future reference, but probably for the police officer as opposed to the Police Force.

1520

Q253/2023

Electric scooters –

Number prosecuted since new law introduced

Clerk: Question 253/2023. The Hon. E J Phillips.

1525

Hon. E J Phillips: Mr Speaker, can the Government state how many electric scooter riders have been prosecuted for contravening traffic laws?

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

1530

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, enforcement under the new rules began on 13th February 2023 and there have been no prosecutions under these rules since their commencement.

1535

Hon. E J Phillips: Mr Speaker, I am grateful for the answer. I know that clearly there is a period of time within which information and education, as the Minister has referred to, needs to weed its way through those who are using these particular scooters. The difficulty, of course, is that many of us possibly in this Chamber and many people listening to the debate, if there are, and those outside of this House will see regular infractions by electric scooters – the wrong way, going up the wrong street – and I think it would help if we might be able to get a bit more intelligence around what is happening in terms of the warnings that are given, so that we can reassure members of the public that the issue of electric scooters is being handled.

1540

I congratulate the Minister on bringing legislation around this area, but like anything, enforcement is an important tool in the kit, isn't it, Mr Speaker?

1545

Hon. Miss S J Sacramento: Mr Speaker, I am grateful that the hon. Gentleman recognises the work done by those on this side of the House introducing the legislation, and that is the important thing that we have done. That is the tool in the armoury, but we need to set it into context. This is a recent piece of legislation that has been passed this year. It has been commenced literally a couple of weeks ago and, at the moment, the strategy that the Police seem to be undertaking is one of awareness as opposed to criminalisation. The enforcement of the law is a matter for the Royal Gibraltar Police. The law is there and that is the work that has been done by the Government and by the Parliament.

1550

The hon. Gentleman alludes to the fact that we all see infractions of this. I do not know, I have not seen it, but it is not for me; this a matter for the Royal Gibraltar Police, Mr Speaker.

1555

Q254/2023

Use of mobile phones whilst driving – Number of drivers reported

Clerk: Question 254/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state the number of people reported for using a mobile telephone whilst driving a vehicle?

1560

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

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, this is calculated, I think, in financial years. For the period 2021-22, 511; and for the period 2022-23 so far, 358.

1565

Hon. E J Phillips: Mr Speaker, I think the last time we raised this question in this House relating to those numbers ... Those numbers do remain high, but that is the active work being done, of course, by the law enforcement authorities.

1570

I think one of the comments that was made in this House by Members was in relation to young people in particular who were using devices whilst driving vehicles. What other measures is the Minister for Justice dealing with insofar as education is concerned for those individuals who might well be at school, for instance, informing them of the dangers of driving whilst being on the telephone at the same time – which is an amazing dexterity some people may have, I am sure she will agree.

1575

Hon. Miss S J Sacramento: Mr Speaker, when the hon. Gentleman refers to what is being done in relation to this, the hon. Gentleman will no doubt be aware that there have been very recent changes to this legislation here that we have debated. Whereas the offence of driving using a mobile phone is an offence from a number of years ago, that as an offence has been expanded and enhanced very recently. So if the hon. Member is going to ask us what we are doing about it, it is precisely that: what we do in this House, we change laws. The laws adapt as circumstances change, and the hon. Member will know that the law in relation to this offence is now much wider and it is the work of the Minister for Traffic and Transport.

1580

Q255/2023

Speeding fines –

Number imposed by courts in last 12 months

1585 **Clerk:** Question 255/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, can the Government state the number of speeding fines imposed by the courts over the last 12 months?

1590 **Clerk:** Answer, the Hon. the Minister for Justice, Equality and Public Standards.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, 15 people were convicted for the offence of speeding in the last 12 months.

Q257/2023

New fire station –

Hot wear training

1595 **Clerk:** Question 257/2023. The Hon. D J Bossino.

Hon. D J Bossino: Does the new fire station being built at the Rooke envisage the provision of adequate areas for hot wear training?

1600 **Clerk:** Answer, the Hon. the Minister for Justice, Equality and Public Standards.

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, this will not be provided in the new fire station and this is not something that has ever been provided in our fire stations.

1605

Hon. D J Bossino: Could she be a bit more helpful in her reply, and could she advise this House whether it will be provided elsewhere – there was a manifesto commitment in 2019 to construct this facility, which I hasten to add I am told by the experts in the field is of fundamental importance given that it is heat training and firefighters do deal with fires – and whether it is being constructed at Europa Advance Road, which was the old refuse incinerator? That was the manifesto commitment of 2019 that I am referring to.

1610

Hon. Miss S J Sacramento: Mr Speaker, I would love to know which experts the hon. Gentleman is speaking to. Of course hot fire training is important. Anyone who hears what the hon. Gentleman has just said might be mistaken for thinking that the Fire Service do not undertake hot fire training. For goodness sake, Mr Speaker, he is just completely trying to mislead anyone who may be listening.

1615

Mr Speaker: I think you should not use the word ‘mislead’. You must be withdraw it.

1620

Hon. Miss S J Sacramento: I apologise, Mr Speaker, but *[Inaudible]* ... is because of what the hon. Gentleman said, because his experts come and tell him how important this hot wear training is. Of course it is important, but neither the hon. Gentleman nor those experts who are advising him have discovered America. Of course hot wear training is important, but it does not mean it

1625 has to be provided in the Rooke, and if the hon. Gentleman thought it was so important ... well, it did not make its way to the GSD manifesto.

Hon. D J Bossino: Mr Speaker, the hon. Lady is being singularly unhelpful in her response. I stand by every single word I deployed in my supplementary question, every single word of it. Is she able to please answer the question that I posed? She has to acknowledge that she has completely and utterly failed to do so.

1630 I ask her once again: where is the hot wear training going to be provided? It is clear from her answer that it is not a training facility that is going to be provided, rather remarkably, at the new fire station at the Rooke site. Where can she tell us this heat training, so fundamentally important to firefighters, is going to be provided?

Hon. Miss S J Sacramento: Mr Speaker, I regret that the hon. Gentleman is now taking this attitude. The problem is in the way the hon. Gentleman has phrased the question. Had the hon. Gentleman phrased the question in the way he has phrased his supplementary ... because if that is what he is getting to, then the hon. Gentleman needs to learn how to ask the right question. He has now asked me in the supplementary a completely different question. He has asked me to confirm where this training is going to be provided. That is not what he asked. He asked specifically if this was going to be provided in the Rooke, next to all these housing estates. Question: is the area for hot wear training to be provided in Rooke? Answer, no. (**Hon. Chief Minister:** Exactly.)

1640 Mr Speaker, I invite the hon. Gentleman to give more consideration to the questions he asks in this House. I invite the hon. Gentleman to be more specific, and then maybe we can deal with questions and answers in a more timely manner.

Hon. D J Bossino: Mr Speaker, what a ridiculous answer, quite frankly.

1650 **Mr Speaker:** Let's pipe down, both sides. Let's take things nice and easy. Moderate. Ask the supplementary and we will get an answer. Let's settle down.

Hon. D J Bossino: Mr Speaker, it is the hon. Lady in her replies who is raising the temperature unnecessarily. She is not answering the question.

1655 I need to ask her again. Let's put it in a different way. I have asked her where is the heat training going to be provided. It is not going to be provided at the Rooke. Where on earth is it going to be provided? Presumably in Gibraltar. I have referred to her very specifically the manifesto commitment they made in 2019 of a specific location. Can she please confirm that it is going to be provided there? This of fundamental importance to the service.

Hon. Miss S J Sacramento: Mr Speaker, finally a clear question from the hon. Gentleman.

Mr Speaker: Please resume your seat now.
Please continue.

Hon. D J Bossino: Mr Speaker, I raise a point of –

Mr Speaker: No, you are not going to raise a point, you are going to resume your seat now. (Interjection by Hon. D J Bossino) You are going to resume your seat. (Interjection by Hon. D J Bossino) No, you are going to resume your seat. (Interjection by Hon. D J Bossino) Do you know what is going to happen if you continue like this?

Hon. D J Bossino: What?

1675

Mr Speaker: I am going to ask you to leave if you do not respect my – (*Interjection by Hon. D J Bossino*) I am going to ask you to resume your seat and let us continue.

1680 **Hon. Lady,** please answer the question – (*Interjection by Hon. D J Bossino*) No, I am not going to ... I am asking you to resume your seat because I do not really want to take any further action against you, but I will if you do not obey what I am saying.

Hon. Miss S J Sacramento: Mr Speaker, at Lathbury.

1685 **Hon. D J Bossino:** I think she almost whispered that reply. Did she say at Lathbury?

Chief Minister (Hon. F R Picardo): She whispered it into her microphone, (**A Member:** Oh, my God.) which is hardly whispering.

1690 **Hon. Miss S J Sacramento:** Mr Speaker, I will repeat for the benefit of the hon. Gentleman: at Lathbury.

Hon. D J Bossino: Mr Speaker, is she able to advise this House when that construction is going to be completed? When is that training going to be made available to fire fighters?

1695 **Hon. Miss S J Sacramento:** Mr Speaker, as I said in my first answer to the question on the Order Paper – and we are now straying beyond the question on the Order Paper because the hon. Gentleman likes to ask one question when he intends to ask another, and we all have to guess where the hon. Gentleman wants to get to – hot wear training is already provided for the members of the Fire Service. If the hon. Gentleman wants to stray away from the original question and ask me a different question, then the hon. Gentleman has an opportunity at the next meeting of his House.

1700 **Hon. D J Bossino:** Mr Speaker, is she telling us that the heat training is going to be provided at Lathbury, is currently being provided at Lathbury, or is this a statement of future intent? That is the way I have understood it. I have asked her when is heat training going to be provided at the site that she has referred to at Lathbury, and, assuming that something is going to happen in the future, where is it currently being provided?

1710 **Hon. Miss S J Sacramento:** Mr Speaker, it is already being provided at Lathbury.

Mr Speaker: Next question. (*Interjection*)

Q258/2023

Devil's Tower Road holistic planning policy – Whether published

Clerk: Question 258/2023. The Hon. D J Bossino.

1715 **Hon. D J Bossino:** Has the holistic planning policy in respect of Devil's Tower Road been published?

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

1720 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, yes. It is, therefore, in the public domain.

Hon. D J Bossino: Can I ask her when it was published, and where is it published?

1725 **Hon. Miss S J Sacramento:** Mr Speaker, I would invite the hon. Gentleman to undertake a search on any search engine for this and it will immediately pop up on the Government's website under town planning. If the hon. Gentleman has not done this before asking this question in this House, I did so myself before coming, to check that it had actually been done upon our instruction, and I am happy to send the hon. Gentleman the link to the Google search that I did so that he can have it.

1730 **Hon. D J Bossino:** I am grateful to the hon. Lady. May I ask her why it has taken so long to devise this policy?

1735 **Hon. Miss S J Sacramento:** Mr Speaker, I do not agree with the hon. Gentleman that it has taken that long. The question was is it available, and the answer is yes, it is available. It is in the public domain. The hon. Gentleman may wish to go and undertake a search in a search engine, read the document and then maybe ask questions.

1740 **Hon. D J Bossino:** Mr Speaker, I am not asking about the publication, I am asking about the policy itself. Why has it taken the Government so long to publish this policy? It is a simple question. Devil's Tower Road is now a concrete jungle. The horse has, in many respects, bolted. Whilst we welcome it because at least it is something, I am asking her why has the Government taken so long to produce a specific policy in relation to Devil's Tower Road before the construction spree it has undergone over the last few years?

1745 **Chief Minister (Hon. F R Picardo):** Mr Speaker, in late November 2019 a germ appears to have escaped a laboratory in China or otherwise created a germ which came to be known as COVID-19 ...

1750 **Hon. D J Bossino:** Mr Speaker, long before the germ made an appearance there was already a significant amount of construction going on. The hon. Gentlemen themselves say that a lot of their construction projects have had to be paused precisely because of the germ. Therefore, is he asking us to believe that all the tall buildings, all the construction, the veritable concrete jungle that Gibraltar has been subjected to, particularly at Devil's Tower Road – that is relevant to the question – happened after we had the release all of the restrictions? Is he really expecting us to believe that? There are moments in time in respect of certain matters that the Government is unable to pray in aid COVID and the germ. Does he not accept that?

1760 **Hon. Chief Minister:** Yes, Mr Speaker, of course I accept that, but when has this become relevant? When did Bassadone move out of their showroom? When did Saccone and Speed sell? That is when these issues have started to become relevant. When was this issue first raised? In September last year. That is when these issues first started to come about, when we proposed Hassan Centenary Terraces, which we believe is a massively important project for the people of Gibraltar to grow their families in affordable homes alongside those families at Beach View Terraces who are growing Gibraltarian families, and which we do not regard, therefore, as a concrete jungle, we regard as a massively important socio-economic policy for Gibraltar and Gibraltarians. When it is first raised in the DPC, it is raised in September last year, but why is everything else delayed? For that reason – for the pandemic reason.

1770 As the hon. Lady rightly says – maybe it is that he does not like to take it from a woman; he might take it from me – we are not delayed. We do not consider there is an excessive delay. We consider we are acting properly and we do not believe that Devil's Tower Road is a concrete jungle. We believe that Devil's Tower Road is an area that is going through a massively positive redevelopment, which was very rundown and is going to look a lot better in the future. We

1775 understand that people want offices, we understand that people want homes for their children and we understand that we have two and a half square miles by one mile to build on – and they pander to those who say too much development, too much concrete, and then say, *Pero no te preocupas que yo te voy dar la casa para el niño*. Where are you going to put it, Mr Speaker?

1780 This is the reality of what we are dealing with. We have questions being put to the Government that try to box us in both to build more to house more people and to build more to have more offices, to have a stronger economy, to get into surplus, to do all the things that we want to do for our community, to house all the people we want to house – and at the same time we are being told not to build tall. Well, Mr Speaker, somebody has to realise, the hon. Gentleman being the first of them, that there is just so much you can do on the surface area that we have and in an area that was remarkably run down, was industrial and is coming up now with an East Side that is going to be a magnificent gem of a development with the magnificent towers at Hassan Centenary Terraces, which are going to look iconic when they are finished. Already people can see what they look like.

1785 We are doing the right thing in the area of the north of Gibraltar, we are doing the right thing in the area of Devil's Tower Road and the policy that has been published is not delayed, it is bang on time.

1790 **Hon. D J Bossino:** To be honest, quite an unimpressive reply in terms of the question I have posed, but of all the things that he has said ... That can be the subject of debate, and we on the side of the House are more than happy to have it, and we certainly stand by the criticisms we have made in relation to that particular road, which is ... because of the height of the building and other issues, I think basically an opportunity has been lost, and as a result of the losing of that opportunity we are seeing, in many respects, the defacing of our iconic Rock because it has changed radically over the last very recent years.

1795 But of all the things the Hon. Chief Minister has said in reply to my question, the one I take most offence at is that suggestion that because it has come from a woman I may not accept it. That is wholly and utterly unacceptable as far as I am concerned, (*Interjection*) and, indeed, I would hasten to add, as my learned friend here says to my right, unparliamentary, because it suggests and attributes things to me which I am certainly not. I am totally in favour, in fact, of more representation of women in this House. (**A Member:** Yes.) I want to see more women in this House. (**A Member:** Yes.) (*Banging on desks*)

1800 I talked about delay, and the delay we can talk about, as I was suggesting in my first question, of a wider window, but let's go for a smaller window. He says in his reply, and he is right, that the Government alighted on this issue in September 2022. Why has it taken them three or four months, to this month, to issue this policy statement and submit it to the DPC? Is it not as a result of the deluge of applications which that particular Commission is receiving that the DPC themselves have had the courage, particularly the NGOs, to speak not only in session but outside of it in interviews for GBC, complaining about the fact that they have no road map? We have had it from the head of the Environmental Safety Group and we have also had it from the former head of the Gibraltar Heritage Trust in various letters to the *Chronicle* when they have been calling for this because it was out of control.

1805 I still stand by the criticism made, the premise of my criticism, which is that the horse has, in many respects ... I still think it is salvageable, and in that sense, subject to reading the document, I welcome the principle that there is a specific policy for that area. But back to my question, Mr Speaker: why has it taken the Government so long – and let's take it from September to now – to publish this document?

1820 **Hon. Chief Minister:** Mr Speaker, I am very pleased that the hon. Gentleman stands by everything he said. I am very pleased he has said it is not because the hon. Lady is a woman who was telling him. He has clarified his position. I am very pleased that he accepts that we should have more women in this House. That is our position, too. I am very pleased with all of that. He

1825 should be surprised that I felt it needed clarifying from him. He should look himself in the mirror a bit more in that respect. But I will tell you what, Mr Speaker –

Mr Speaker: With respect to the Chief Minister, I think that is –

1830 **Hon. Chief Minister:** I withdraw that.

I will tell him something, Mr Speaker. If he says he stands by his position he needs to tell me which position it is, because the position that Devil's Tower Road is an area for the development of residential housing, no longer to be industrial, with tall buildings, comes from the development plan of the GSD in 2009, the one that he said was the golden legacy that we inherited. Everything they do is fantastic and is a golden legacy. Even litigation that takes you 15 years is a golden legacy. Everything we do is wrong, even when what we are doing is exactly the same thing that they were suggesting. Or is it that he does not realise that the development plan of 2009 is also a public document and he has not had regard to it before making the points that he has making?

1840 Mr Speaker, the final point that I would like to make in answer to the hon. Gentleman's question is that it does not require bravery for a member of the DPC to speak out, not in our time anyway. Or has he forgotten that the DPC sat in private, in secret, when they were in government, and that when we brought the reforms here, they told us, with him in opposition, that we should not make the DPC public? They told us that we should keep the DPC that they had. We appointed Janet Howitt and the ESG to the DPC so that they could speak their mind. Janet Howitt has been 1845 brave – not that it requires bravery, because we welcome dissent – since the first day we appointed her. She has never voted with the Government since we appointed her – I think maybe once – has always spoken her mind, which is why we appointed her, and has gone on the news, on *NewsWatch*, or *GBC News* as it may now be called, many times since we appointed her, and that is why we appointed her. So people speaking their mind and having a contrary view to the 1850 Government is not something that requires bravery in the face of this Government. It requires bravery in the face of a government that takes steps against those who speak out because they are not toeing the party line. That is not this Government, but it was their Government, (**A Member:** Yes.) and we have all lived that, including the now leader of their party.

1855 **Mr Speaker:** The Hon. Damon Bossino.

Hon. D J Bossino: Mr Speaker, I really do not recognise anything of what the hon. Gentleman is saying. This is a question which quite properly was answered by the hon. Lady, but as usual he intervenes. This is a sign of the fact that this Government is already nearing the end of its days. 1860 The hon. Member has been there for too long. He has to intervene in respect of almost every answer his Ministers give. He is becoming a veritable emperor. That is the fact. (*Interjection*)

Mr Speaker: Please resume your seat. This this developing into a debate.

I think I would like to quote from a previous ruling. It says:

should the questioner make a statement, instead of asking a supplementary question, or make what I consider to be too long a preamble before asking the supplementary question, then, having allowed the Minister to reply, I will move on to the next question on the order paper.

1865 Ask the question in terms which are short and concise, and then perhaps we can make some progress.

Hon. D J Bossino: Mr Speaker, of course I try to comply with that direction, that ruling, but we have been subjected to a rather lengthy party political response from the hon. Gentleman (**A Member:** Historically inaccurate.) and it is breaching, on their side, the rule that the questions and 1870

answers sessions should not be used as a means for debate. Surely that same diktat should apply to the hon. Members opposite and not just us on this side of the House. (*Interjection*)

Mr Speaker: But going back to Standing Orders, it says:

not more than one subject shall be referred to in any one question and a question shall not be of excessive length;

1875 **Hon. D J Bossino:** By way of clarification, Mr Speaker, does that therefore mean that the answers can be as lengthy as the hon. Members wish and they are given free rein? (*Interjections*)
At the end of the day this is a matter that has been –

Mr Speaker: Please resume your seat.

1880 Quoting from a previous Speaker's ruling, it says:

Although I do not have any powers under the Standing Rules and Orders to curb the length of Ministers answers to supplementary questions, I would like to urge them not to make such answers longer than is absolutely necessary.

I am asking the Chief Minister and Members of the Government to take that on board also.

1885 **Hon. D J Bossino:** Mr Speaker, there is also another point, which is that – (*Interjection by Hon. Chief Minister*). Mr Speaker, I will ask the question, but it is about ... The point I was making – (*Interjections*)

Mr Speaker: I think the hon. Member has made the point. Let's –

1890 **Hon. D J Bossino:** Mr Speaker, if I may, it is also about using the question and answer session ... I think we have seen a particularly specific, acute breach by the hon. Member opposite in his previous answer about the conduit of question and answer sessions to get to a political debate. I think that also has to be taken account of.

Mr Speaker: Resume your seat.

1895 I think this whole string of events led from one question; I think it was put by the hon. Member. I am referring again to Standing Orders and it says:

a question shall not contain any argument, inference, imputation, epithet, or ironical expression;

1900 I would ask the hon. Member to pick up his dictionary and find out what 'ironical expression' covers. I am sure he will understand that all this series of encounters between the Members started from comments that he made at the very beginning, (**A Member:** Yes.) and if I were to ask you to go back to *Hansard* when it is printed, you will see that I am right.

1905 **Hon. D J Bossino:** Mr Speaker, in posing the question in answer to the point that the Hon. the Chief Minister made, I do not recognise any of that. We can go into a history lesson as to the way they did things in their previous administrations and all the rest of it, but I do not recognise any of that.

1910 He tries to throw at me the aims and recommendations that the GSD 2009 development plan had in relation to Devil's Tower Road, which I accept – and I have read it. Does he not accept that the reason why the hon. Members opposite have, albeit delayed, had to come up with a specific holistic plan, as they describe it – I will come to a conclusion in relation to that when I read it – in relation to Devil's Tower Road is because of their utter and complete failure in producing an updated plan by 2019, and that the COVID excuse, which in this case is a word I use advisedly

because it *is* an excuse, would have had no impact given that 10 years from 2009 is 2019, and 2019 was a year before the bug hit the world?

1915 **Hon. Chief Minister:** Mr Speaker, I am going to deal with everything that the hon. Gentleman has said. First of all, I do not accept that there is anything that has been done that enables the hon. Gentleman to characterise this Government as anything other than a success, but the judgement of success or failure will not be made by the hon. Gentleman, it will be made by the public, who will determine whether we have been successful in our time in this period in office, 1920 or not, during the course of a General Election that will be held later this year. He should not set himself up as the person who determines whether we are successful or whether we are a failure, because there is a third party that will determine that, and that is the public, and we subject ourselves to the judgement of the public.

I get up to sometimes address issues that relate to portfolios of my colleagues because there are some issues that are cross-portfolio, and as the party that has had now the same, apart from one, 10 Ministers for 10 years, a lot of Members have been in different portfolios and I have held the same portfolio, which gives me an insight into many of these areas for that period. So in that context, I think it is particularly unfair for the hon. Gentleman to characterise me in the way that he does. He knows that others have referred to my predecessor in office as Chief Minister for his imperial style and referred to him as an emperor, and he knows that in getting up and referring to me in that way he is trying to characterise me in that way and saying that I am atrophying in office in the same way as my predecessor atrophied in office. But of course that is impossible because I come from the GSLP tradition. There are no emperors in the GSLP, there are only those of us who accept the judgement of those who put us in our place: the people in the GSLP on the executive committee who vote for candidates, and the people in the general membership of the 1930 GSLP who vote for leaders. That is the reason why that is mischaracterised. Rome's decline began when it became an empire, it was as a republic that it flourished the most, so I do not recognise, in the same way as he does not recognise, any of what he alleges. 1935

He should remember that he is reflecting on the Government that has delivered the success that it has delivered economically until the pandemic happened. It was not possible to imagine perhaps Saccone and Speed would move from where it was and that a very large plot on Devil's Tower Road would become available. It was not possible to imagine that it would be possible to finally rehouse Bassadone, which they had promised to do, except that the amount that they charged them for a reclamation of the runway was less than one quarter of what it would cost to create that reclamation of the runway, but we were able to fix that, too. 1940 1945

What we have endeavoured to deliver is a development plan that was there before we were elected, a development plan which, for reasons we have already set out, we have not amended before, but that in that area will likely not change because in that area we are still committed and think it makes sense to move away from industrial, because this will now be the entrance into Gibraltar, into high-end residential, because it will be near the East Side and near our affordable homes, and because in that area we are going from very unsightly to a very modern and good-looking Gibraltar that people will see on entrance to Gibraltar. They will still see the North Face. 1950

The final point I would make is that it is just not possible to say that our North Face is being defaced. Our North Face stands as beautiful and as proud as ever. That is really Gibraltar's imperial majesty. There was a dream that was Rome. There is a dream that is Gibraltar. 1955

Mr Speaker: Next question.

Q259/2023

**Gibraltar Development Plan –
Expected date of completion and publication**

Clerk: Question 259/2023. The Hon. D J Bossino.

1960 **Hon. D J Bossino:** Please provide an update as to when the Gibraltar Development Plan will be completed and published.

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

1965 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, given the value of this, this work needs to go out to a wider tender process. This process is complex and is now in its final stages.

1970 **Hon. D J Bossino:** I did not quite catch the premise of her answer. I have heard that she has said it is now going to a wider tender process, but she said 'given the ...' I just missed that. Could she repeat it?

Hon. Miss S J Sacramento: Mr Speaker, I said given the value of this.

1975 **Mr Speaker:** Could I ask the hon. Lady to repeat the whole of the answer, please?

Hon. Miss S J Sacramento: Mr Speaker, given the value of this, this work needs to go out to a wider tender process. This process is complex and is now in its final stages.

1980 **Hon. D J Bossino:** When she talks about the value, is this as a result of what used to be and now it will be acquired national legislation, the EU procurement directives and rules?

1985 **Hon. Miss S J Sacramento:** Mr Speaker, those, as the hon. Gentleman I am sure knows, are retained and they therefore kick in and apply. It is an extremely complex process that we have to follow, but I am glad to say that we are in the final stages of that.

Hon. D J Bossino: We have had an exchange in relation to delays and I do not propose to go into that; I am trying to keep the temperature down.

1990 How has this come about? When I last asked her questions in the House – just to remind members, on 19th October – she was talking about the tender process completing in this financial year. The financial year is coming to an end at the end of this month. The expectation, based on those answers, was that she would then be able to start and issue the instructions to the successful tenderer to prepare the development plan.

1995 If I can put it in as neutral terms as possible, given the delays that this particular government project has been subjected to, has there not been a significant failure by someone on the opposite side in not identifying the fact that this needed to comply with the EU procurement rules – which I know is a complex system, it needs to go out to the wider EU and it is much more refined and complex than would otherwise be the case? Has there not been a failure by somebody somewhere in –?

2000

Chief Minister (Hon. F R Picardo): Will he give way?

Hon. D J Bossino: Yes, of course.

2005 **Hon. Chief Minister:** On the posing of the question, it opens up nationally, not to the wider EU. Now it is retained legislation, so there is ... Yes, okay.

Hon. D J Bossino: The hon. Gentleman has corrected me twice already in relation to the fact that we have had had Gibexit and we are still in the throes of a possible negotiated outcome, which is something that certainly I do wish will happen, so long as it is a safe and secure deal.

2010 The point was – I think I made it already, but just simply to conclude as a result of the Hon. Chief Minister's intervention – has there not been a failure to recognise that this was a legal requirement in the first place?

2015 **Hon. Miss S J Sacramento:** Mr Speaker, I have to confess to the hon. Gentleman that I do not understand that supplementary question. There has been no failure to understand the legal requirement. It is precisely because of the legal requirement that it has taken this long.

The hon. Gentleman refers back to October 2022 when he asked me this question. At that point I explained to him where we were in terms of the procurement process. It was the same process then, but because we were subject to these rules back then, the tender process had elapsed and we had to commence again. In the intervening period we have had COVID. We are not going to rehearse the whole reasons for COVID and why other things have been given priority since 2019, but the chronology was that there was a development plan, a 10-year plan from 2009, which would elapse in 2019. Before it elapsed we had embarked on the tender process for a new one. In the throes of the tender process we had COVID, so during that intervening period that process was paused. Because of the time that had elapsed, it expired and we had to start again. When we started again, as we had already commenced when the hon. Gentleman asked me ... We have, since that point, undertaken a lot of progress and we are now in the final stages to meet all the legal requirements that are required for us to undertake this tender process.

2030 **Hon. D J Bossino:** I see. So is the hon. Lady saying that when she gave her response to my question in October it already accounted for what used to be known as the EU procurement directives?

2035 She talks about elapsing times. Is that because ...? (*Interjection*) No, is that because ...? I have dealt with that issue professionally in the past, but I do not recall the specifics. As she rightly pointed out, it is a hugely complex piece of legislation, piece of law, but is the elapsing as a result of those EU requirements that there is a certain window within which these things need to be done ...? Is that what she is saying?

2040 And if I may, she was, I think, more specific in her answer. Given that she has clarified that when she gave the answer in October she was cognisant of the fact that there had to be this compliance with these EU regulations, she said, in terms of timings, and I quote:

work will be able to commence on the Plan before the end of the current financial year.

And in answer to further supplementaries she said:

we would like to finalise that part of the process before the end of the financial year and then, of course, embark on the actual Plan.

Can she confirm that she is sticking to those timelines, or is there a disruption to that since she answered this question in October?

2045 **Hon. Miss S J Sacramento:** Mr Speaker, I am going to read from the *Hansard* of our exchange, just the first answer to his question in October, where I informed the hon. Gentleman, because it was him asking the question, that we were at that point considering options for the re-tendering for the preparation of the new development plan and, following the award of the tender, work

2050 would be able to commence on the plan before the end of the current financial year. That was the
answer that I was given when we prepared for October. It may be that in October we were very
ambitious and expected the process to have been completed before the end of the financial year.
As of today, the update that I have is that that process has not been completed because of the
2055 the stages to enable us to be at the final phase. As far as I am concerned, Mr Speaker, the sooner
the better.

Hon. D J Bossino: The hon. Lady says, as a final remark to her answer, 'the sooner the better'.
Is she able to be a bit more specific in relation to that? She was quite specific in her October reply,
2060 talking about the end of the financial year. I suppose at that stage it seemed further along the line
than it clearly is now, but is she able to give an indication as to when she thinks this process will
be complete so that she can embark on the plan as soon as possible?

Hon. Miss S J Sacramento: Mr Speaker, at this stage I do not have any further detail, but I will
2065 tell the hon. Gentleman that those involved in the preparation of this ... I have been in touch over
the last, say, two or three weeks, and the very clear direction that they have been given is that we
need to go full speed ahead because we are in the final stages of what we are doing, so I really
need them to complete whatever phase they are at so that we can complete the stage and move
on to the next one. I am assured that we are almost there.

2070 **Hon. K Azopardi:** Mr Speaker, so I can understand a bit more clearly where we are at, I
understand the Hon. Minister's answers that it is a complex process and we are going through the
tendering issues. Are they looking to appoint one particular body or consultancy to drive the whole
thing, or is the complexity driven by the fact that they are looking to engage someone to drive the
2075 process but that perhaps subplans of the development plan will be contracted out to different
entities? Is that the complexity? And can I ask whether they have an indication of how many
bodies, consultancies or entities are interested in being appointed as the successful tenders?

Hon. Miss S J Sacramento: No, Mr Speaker. Once we put out the tender we will see what comes
2080 back and we will see what we think will provide us with the best value for money, but there has
not been an analysis to the depth that the hon. Gentleman suggests at this stage because the
tender has not gone out yet.

Hon. K Azopardi: Yes, that is the clarity I wanted. So it has not gone out. When it does go out,
2085 given the complexity of it, does the Hon. Minister have a view? Has the Government formed a
view as to the length of time that people will need to be able to respond reasonably to a tender
of that nature?

Hon. Miss S J Sacramento: Mr Speaker, as I understand it, this process is quite formulaic, so I
2090 will leave that aspect in the hands of the professionals and those who are advising on the process,
which, of course, is led by the Town Planner and the Town Planning department in conjunction
with the Government's Procurement Office.

Q260/2023
COVID restrictions –
Whether any still in place

Clerk: Question 260/2023. The Hon. Ms M D Hassan Nahon.

2095 **Hon. Ms M D Hassan Nahon:** What COVID restrictions, if any, are still in place?

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

2100 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, there are very few COVID restrictions remaining in Gibraltar. These regulations are reviewed regularly by the Director of Public Health, through the Strategic Co-ordinating Group. The regulations have a life of 28 days. The hon. Lady will be fully aware that all legislation is available in the public domain and is obtainable online. If she is not aware how to access this, I am happy to show her.

2105 Insofar as arrangements in the GHA, ERS continues to have some COVID measures in place, such as restrictions on visitor numbers, use of PPE and an enhanced deep cleaning schedule. St Bernard's Hospital has implemented additional measures, including the use of face masks in clinical areas and testing of some visitors.

2110 **Hon. Ms M D Hassan Nahon:** I thank the hon. Member for her answer.

Mr Speaker, if I could ask what guidance is Public Health Gibraltar taking, if any, from any external bodies, or are we just implementing our own guidance, our own directives, as this is being reviewed, as the Minister said?

2115 **Hon. Miss S J Sacramento:** Mr Speaker, I no longer chair the Civil Contingency Group in relation to COVID. I cannot remember the date exactly, but when the COVID situation was better and restrictions started to fall away ... This meeting where the Director of Public Health and all the other stakeholder professionals meet is now chaired by the Civil Contingencies Co-ordinator, but it operates very much in the same way as we have throughout COVID. We are very much led by
2120 Public Health advice, and the Director of Public Health will take her advice from her own professional fora.

Mr Speaker: Next question.

2125 **Chief Minister (Hon. F R Picardo):** Mr Speaker, might this be a convenient moment to recess for 15 minutes, until half past six?

Mr Speaker: The House will now recess until 6.30.

The House recessed at 6.14 p.m. and resumed at 6.30p.m.

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

Q261-62/2023

Public finances –

Total gross debt; General Sinking Fund balance

Q263 and Q267-68/2023

Government companies –

Companies in which shareholding has been acquired;

Overdue accounts filings and penalties accruing;

Companies that have never been audited;

Q264-66/2023

Gibraltar Savings Bank –

Designated public officer acting as Director;

Split re forecast outturn of interest;

Gross value of debentures with notice of early redemption

Q269-70/2023

Credit Finance Company Ltd –

Whether €4 million bond repaid on maturity;

Identification of party borrowing £276.8 million

Q271 and Q274/2023

Community Supplies and Services Ltd –

Eastern Beach promenade cost and economic return;

Lending or other financial support provided to Etioca

Q272/2023

Wonderworks Media Ltd –

Purpose in National Economic Plan

Q273/2023

Etioca –

Hospitality

Q275/2023

Rooke development –

Support from National Economic Plan

Clerk: We continue with answers to questions.

2130 Question 261/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, may I start by welcoming the Father of the House back? It is a pleasure to see him in the House and we obviously all wish him well. (*Banging on desks*)

2135 Can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following dates: 1st January 2023 and 1st February 2023?

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

2140 **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 262 to 275.

Clerk: Question 262/2023. The Hon. Hon. R M Clinton.

2145 **Hon. R M Clinton:** Mr Speaker, can the Government advise the balance on the General Sinking Fund on the following dates: 1st January 2023 and 1st February 2023?

Clerk: Question 263/2023. The Hon. Hon. R M Clinton.

2150 **Hon. R M Clinton:** Can the Government please provide a list of companies that the Government, the Gibraltar Development Corporation, any Government Agency or any Government-owned companies have acquired a shareholding in, wholly owned or joint venture, from 1st January 2018 to 31st January 2023?

2155 **Clerk:** Question 264/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise who is the currently designated public officer that is undertaking the function of Director under the Gibraltar Savings Bank Act?

2160 **Clerk:** Question 265/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Can the Government please split the forecast outturn of interest on investments of £55.1 million for 2021-22 of the Gibraltar Savings Bank between Government-owned and controlled investment sources and third-party non-governmental sources?

2165 **Clerk:** Question 266/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise the gross value of Gibraltar Savings Bank debentures for which notice of early redemption was given in the period 1st November 2022 to 31st January 2023?

2170 **Clerk:** Question 267/2023. The Hon. Hon. R M Clinton.

2175 **Hon. R M Clinton:** Can the Government provide a list of all Government-owned, Gibraltar Savings Bank-owned or Gibraltar Development Corporation-owned companies that are out of date with their accounts filings at Companies House and what penalties are accruing for each?

Clerk: Question 268/2023. The Hon. Hon. R M Clinton.

2180 **Hon. R M Clinton:** Can the Government provide a list of all Government-owned, Gibraltar Savings Bank-owned or Gibraltar Development Corporation-owned companies that have never been audited?

2185 **Clerk:** Question 269/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise if the listed €4 million bond owned by Credit Finance Company Ltd at 31st December 2021 was repaid in full on maturity on 5th September 2022?

2190 **Clerk:** Question 270/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Can the Government identify the related party that borrowed £276.8 million, by way of the issue of fixed rate notes repayable on demand, from Credit Finance Company Ltd at 31st December 2021?

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Clerk: Question 271/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise how is the development of the Eastern Beach promenade expected to produce an economic return for Community Supplies and Services Ltd, and how much has it spent in respect of this project?

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Clerk: Question 272/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise what is the purpose of Wonderworks Media Ltd within the National Economic Plan?

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Clerk: Question 273/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise if the Minister for the National Economic Plan has accepted any hotel hospitality or travel at the expense of Etioca or its promoters; and, if so, when, in what form and for what purpose?

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Clerk: Question 274/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Can the Government confirm that the Community Supplies and Services Ltd is providing no lending or other financial support to Etioca and its group of companies?

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Clerk: Question 275/2023. The Hon. Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise if the proposed Rooke site commercial and residential development is to benefit from any support from the National Economic Plan?

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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, the gross public debt and the aggregate debt after the application of the General Sinking Fund to gross debt, cash reserves and net debt figures for the two dates requested by the hon. Member are as follows: gross debt, £872.7 million on both dates; aggregate debt, £845.3 million on both dates; cash reserves, January £81.5 million, and February £70.2 million; net debt, January £763.8 million, and February £775.1 million.

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The balance in the General Sinking Fund on both the requested dates stood at £27.4 million.

The list of companies that the Government, the GDC, any Government Agency or any Government company acquired a shareholding in between 1st January 2018 and 31st January 2023 is as follows: Gibraltar Properties Eastside North Ltd, Gibraltar Properties Waterport West, Gibraltar Properties Europort Avenue Ltd, GUT Ltd, GSF Ltd, Gibraltar Estate Management and Administration Ltd and GIC Ltd.

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The Accountant General is, and as far as I am aware, has been since at least 1972, the public officer undertaking the function of Director under the Gibraltar Savings Bank Act.

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The Government will not provide any further breakdowns additional to the extensive information on the Savings Bank investments already provided monthly.

The gross value of Gibraltar Savings Bank debentures for which notice of early redemption was given in the period 1st November 2022 to 31st January 2023 was £3.67 million.

2245 The Government-owned companies for which filing of accounts are out of date with
Companies House and the penalties accruing for each are as follows – the majority of those
companies are companies which were overdue in the filing of accounts as a result of the non-filing
and, indeed, non-compilation of accounts in the GSD’s period in office: Construction Training
Company Ltd, £650,000 – that is *the penalty*; Economic Development and Employment
Company Ltd, £650; Employment Training Company Ltd, £650; ES Ltd, £50; Europa Incinerator
2250 Co Ltd, £1,550; GAR Ltd, £650; GBIC Ltd, £50; GCP Investments Ltd, £50; GEP Ltd, £275; GEWP Ltd,
£275; Gibraltar Air Terminal Ltd, £875; Gibraltar Car Parks Ltd, £425; Gibraltar Cleansing
Services Ltd, £50; Gibraltar Commercial Property Company Ltd, £500; Gibraltar Community
Projects Ltd, £725; Gibraltar Defence Estates and General Services Ltd, £800; Gibraltar Facilities
Management Ltd, £200; Gibraltar Freeview Ltd, £575; Gibraltar General Construction
2255 Company Ltd, £650; Gibraltar Home Loans Company Ltd, £500; Gibraltar Industrial Cleaners Ltd,
£275; Gibraltar Investment (Holdings) Ltd, £950; Gibraltar Joinery and Building Services Ltd, £350;
Gibraltar Land (Holdings) Ltd, £950; Gibraltar Manchester Property Company Ltd, £50; Gibraltar
Mechanical and Electrical Services Ltd, £1,100; Gibraltar National Exploration of Minerals, Gas and
Oil Company Ltd, £50; Gibraltar National Mint Ltd, £650; Gibraltar Properties Ltd, £125; Gibraltar
2260 Residential Properties Ltd, £950; Gibraltar Strand Management Company Ltd, £575; Gibraltar
Strand Property Company Ltd, £425; Graduate Research and Development Company Ltd, £650;
GSBA Ltd, £125; GSF Ltd, £275; GSTR Ltd, £125; KIYJ Parkings Ltd, £875; Kings Bastion Leisure
Centre Company Ltd, £125; Midtown Coach and Car Parks Ltd, £275; Skills Enhancement Training
Company Ltd, £650; and Supported Employment Company Ltd, £650.

2265 The following are the Government-owned companies which have not been audited since
incorporation: Europa Incinerator Company Ltd, GAR Ltd, GEP Ltd, GEWP Ltd, Gibraltar Air
Terminal Ltd, Gibraltar Freeview Ltd, Gibraltar Mechanical and Electrical Services Ltd, Gibraltar
National Mint Ltd and GSF Ltd.

2270 The listed €4 million bond owned by Credit Finance Company Ltd as at December 2021 was not
repaid on 5th September 2022.

Just like every other lender, the Government does not provide the identity of who CFC, as a
moneylender, provides loans to.

2275 The profitability of the investment in storage facilities at Eastern Beach by the private not-for-
profit company Community Supplies and Services is a matter for that company, as is what they
have spent to date.

Wonderwork Media Company Ltd does not have a role within the National Economic Plan.

2280 As regards the question on the hotel hospitality, if what the hon Member is asking is whether
I have gone on holiday paid by Etioca, the answer is I never go on holiday. I was asked by the
owner of the company to join him in the launch of the subsidiary company in Italy, speak at the
press conference held on that occasion and also address a meeting of investors on the project. I
agreed to do so provided it was at no cost to the Government. My travel with the owner, the stay
in the hotel in Italy, my meals there and the return with the owner and his family in his private jet
were met by the company. The events related to the promotion lasted two days and took place in
September last year.

2285 I cannot confirm what CSS does or does not do since it is a private entity, but to my knowledge
Etioca and its group of companies have not sought or obtained any funding or financial support
from CSS.

2290 The proposed Rooke site commercial and residential development is not a sponsored project
under the National Economic Plan.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister for his answers, and I beg your
indulgence because there are 15 questions grouped together.

First of all, obviously Questions 261 and 262 require no follow-up, since there is no major
change there.

2295 In Question 263 there are number of entities that the Minister has mentioned. I know we have had this exchange across the floor in the past as to what the abbreviations of the companies stand for, where it is just letters – GUT, GSF and, I think, GIC. I assume that Gibraltar Property Companies are essentially what they say they are in relation to developments of property as suggested.

2300 There are one or two that struck me, if I may ask the Minister. What is the Europort entity involved in? Is it holding property? What is it doing? Also, GIC Ltd – what does that entity do? Could the Minister provide some clarity on those?

2305 **Hon. Sir J J Bossano:** Mr Speaker, the original question is which companies are behind with their accounts. There are a lot of companies. I do not run these companies and I do not know what they do in the majority. I only know the one or two that I am involved with, mainly in the trading area. I do not know how their names have been chosen, so I have not got any information on the companies beyond the original answer to the question.

2310 **Hon. R M Clinton:** I understand, Mr Speaker. Can I then move on perhaps to the next question, Question 264? I think his answer was ‘the public official who is appointed as Director under the Savings Bank Act’. That is exactly the question I am asking, as to who is undertaking that function of Director under the Savings Bank Act. He is more or less reading the Act back to me. I know that a person is appointed under the Savings Bank Act. I am asking who that person is.

2315 **Hon. Sir J J Bossano:** Is the hon. Member asking me the name of the Accountant General?

2320 **Hon. R M Clinton:** Mr Speaker, I am happy with either the function ... He just said Accountant General, and if that is the answer, can I then follow it up with a supplementary? I understand the position of Accountant General is currently vacant, in which case, who would be performing the function of Director of the Savings Bank?

2325 **Hon. Sir J J Bossano:** The Accountant General position may be vacant in the sense that there is not a permanent appointment, but it cannot be vacant, otherwise we are going to have a problem doing the Budget this year because it is a job that requires somebody permanently to be there, even if it is in an acting capacity. So the answer is the person who is acting as Accountant General is also acting as the Director of the Savings Bank. It goes with the job.

2330 **Hon. R M Clinton:** Mr Speaker, moving on to Question 265, I asked for an analysis of the interest income of the Savings Bank between that generated by government-owned and controlled entities and those that are totally third-party sources. I know his answer was no, but can the Minister explain why he is not willing to provide that information? It should not be too difficult a task for the Accountant General to supply that information.

2335 **Hon. Sir J J Bossano:** Mr Speaker, because as I have told the hon. Member before, the more information I supply, the more he takes it away, dissects it and comes up asking for more. This a never-ending exercise, and in any event, it is an exercise that ... He does not need me to tell him that the amount of money that is invested in cash and near-cash, which was their policy, provides very low returns and therefore the bulk of the returns comes, and would not be there otherwise, from the investments that are made in infrastructure or in the creation of capital assets in Gibraltar. That is where the main investment of the Savings Bank is, and that is why he came to the conclusion – and I agreed that that was correct – that, in effect, the role is that of the Gibraltar Development Bank. So the Development Bank role, which is the creation of assets in Gibraltar, provides the bulk of the income, and the amount of money that we have in the UK depends on the twists and turns of the Stock Exchange and cannot be guaranteed to be positive. Until very recently, the ones in the local banks were minimal because the bank rate is very low. They have

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improved recently, but the improvement has not been there long enough really to make any kind of impact on this. He knows that from the information I give him.

2350 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister. I was really just after the exact numbers, but I understand what he is saying in terms that the bulk of the income comes from, effectively, government sources.

2355 Moving on to Question 266, in terms of notice of early redemption he, I think, gave a number of £3.67 million. Can the Minister give an indication whether that is, in his view or from previous experience, a higher number than usual?

2360 **Hon. Sir J J Bossano:** We have not got previous experience of me being able to persuade somebody to bring their headquarters to Gibraltar. This is the first one. I think my job for Gibraltar is to bring people here, and if I am satisfied from what they intend to do that this something that could be of benefit to the economy and also, particularly important, of benefit eventually when the company reaches maturity in terms of government revenues, then I will do everything that is in my power to make it a success.

2365 I have made public that this company was being sponsored from the day they arrived. I persuaded the owner to incorporate it here rather than doing it somewhere else. It has huge potential, but it is not something that is going to happen overnight. This was the first subsidiary being created in Italy, and since the commitment is to support the company but not to give it money, then in fact the only cost to the taxpayer has been that they were paying my wages for the two days I was there, but since I normally work seven days a week and I do not take holidays, I think I have enough credit in time in lieu to compensate for the two days.

2370 **Hon. R M Clinton:** Mr Speaker, I am grateful to the Minister for his answer, but I think he was answering a question that, in fact, I had not just asked a supplementary on, in relation to Question 273. I was asking about Question 266 in terms of the early redemption amounts of £3.67 million and whether in his experience that was an unusual number or is higher than normal.

2375 **Hon. Sir J J Bossano:** This is a company that would have been, I think, very successful if it had happened earlier. I think the world in which we are at the moment and the direction in which we are travelling ... It seems to me that we are moving fast in a retrograde direction from what we were before.

2380 Part of the strategy is, in fact, to create subsidiaries of the company to feed local markets rather than have a mega factory and sell on a global stage. I think that is a decision the company has taken because more and more we are seeing people moving into repatriating production nearer to the consumer. I would not expect this to be yielding results between now and the next election, let's put it that way, and I think if it carries on at the rate it is doing at the moment it will probably be more or less halfway through the next term that we should be seeing some returns.

2385 **Hon. R M Clinton:** I am grateful to the Minister.

2390 Mr Speaker, I do not know how to put this in a way that will not cause offence, but I can see that although the Hon. Minister is answering questions, albeit not the supplementaries that I am asking ... the information he is giving is useful to the House, but not in relation to my supplementaries as I am asking them.

Mr Speaker: What are you suggesting? With respect, I am not –

2395 **Hon. R M Clinton:** I do not want to put the Minister under any pressure because he is recovering. I will continue.

Mr Speaker: Yes, of course.

2400 **Hon. R M Clinton:** Mr Speaker, if I can turn to Question 267, which is about the out of date companies, just a simple question: would the Minister happen to have a total of the penalties accruing? Would he have that on a schedule with him?

Hon. Sir J J Bossano: I have not been given a total, but I think there are around 30 companies. I have not got a total.

2405 **Hon. R M Clinton:** Mr Speaker, if I move on to Question 268, the entities that have never been audited, can the Minister advise what steps are being undertaken to ensure that they are audited?

2410 **Hon. Sir J J Bossano:** [*Inaudible*] do not exist anymore. That is to say they do not exist in the sense that nothing is happening. The incinerator company was started in 1996 or just before, and it never really worked, and the incinerator disappeared long ago. Action has to be taken, obviously, to rectify this, which is wrong because they are supposed to submit audits and we should be giving a good example to the private sector, as the Government, that we are complying with it, but I think the reality is that some of the things probably fall by the highway. The hon. Member has more than once discovered something that none of us knew existed, and it is only
2415 because he puts the question that it comes to the notice of people, and I suspect that some of these fall into that category. It is not by intent, it is just by ...

Hon. R M Clinton: I am thankful to the Minister for his answer.

2420 If I can move on to Question 269 – and this is in relation to Credit Finance – I asked the question whether the €4 million bond owned by Credit Finance was repaid in full on maturity, and if I heard the Minister correctly, he said it had not been repaid. Can the Minister advise then, has Credit Finance been forced to make a provision against this bond, which as at 31st December 2021 was showing a value of £3.4 million, or has this bond been extended in maturity? Or has some other arrangement been entered into with the borrower?

2425 Mr Speaker, I should add that from the characteristics of the bond description in the accounts, this bond I believe was issued by the owners of the Sunborn Hotel in Gibraltar.

Hon. Sir J J Bossano: We provided with this that the maturity date was extended to 24th March 2024. It is a further 18 months.

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Hon. R M Clinton: Mr Speaker, just one further question on this. Has the Minister been given any information as to the reason why they were unable to repay the bond on maturity?

2435 **Hon. Sir J J Bossano:** I am not directly involved in these things, so the question that I put is the one he puts to me and I give him the answer that I get. I have not asked them why it is, but I imagine that at the point in time when they had to provide the money they did not have it. That is what happens when people do not pay.

2440 **Hon. R M Clinton:** And just finally on this particular question, Mr Speaker, can the Minister confirm that it is, as I have suggested, in relation to the owners of the Sunborn Hotel?

Hon. Sir J J Bossano: I have no knowledge from the Department who the owner is, but I will ask if it is, since the hon. Member believes that that is who it is, but I cannot confirm it.

2445 **Hon. R M Clinton:** Mr Speaker, in relation to Question 270, where I asked for the identity of the party that borrowed £276 million from Credit Finance by way of issue of fixed-rate notes repayable on demand, the Minister's answer was no, but the Minister will know from the disclosures in the accounts that this is not a third-party entity but is, in fact, a related party to Credit Finance by virtue of common control, so the related party ... It is under the heading of

2450 'Government and other entities under government control', so this is not a third-party private entity, and I do not see why the Minister cannot tell us which government entity is borrowing £276.8 million from Credit Finance at call.

2455 **Hon. Sir J J Bossano:** Mr Speaker, it is not that I cannot do it; it is that I am not prepared to do it. Of course I can do it. I could tell him every person who borrows money from the bank, and I suppose we could get Mr Isola to produce a list of all the people who borrow from the Gibraltar International Bank. But I am not prepared to accept setting the precedent that because a lending institution is state owned we can be required in Parliament to disclose who the client is, whether it is a public sector or a private sector borrower.

2460 **Hon. R M Clinton:** Mr Speaker, very well. If he will not identify the government entity, is he satisfied that this government entity effectively has £276.8 million in a current account, which would be available to repay the loan at call?

2465 **Hon. Sir J J Bossano:** When the hon. Member asks these kinds of questions I need to remind him of the fact that we were fortunate to inherit from his administration a mechanism that pools all the money of all the companies. In that pool there are companies that are in the red and companies that are in the black. Therefore, there is the situation that is reflected eventually in the net level of cash that I give him every month.

2470 So the answer is that if Credit Finance, which itself is one of its companies, did not have a loan to a government company, by virtue of the fact that it is a participant in the pool the same thing would be happening. The nature of the pool that was invented, which was a very clever thing to do and which we would be constantly attacked for doing if I been the author of it, but I was not the author of it ... I can see the value of having it because in fact it maximises ... If every entity that
2475 the ... Remember, Mr Speaker, that I have already demonstrated that the companies that were criticised when I was the Chief Minister of Gibraltar by the then Opposition actually were increased when they took over. So they took over from us a number of companies and then, having criticised it in opposition, found the value of having those companies, kept the ones that were there and created more. Well, we never criticised the pool. We accepted that was the
2480 government policy. We did not quite understand what the mechanism entailed, but when we came into government we could see the value of it, because it would be much more difficult, I think, to run the part of the public sector that is ... Originally it did not exist because originally there was only one thing; that the Government asked the Civil Service was the only thing. But when you start creating different companies and different agencies and some of them have got
2485 revenue and others have not got revenue, it would be much more cumbersome and much more expensive because there would be more paperwork involved and more difficulties in how you make access to money, and therefore the pooling effect ...

This is there as a specific loan on call, but at the end of the day, if tomorrow we cancelled the call and repaid the loan, it would not go anywhere. It would stay in the same pool, whether it was
2490 in one company or the other. So the answer is that the company that has been provided with these funds, if they paid back, could simply have access without it being a loan. I think the loan is a historical thing that happened when the mechanism was not being used to the extent that we are using it now, and we had specific FRNs. At the beginning of 2012 when we were originally elected, we actually were lending money when we created Credit Finance and I think it comes
2495 from then, and this might have been a change that has happened in changing it from one form to the other.

So that is what is happening there. This is independent of not naming it, for the reason that I am giving him. I am trying to give him enough information for him to visualise how this thing is happening.

2500 **Hon. R M Clinton:** I am grateful to the Minister for his answer.

2505 If I move on to Question 271 now, Mr Speaker, this is in relation to the Eastern Beach promenade. He says it is a matter for that company, being Community Supplies and Services Ltd, but in this House the Hon. Minister has quite clearly identified this entity as being part of his National Economic Plan and as being sponsored under his National Economic Plan these particular projects. I would just like to know how he expects to generate a return. I saw in the press reports at the time that there were maybe 600 beach stores being created. What is it that he envisages has economic value in 600 beach stores?

2510 **Hon. Sir J J Bossano:** I am not building the stores. All the charitable companies in the group that is running these things are doing things for which the people involved have done an exercise and consider there is a market and a need. In some, they are expecting to make a big profit, in others they are expected to make very little profit. There are different companies dedicated to different things. At the end of the day, the profit they make or do not make does not come to the Government, and they are now all following his advice: each one of them is now a charity. That is
2515 the structure that is there.

I think the decision that was taken recently, which is the subject of another question at a later stage, means that the 600 are not likely to be done this year. It depends on the demand whether they are done after the summer, and if the demand is less, well then we will look to other locations
2520 on other beaches. People identified that there were people who were prepared to avoid the hassle of having to take all the stuff they take to the beach every day if something could be provided that was safe and they could leave everything there. They were prepared to spend some money on doing it and that is the basis of the plan that was done.

I think the number was essentially the maximum number that the space permitted. How much
2525 of that number is done depends on the extent that ... Like many other things where Members asked me questions, at the end of the day it is only when the product is finished and available that you can really see what ... Many people put their name down for something and then when the day comes they do not carry out the purchase they said they were interested in, so at the end of the day ... The numbers that are going to be ready for this year are going to be considerably less
2530 than this and I think if the market for those is not a strong market, then it is unlikely the remainder will be done, but the material is available to do it somewhere else.

Hon. R M Clinton: Mr Speaker, I am grateful to the Minister. That provides a lot of clarity as to the thinking. I just have one question in respect of it. Is it the intention, as far as he is aware, that
2535 these beach stores should be available for purchase, or is it that they will be available for rental?

Hon. Sir J J Bossano: They are giving the potential interested party the option to either buy or rent.

2540 **Hon. R M Clinton:** Mr Speaker, he may not have the information but I guess he does not have any idea – if he has, I would be grateful – as to what the sale price might be per store.

Hon. Sir J J Bossano: I have some idea, but I do not think it is right for me to ... The people who are doing the selling, it ought to be left to them when they want to make public how much the
2545 price is. I do not think it is right for me to say publicly what I think the price is going to be.

Hon. R M Clinton: Mr Speaker, I would assume they will be advertised for sale at a fixed price, and all I am asking is does he know what that fixed price will be? I fully understand if he does not
2550 know.

Hon. Sir J J Bossano: My advice to them has been that they should wait until the product is nearly finished. We have the same thing with the elderly home at Rooke. To suggest that people can decide whether they want to go to a place that is still a building site, to me, is nonsense. I

2555 think if we want to say to somebody, on the building site that is there, 'Do you want one of these sheds?' ... If you go there, you do not see a shed, you see a building site. I have told them it is up to them to do what they think they should do but they should not start putting prices on things that are not finished, they should wait till it is finished and then say, 'This is the thing, this is the size, this is how it looks, and you can either buy it for so much or rent it for so much.'

2560 **Hon. R M Clinton:** Mr Speaker, I am grateful for that answer.

Moving to Question 272, the Minister has advised that Wonderworks Media Ltd has no role in the National Economic Plan, but he obviously must be aware that it is a wholly owned subsidiary of Community Supplies and Services, and if it has no role in the National Economic Plan, then why is it owned by Community Supplies and Services?

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Hon. Sir J J Bossano: This is a company that initially was involved with some of the things that were being done by the charitable companies, but we have never dealt directly with them, and they are not a charity, it was a company that existed. So they had no direct involvement with anything that I do directly. The charity may engage any number of private companies in the things they do. For a while they were using this company, I think, in some of the employment areas.

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Hon. R M Clinton: Is the Minister aware that there are two civil servants acting as directors of that entity?

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Hon. Sir J J Bossano: If they were directors, that is probably how the connection came, because the company was there, it was dormant, it existed, and therefore, when they were starting and the charities did not have their own facilities, they made use of them. I do not think they are having to access it anymore, because now they have replaced it with their own machinery.

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Hon. R M Clinton: If I understand the Minister correctly, effectively Wonderworks Media Ltd is, to all intents and purposes, as far as he is aware, dormant and has ceased to perform any function.

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Hon. Sir J J Bossano: Yes, in effect, it was dormant before and I think it has gone back to being dormant again.

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Hon. R M Clinton: Mr Speaker, in respect of Question 273 and the hospitality of Etioca that the Minister was provided with in attending this two-day conference in Italy – I believe that was in Turin, is that correct? Yes, Turin. Obviously I am pleased there was no expense to the taxpayer and I cannot fault the Minister for that, but if I could gently remind the Minister that his Register of Interests under section 6 has not been updated. If he could do that because, obviously, receiving hotel accommodation and travel on a private jet I think would qualify as being disclosable under section 6 of the Register of Members' Interests in that it has not been paid for by the public but by a private sector entity. If the Minister could confirm he will, in due course, update his Register of Members' Interests?

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Hon. Sir J J Bossano: I would have to take advice on that because I do not think ... I received no benefit and I saved the taxpayer money, so I do not see how that can be a registrable element. My understanding is that if a private entity pays for you to go on holiday in Italy, you have to declare it in case that private entity tomorrow puts in a tender and you are in a position to influence the tender. That is why it has to be there and it has to be known, to prevent that risk. But to go to work for the Government, on government work, and insist that the person who is being helped should foot the bill instead of the taxpayer, I would not have thought that that ... But I will take advice, and if the legal advice is that I am guilty I will correct it.

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Hon. R M Clinton: Mr Speaker, I am grateful. I think the intention of that particular section is precisely to see if there are any potential conflicts in terms of the private sector versus the Minister's duties.

If I can read out what it says on the registrable interests, it says:

overseas visits relating to or arising out of membership of the House where the cost of any such visit has not been wholly borne by the Member or by public funds.

2610 This is just to capture those cases whereby the private sector may fund the expenses of the Minister for whatever reason, and he may have a perfectly legitimate reason – obviously it does not have to be a holiday – but nevertheless it should be disclosed as such. Of course the Minister will take advice and I think it is entirely up to whatever advice the Minister gets, but certainly I would have expected to see something in that section.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the Code that we are dealing with is designed, as the Hon. Minister has said, to ensure that there is no attempt to give a Minister a personal benefit for the purposes of influencing him in respect of something the person may be seeking from the Government and the benefit given to the Minister arises from the fact that he is a Member of the House or a Member of the Opposition. That is exactly what the Code says, yes? So the person who enjoys this benefit enjoys it because the party giving it to him gives it to him simply because he is a Member of this House, but for his benefit, and in this case what the Hon. Mr Bossano is saying – rightly, in my view – is he got nothing for his benefit. The benefit was directly for the taxpayer. It was not that because he is a Member of this House he was given something for his benefit, it was that because he is a Member of this House he insisted that the people he represents in this House should not be put to the cost of the travel, which was because he was doing the job in this House.

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Mr Speaker, I think we are all new to the operation of the Code. Being flown in a private jet is something that happens in man bites dog instances – in other words, it is something that happens very seldom – and I think the Minister has taken exactly the right position in saying, 'I will take advice on it, and if the rules would require that ...' We were under the impression that if somebody offered to fly you to a football match for you to enjoy, or if they promise to fly you to a beach, that is fine. You have to register it, and it is easy and it is straightforward, and they are only flying you because you are a Member of this House or because you are a Minister and they want to curry favour with you. But if you are working as a Minister and the transport is the train, the plane or whatever it is, and it is paid for by someone else, that is not registrable in the Register of *Members'* Interests because it is not the *Member's* interest that is in play.

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We will take advice, and if the advice is that in the United Kingdom – where we are inspired to take the code from – it requires registration, then we will look at it and make the necessary amendment.

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Hon. R M Clinton: Mr Speaker, if I may, for the benefit of the House and also to respond to what the Chief Minister has said, this actually predates the Code. This is the Register of Members' Interests, which was agreed in 1979, and the actual formula and what goes into it is set out quite clearly. I think the Hon. Minister for Economic Development, the Father of the House, knows perfectly well what the clause is meant for, because in his declaration from 2019 under Registrable Interests section 6 he says 'None, other than CPA and Public Accounts travel', which are the same conferences we have both been to. So he understands that it is not where you are benefiting from a cruise or going to the beach, or enjoying yourself – I do not think these conferences are particularly enjoyable! – but it is just the principle of registering any kind of travel. It could be, for example, that there is a Russian company that pays for travel, and it may be in the public interest to know that a certain country is paying for the travel, or whatever, of Government Ministers on whatever business. I think that is what the intention of that particular section was. And again, it

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2655 has nothing to do with whatever the UK has been doing; this is the Register of Members' Interests that was set down in this House in 1979.

Again, if the Hon. the Father of the House will take advice, I am entirely happy with that view, but I think if he is consistent with the way he has filled in these returns in the past, he will find that it would probably be disclosable.

2660 **Hon. Chief Minister:** Mr Speaker, I do appreciate I mentioned the new Code, but in fact, this is the old Code.

2665 I think the way in which the Hon. the Father of the House fills in his declaration is not to accept that the CPA travel issue is a registrable interest for Members, because indeed most of it is paid for by the Gibraltar taxpayer. Some of them are not, some of them are. They are paid for by the CPA ... For example, the United Nations pays for Sir Joe to go to the seminar every year. We have taken the view that that is not a registrable interest because they take him, in effect, to represent the case of the people of Gibraltar. That is why we are saying we would have to take advice, because it may be that inadvertently some things are registrable which we have taken the view – legitimately, I think, and the hon. Gentleman would agree that it is not a Russian company, it is the United Nations – is not something that is registrable because it needs to be done, and indeed we have said so in public statements before. It is not that we have hidden that it is paid for by the United Nations; we have said there is no cost to the taxpayer because it is paid for by the United Nations for Sir Joe.

2670 I am happy to look at that and to deal with it. Even then, I would have thought that there are no other instances that we can think of where we have had our travel expenses paid for – unfortunately, because it would be helpful, of course, for the taxpayer to be relieved of our travel costs – just these two instances in question. We will make an amendment, if necessary.

2675 The hon. Gentleman will recall that on the one occasion I had to travel in a private jet, we were in contact with them to say, 'This an extraordinary expense. We want you to know. This the reason why we are doing it, and we hope that we will account with your support,' because those are extraordinary things and we would not do them otherwise.

Mr Speaker: Has the hon. Member covered all the supplementaries to the questions? Fine.

Q283-86/2023

Elderly residential accommodation – Waiting list; number of units at Rooke facility and expert report; plans for Mount Alvernia site

2685 **Clerk:** Question 283/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please state how many people are on the waiting list for accommodation for the elderly, broken down into age groups, whether they are in government rented or private accommodation; and, if in Government accommodation, details of the size.

2690 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

2695 **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 284, 285 and 286.

Clerk: Question 284/2023. The Hon. D J Bossino.

Hon. D J Bossino: How many units will be made available at the Rooke residential site for the elderly, broken down into number of rooms or beds in each?

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Clerk: Question 285/2023. The Hon. D J Bossino.

Hon. D J Bossino: Has the advice being sought from UK experts on whether the Rooke elderly residential block can adequately house individuals with dementia or other special needs been received; and, if so, what is it and which entity has provided it?

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Clerk: Question 286/2023. The Hon. D J Bossino.

Hon. D J Bossino: What plans does the Government have in respect of the Mount Alvernia site once it is replaced?

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

Hon. Sir J J Bossano: Mr Speaker, the information I have been provided with by ERS is that there are 325 persons on the waiting list for accommodation for the elderly. The list by age is as follows: three over 100; 87 over 90; 164 over 80 – I am there, but I am not in that place (*Laughter*); 61 over 70; two over 60; and eight unknown – that is there are eight people who we assume are over 60, but they have not put an age. A hundred and eighty four of these are in government rented accommodation but the information on the size of the government dwelling in each case is not provided by the applicants, so they do not have the information.

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Once the Rooke Residential Home construction is completed and ready for occupation, the exact number of units available will be determined by the owners.

Once the UK expert arrives, I will ensure that the suggestion by the hon. Member is taken on board in respect of possible use by elderly individuals with dementia or other special needs.

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The Government will consider what to do with the Mount Alvernia site if and when the site is no longer used for its current purpose, which could be many years into the future.

Hon. D J Bossino: I will go straight to Question 285, only because I have not taken a very good note and I do not want to forget the answer.

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Just to put this in context, I think he has answered in this House before that he is seeking advice from a UK expert who I think he said he knows or the entity is a friend of his, or something like that. In relation to that, when he says ‘once he arrives’, is this an individual we are talking about, who he knows and is a friend of his? And if so, can he give some information in relation to that, as to what his expertise is, or if it is not an individual, if it is an entity, which entity it is? I do not think he has answered that. And what does he mean by ‘when he arrives’? When does he expect that to materialise and happen?

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Hon. Sir J J Bossano: He will not arrive while it is still a building site, that is for certain, because there would not be any point in having him here. This is somebody the company employs in a home in the UK. They have a lot of homes. They recently made a £500 million investment in the UK in elderly homes. Therefore, there is some interest in them becoming involved in Gibraltar. It may materialise, or it may not, but in any event they have been quite helpful. I am saying, ‘We are doing this for the first time and I want to make sure that whoever runs it would meet the criteria that you would apply in your homes in the UK.’ Rather than relying on what we have been doing here, I want to rely on what is considered best practice in the UK. What I am saying to the hon. Member is although I had not thought it might be possible to have a floor maybe dedicated to

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2750 people with dementia or something like that, when the person comes over ... I know in some cases in the UK, instead of having different homes, like we do here – we have a dementia centre and everybody who has dementia is in the same place – they have a certain number, a percentage with dementia, and the staff for that percentage are more intensive than the ones for people who are more able to look after themselves.

2755 I do not know whether the configuration of the building we have here lends itself to that situation. At the moment, the only plan is that there is one floor for double beds – that is for married couples, because in quite a lot of instances the applications on the list may be married couples; also, there will be different age groups, but you would expect them to be needing a bigger room rather than two separate rooms. I think we have provided for one floor of that being possible, based on how often it happens. They would look at the layout and advise us on whether it is suitable for people with dementia or other disabilities, and if that is so, we will bear that in mind because at the end of the day, given the size of the waiting list, there are enough people to fill two homes, not just one.

2760 Some of the younger people are at the very early stage, I think. You find that just like people tend to put their name down for a government flat at the age of 18, even though they may expect to wait 10 years and get it at the age of 28, everybody at the age of 18 puts his name down because then they start counting and getting points. I think in Mount Alvernia it has been quite regular that once people start getting into their late 60s they put their name down, but probably if you went to the people who are 70 years old, the 61-70-year-olds, the bulk of them would say, 'No, I am not ready to move yet. So there is that element on the list, and I think the list may not be up to date. It is that list that they have, but it may not be up to date.

2770 All those factors mean that we may finish up with spare capacity or we may finish up with people who we feel have a greater need than somebody who does not have dementia or disability, although my own personal view ... It is not something I have discussed with the Government and we have taken a policy decision, but I think, from everything we are seeing happening in the rest of the western world, dementia is only going to go in one direction. We have a longer lifespan. 2775 They still do not know how to prevent it. The statistics in the UK are that at 90 the chances are 50-50. That means, according to the UK statistics, if you have 87 90-year-olds, 43 are likely to get dementia. I think we need to be conscious that until somebody makes a breakthrough, dementia is an area that we need to be expanding and providing capacity ahead of time, in my view. But it is my own instinct after having become involved in this area, which I have not been involved in 2780 before, and talking to the people who are there, looking at the statistics and talking to people from the UK. It might be that we are able to accommodate people with dementia there, but I think in the future it will take more investment in purpose-built places for dementia.

2785 **Hon. D J Bossino:** In that reply – and there are questions that come to mind arising from that – he has not identified who the individual is. Is he able to do that? And if I may – because it was a long reply – as I understood it, the expert opinion he was seeking from this individual was specifically in relation to dementia and Alzheimer's care. Is that understanding incorrect? I think he is shaking his head, which is what I thought he was going to say, but I wanted him to confirm the position. Can he give me information as to who this individual/entity is?

2790 I have questions arising from the other questions that I have posed. Can I just say, if he gives away, just to make the point by way of ...? If I can assist him, he has also been quite clear in previous answers in relation to this development that the Rooke residential project will not be a nursing home, it will be a residential home. So how does that marry with the possibility and the things he has just said in his reply that that particular development will have to cater for people 2795 with dementia, which we all know will require certain nursing facilities?

Hon. Sir J J Bossano: Mr Speaker, the people who have dementia really are in residential accommodation. They are not receiving any medical treatment for a medical condition that is curable. They are being looked after, but the looking after is more intensive than it would be with

2800 somebody who is not ... You can have dementia and otherwise be perfectly healthy, so you do not have other things wrong with you that need nursing. I understand that there are homes in the UK ... say a home that has 60 people and may have 10 who have dementia, and there is a particular wing for those 10, as opposed to what we have here, which is a place for dementia only, so I think in that context ...

2805 I do not know the person who is coming because the person who is coming is somebody the owner of the business is going to pick and ask to come here, to help me make sure that, on his advice, we are doing things in the way that would be to the standards that the UK require. That is what he is coming to do. He is not going to come until the building is ready for him to say, 'Yes, I think this is right and you should do it this way or do it that way.' He will also, hopefully, advise us on staffing and the things that we want to make sure that the contractor that will operate this will have as requirements, things that would be required if this place was in the UK instead of being here. That is basically the objective.

2810 I have only given some thought to the dementia because he suggested it. I thought perhaps it is a good idea to find out if we can do it, because I am concerned that we are in a situation where ... Until very recently, for example, we were having people with dementia in the mental facility, which is not the best thing to be doing, but if the only place we have for dementia has no space and the people who have dementia need to be taken into government care because the family has a problem in providing the care themselves, then we have to provide a solution. Therefore, his question prompted the thought that maybe ... I thought you were promoting the idea in the question, and on that basis I thought I would take it on board and find out if it is a workable solution as what I considered to be a short-term solution if we have, in the near future, more people coming in with dementia and have a shortage of space. I think we should be planning in the longer term for more space here until hopefully somebody comes through – before I get to 90 – with an answer to this problem.

2820 I am sharing with the hon. Member my thinking on this. This not something where he can say 'Why haven't you done it yet' in the next House, 'because you promised in the last one?' because I am not going to give him dates for him to ask me in every House.

2830 **Hon. D J Bossino:** In all of that I think I missed whether he has identified the individual.

Hon. Sir J J Bossano: I do not know who the person would be, and even if I had a name it would mean nothing to me, or to him. The owner of the homes in the UK will select somebody from his employees who will have the ability to provide me with the assistance he has promised to give me. Who that person will be I will find out when the time comes, but his name would not be relevant because what does it matter what his name is?

Hon. D J Bossino: And which entity is the owner of the homes in the UK, if that assists to getting to some sort of reply?

2840 **Hon. Sir J J Bossano:** Mr Speaker, a group of homes. These people have an investment of over £500 million in elderly care, so they have a lot of homes and those homes have a good rating.

2845 If I have somebody doing us a favour and it is not going to cost anything to the taxpayer, I do not think I should be mentioning his name. What is the purpose? That the Opposition should know who he is or what the name of the company is? What the Opposition should be interested in is ... If we are getting something for the benefit of Gibraltar that is not costing money, they should be happy that it is happening. Or maybe they want us to spend money so that they can criticise us for having a bigger deficit.

2850 **Hon. D J Bossino:** Finally in relation to this question, is there not any mileage to also seek advice and expertise locally from those who currently provide the clinical management of places like Mount Alvernia and Hillside in relation to this issue? He is shaking his head.

2855 **Hon. Sir J J Bossano:** We stopped having a residential home many years ago. When Mount Alvernia, the Jewish Home and the Church of England Home were run by the Macintosh Trust, they were run as residential care homes, and when people needed medical care they moved out of the residential home and were looked after by the Health Service. What has happened in Mount Alvernia is that increasingly the Health Service has moved into Mount Alvernia, and therefore the model of Mount Alvernia is that they have doctors, physiotherapists and matrons. If you take that model, you are creating a hospital or a nursing home. This is not a nursing home. This not displacing the obligation of the Health Authority to provide healthcare. What the Macintosh Trust did was provide elderly residential care. Elderly residential care is provided in the UK and nursing homes exist in the UK, but they are not the same thing; the manning levels are not the same thing, the skills sets are not the same things. We are not going to be a privately run health service in this home. What we are doing is residential care.

2865 The reality is that in the journey through life there are people who get to the stage where they cannot cope with a big house and need to move into rented accommodation that is manageable. Now, with the new initiative we are taking with the charity in creating the equivalent of Bishop Canilla for home ownership, it means that homeowners who previously did not have that opportunity will have it. Then, whether you are buying the home or renting the home, the time will come when you need carers coming in to help you. And then the next stage is you go into a care home, because at the end of the day you would need so many carers ... When you start to have care almost round the clock, it becomes so expensive that it is better to have somebody in a home, where all the care is there. From the home, if you finish up with an illness that requires permanent nursing, you go into a nursing home or into a hospital.

2870 The slot that disappeared from Gibraltar many years ago is the slot that is going to be restored, which is a privately owned, privately run residential home. We think there is a need for that and it is going to be provided. It is no longer there. So if I ask the people we have in Mount Alvernia how do I do it, what they will tell me is how they are doing it now and how they have been doing it for many years. We are not doing that, we are not going to be doing that and we do not want to be doing that.

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Mr Speaker: Can we move to supplementaries on the other answers? Thank you.

2885 **Hon. D J Bossino:** Yes, Mr Speaker, but this supplementary, I think, links in also with the response we have had. This is in relation to the plans in respect of Mount Alvernia. He says that, as I understood it, there are no immediate plans to close it. As I have understood the responses in the past, Mount Alvernia residents and those on the housing waiting list – and I will go on to that specific question in relation to that, where he has provided, I think, a useful breakdown – are going to be, basically, the feeders of the Rooke site, as he has said on many occasions ad nauseam, and I think there were letters that went out to the residents of Mount Alvernia. They are going to be having complete free will to decide whether they move down to the Rooke, or not. If they say no, that will be respected and he is on record as saying that – and he is nodding his head. If there is a percentage – I do not know how many, but a percentage of people – as he has set out in his reply, who require nursing care, surely there will be that number, that group of people, who will never move down to Rooke because that is not the facility that Rooke is providing. He is saying yes. Can I ask him to confirm that position?

2895 And does he have an idea – he can do it one of two ways, and he may not have the answer – of how many people fit into that category of the, I think, 144 who currently reside at Mount Alvernia? I take this from previous answers he has given to this House. I can check my notes as to what precise answer he has given – 140 I think he has said. Alternatively – it is really the same question put in a different way – how many people he thinks are eligible to make the move, and is the choice being given to that group of people exclusively? So in other words, letters will not be received by those individuals who require nursing care because nursing care will not be provided at the Rooke.

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2905 **Hon. Sir J J Bossano:** Mr Speaker, the decisions and the numbers will be looked at when the home is ready, not when the home is a building site. The people in ERS have put a questionnaire to everybody, irrespective of their state of health. The question is whether they would like to move, so they are doing something that is not consonant with what I am saying here because I did not do it, they did it. So the answer is when we are ready with the home, when we have the advice that we need and when we have the operator ready to start, then we will say to people who are
2910 in a position to move with the facilities that we are providing, 'Are you interested in moving? If you are not interested in moving, even if you can run around the block because you are very fit, you will stay where you are because nobody is going to be moved from their home or from the list or from anywhere against their will. This is not the way we work.' From the beginning, that has been the position.

2915 I am not going to give the hon. Member details, because at the end of the day those decisions will be taken when we are ready to move, and from the way he has dealt with other people's detailed questions, I am not going to fall into the trap of having him saying to me, 'Yes, but you said this number; this is what you are doing and it is different.' We live in a world where every day is different and new. He may not be in that world but that's the one am in. Therefore, what is
2920 possible today may become impossible tomorrow and what is possible today will be something that is no longer viable. The situation at the moment is we are doing something we think Gibraltar needs, we are doing it in a way which is, from the point of view of our finances, sustainable, and therefore the results will show whether we are right in the judgement we have made. We are paid to make decisions and take judgements. This one of them and it is important. It will be very
2925 important for a lot of people who may find a better quality of life than they can get in their houses, if they are isolated, or in Mount Alvernia, where they are further away from their children who are living in the estates here. So the location is an important attraction, but of course we would not be putting people there if we were not able to look after them properly. That would not would not be an intelligent thing to do.

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Hon. D J Bossino: Let's agree that I will not press him for an answer. I appreciate that he has given reasons as to why he is not going to provide that information, and fine, but I do not understand why he cannot say that, given the answers he has given to this House, not just now but before, that Rooke is not a nursing home. Why can't he say that as a matter of principle those
2935 individuals at Mount Alvernia who do require that assistance will not even be asked whether they will be moving? I do not understand why an answer to that specific question requires the construction to be finished.

Hon. Sir J J Bossano: Well, it is simpler than that, and he should understand it. I am not going to say what he wants me to say because he says I should say it. If I wanted to say it, I would not need any prompting. He wants me to say something and I do not want to say it, and I am not going to say it. Okay?

Hon. D J Bossino: Mr Speaker, in terms of the replacement of Mount Alvernia on closure, going
2945 back to the formal answer he gave, the way I understood it is that whilst there are people residing there, the place will not close. That must make sense if one joins all the dots in terms of the replies he has given, because there will be a complete, cast-iron respect from this Government in relation to those individuals who do not want to move. That is understood. But in terms of those individuals who are on the waiting list – in other words, new individuals who come on stream –
2950 will those individuals be given the choice to move to Mount Alvernia? Those 300-odd on the waiting list, will they have the choice? Not the residents currently in Mount Alvernia, but those individuals who are not yet resident anywhere, will they be given the choice to go to Mount Alvernia so that it is possible that the resident numbers in Mount Alvernia will increase?

2955 **Hon. Sir J J Bossano:** That is a decision that we will take when the time comes.

Hon. D J Bossino: Mr Speaker, in relation to Question 283, where he kindly provided the breakdown, that information, with all due respect to him, does not quite coincide with the information that he has provided to this House in the past. I would not say necessarily information, but certainly his analysis of the information, because I think I have asked him before that if you
2960 add ... In terms of supply, as I understand it, there are 200-odd flats being provided at the Rooke, 140 individuals at Mount Alvernia ... I say that with the caveat that he says all these decisions are still to be made, but potentially 140 individuals could move over to the Rooke. Then I said if you add the 140 plus the 325, there will not be sufficient supply at the Rooke if they all said yes, and he said in relation to the 325 ... He made the comment historically that he made now, that there
2965 are people on the housing waiting list who simply jot their name down at a young age – I do not know why, but I have the number of people of my age, in their 50s – as a placeholder, just in case, for the future, so they go up the list. This does not quite tally because there are, I am sure, very healthy over-70-year-olds, but you are talking about over-70s, so that is a big decade. Between 70 and 80 there are 61 individuals – I do not know whether the majority are 79, let's say, or 78 – who
2970 may already require assistance, residential care, a residential home. But if we add those numbers to the 164, to the 87 and to the three who are, happily, over 100, again it is quite a big number. So does he have a more detailed comment to make in relation to the overall figure of 325 and whether it tallies with what he has told his House in the past, that many of them are just there to be on the housing waiting list to bide their time to eventually go, but they are not really going to be a demanding presence there?
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Hon. Sir J J Bossano: Mr Speaker, the list I have is something that I have not compiled and that I have requested to answer his question. That is the list I have been given. I have told the hon. Member I do not know how accurate it is. I can tell him that it does not mean, for example, that
2980 there are only 184 80-plus in Gibraltar. That is not what it means. It is that of the many hundreds there are, 184 have indicated an interest in going to Mount Alvernia at some point in their lives. That is what this means. That is the information I have because I requested it for his benefit, so I could answer his question.

Mr Speaker: I think we need to – (*Interjection*) That is right. It is getting quite complicated, so why don't you focus on a couple of questions and then –?
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Hon. D J Bossino: [*Inaudible*]

Mr Speaker: Okay.
2990 The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, in his answer the Hon. Minister said he did not know exactly the configuration in terms of the spread of the individuals and their maladies, for lack of a
2995 better word. My question is, if we do not have the information ... I would like to ask him if they didn't, why didn't they? Why haven't they conducted a deep study into the acute versus the residential individuals in order for us to understand trends in the community so that then we can adequately provide the support or the structure in these buildings in order to prepare the building for the needs of the people? Shouldn't we have this information and these workings-out before
3000 the building is ready, because what if we have many more acute individuals than residential?

Also, as he quite correctly says, people are living longer. Once they start needing care, as opposed to residential, they will keep needing the care. So to say that we will look at the spread of these needs when the home is ready could turn out to be very costly and very impractical and have an effect on the quality of care. Doesn't the Minister agree? Has he any information that he
3005 has sought with a team of medical professionals or people in the field in Gibraltar to understand what the spread currently is, in terms of the needs of individuals and how to cater for them before the building is completed?

3010 **Hon. Sir J J Bossano:** The building will not be a nursing home, the building will be a residential care home, and therefore the facilities that are there will not be changed in any way for people who need medical attention and who should be in a nursing home or in a hospital. This is not what is going to be provided.

3015 What is going to be provided is what used, historically, to be the Jewish Home, the Anglican Home and Mount Alvernia Home, owned and operated by the Mackintosh Trust, who did not employ doctors and did not employ ... They had elderly care homes, and elderly care homes exist in the UK. In some cases you have elderly care homes that are just for people at a certain level of mobility and health, and nursing homes that are only nursing homes. And in some cases you have a wing that is a nursing home, another part that is for dementia and another part that is for people who are healthier and more active and can do a lot for themselves. That is what exists in the United Kingdom. Whether we can ... other than nursing, which I think is not something we are going to get involved in because nursing is a responsibility of the Health Authority. People pay Social Insurance for that care and that is where they should get it from; it is already paid for. There are many people who have no medical conditions other than dementia and no physical impediments other than dementia, and therefore it may be possible to incorporate the dementia home, as I have told the Hon. Mr Bossino, who I thought was promoting the idea, but I am not sure now whether he is promoting it or opposing it, but anyway, I thought it was a good idea when he said it, so I am going to see if it can be done. But that is the only thing that we will have. We will have people who, as they get older and have more physical problems in cooking and looking after housework, need to have carers and get to a stage where the carers cost more than putting them in a care home, and then it makes sense to have a care home. That is there, that population.

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3030 The census, when it comes out, will show, as every other census before has shown, that the over-70s are growing faster than any other segment of the population here, as they are in the rest of Europe.

3035 We are trying to not wait for the problem to hit us and then try to find a solution. The dementia home was started because the problem was already there, and then when we came in we found that, in fact, some of the rooms were so small that they could not be used and we had to bring somebody from the UK and spend a lot of money undoing what the GSD had done because they tried to put in more people than the building could cope with when you had people who needed help, carers and wheelchairs.

3040 In this home we do not expect to be providing medical care, but we will have a place where doctors can come and see patients – very near to the Hospital, obviously. The location is, I think, very good because the nearness to the Hospital means that people can go to the Primary Care Centre if they are mobile, or a doctor can come quite quickly and see a number of patients in the place, where there will be a room for doctors to attend to the people in the home. But that is the only provision we are making, and that is the only one that is going to be made. Therefore, the model with the manning levels and the skills level we need is not something that I can look elsewhere in Gibraltar to find, because that disappeared a very long time ago. So what I am looking to see is what advice we get to make sure that when the owner of the home starts discussing with us the contractual arrangement, the condition that we put is that they have to ensure that the person they hire to run this place will be able to tick all those boxes that I hope I will be able to put here, as if the home was in the UK. The best way to do that is to look at best practice in the UK. I am fortunate that I have a contact who has promised to bring me a person from his outfit because he has a lot of homes that will be able to provide that and it hopefully will not cost us any money, which is part of the thing I always try to do: get others to pay.

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3055 **Mr Speaker:** One final question from the Hon. Damon Bossino.

Hon. D J Bossino: I am grateful. Maybe this will be a short reply. Can I give him an opportunity to perhaps even correct the record or explain himself further? In a *Gibraltar Chronicle* report some time ago he was quoted ... but he may have been misquoted; that is a possibility. The article said:

Sir Joe said that the new Rooke site will 'eventually replace Mount Alvernia'.

Hon. Sir J J Bossano: [*Inaudible*] replace Mount Alvernia, but not in doing what Mount Alvernia has become, which is not what it was intended to be in the beginning. There are people in Mount Alvernia who are getting the level of medical treatment they would get in the GHA, in St Bernard's. Those people, in future, will be in St Bernard's, which is where they need to be. But as I have said in my last answer, that is many years in the future, and if you want me to tell you what I will be doing many years in the future, then I welcome your faith, in that I will be in my 90s and possibly in my hundreds, still here and still in government.

The reality is I think decisions have to be taken nearer to when you implement them, and taking decisions too far away, in the kind of world in which we live today, where we never know what is going to hit us tomorrow, does not make sense. So as a matter of policy, I do not commit myself to telling you things that are hard black and white, because the reality of it is that there are too many variables affecting a lot of our lives, although here in Gibraltar we all behave as if we are immune – Ukraine is on another planet and climate change is on another planet, and we are in a place where we are not affected by anything. Unfortunately, it is not true. I wish it were.

Hon. K Azopardi: Mr Speaker, just on this point, because I was waiting for my own, but given the matter that has been raised by the Hon. Minister now, when he says they are looking to transform Mount Alvernia to the original form of it and he has indicated during a number of supplementaries that he is taking advice and he is going to take on board the possibility of taking advice on the dementia aspect, can I urge him also to take advice on this issue? The comment he has just made, that those people should be in St Bernard's is an error, if I can put it that way, because part of the reason Mount Alvernia transformed itself into this other function is that there is a need for a facility that provides a hybrid that is not just a residential home and is not just an acute facility, because previous Governments ... I am not just talking about the Members opposite, but when I was Health Minister and I was liaising with Mount Alvernia, and indeed when they were in government in their first incarnation they would have found that the rates of hospital occupancy ... that there were percentages that were being told by clinicians and experts in the field were people who needed care; they could not be in a residential home, but really were not suitable for an acute facility like a hospital. I would just urge him to consider also taking advice on this question in the whole context of the assessment of people who will go to Rooke, may also need to go to hospital, but that there will be a place in Gibraltar that can provide that degree of care, a bigger degree of care than perhaps in the Rooke facility, so that it does not end up in St Bernard's being occupied by persons who do not need acute care but need some care. Can I urge him to do that when he considers, as he has said, that he will take advice on that question? Does he agree that this an issue that needs to be looked at?

Hon. Sir J J Bossano: Mr Speaker, I have already said I believe in taking the decisions when the time comes to take them, because nothing is written on tablets of stone.

I am telling the Members opposite, in reply to the questions they are putting to me, how I see the scenario. At the end of the day we have had, for many years, a lot of people in St Bernard's who were supposed to be in Mount Alvernia. Therefore, I think the new home will meet what is now an unsatisfied demand, which is creating a situation of putting pressure on beds in the GHA and Mount Alvernia. Once it is open and it starts working, we will review the situation as it develops, and whoever happens to be employed to run Gibraltar then will take the decisions that are needed when the time comes.

3105 At the moment, the way I see it, the dividing line between St Bernard's and Mount Alvernia is not as clear-cut as it used to be. There are wards in St Bernard's that are manned by Mount Alvernia and there are lots of health ... The people in Mount Alvernia are working in the building called Mount Alvernia but they are GHA employees, GHA grades, paid GHA wages and providing a GHA service already.

3110 **Mr Speaker:** Next question.

Q287/2023

**Eastern Beach and promenade –
Expected works completion date**

Q288-89/2023

**Transfer of ERS residents to Rooke residential home –
Number of requests for expression of interest sent; number of residents interested**

Q290/2023

**Burner phones –
Registration of personal details**

Q291/2023

**Statutory pension –
Rates for married and unmarried people**

Q292/2023

**Statutory redundancy –
Rates of entitlement**

Clerk: Question 287/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, when are the works currently ongoing at Eastern Beach and Eastern Beach promenade expected to be completed?

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

3120 **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 288 to 292.

Clerk: Question 288/2023. The Hon. the Leader of the Opposition.

3125 **Hon. K Azopardi:** Mr Speaker, and there I was thinking that this treatment was only handed out to Mr Clinton.

How many letters or forms asking residents to express an interest in respect of a possible transfer from ERS to the Rooke residential home were sent or delivered to residents at ERS?

3130 **Clerk:** Question 289/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: How many residents of ERS have expressed an interest to be transferred to the Rooke residential home?

3135 **Clerk:** Question 290/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, will Government consider introducing regulations or legislation to provide for the registration of personal details of purchasers of reload or so-called burner phone numbers?

3140 **Clerk:** Question 291/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Is Government considering any changes to the pension rates of married couples or unmarried couples given the difference in pensions in either case?

3145 **Clerk:** Question 292/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Does the Government agree that the level of statutory redundancy entitlement for workers should not depend on the age and gender of the person?

3150 **Clerk:** Answer, the Hon. the Minister for Social Security, Economic Development and Enterprise.

Hon. Sir J J Bossano: Mr Speaker, the works ongoing at Eastern Beach are expected to be completed by the end of April and resumed after the close of the bathing season.

3155 I am informed by the ERS management that the questionnaire they drafted was given to 204 residents.

The information I have been provided with by ERS is that there are five persons who have expressed an interest in moving to the Rooke residential home.

3160 I will take advice on the hon. Member's suggestion on reload cards, and the Government will then take a policy decision on the matter.

The Government is not considering any changes to the statutory pensions until the position with regard to what the eligibility of non-residents will be if there is an agreement on Schengen access and in the context of introducing pension entitlement from the age of 60. Any changes that increase the cost of the benefits will need to be reflected in higher contributions, as the policy of every Government to date has been that the Statutory Benefits Fund should be self-financing from contributions.

3165 The level of statutory redundancy entitlement for workers depends on a calculation based on the person's age and length of service, irrespective of gender, as introduced by the GSD administration in 2006.

Hon. K Azopardi: Mr Speaker, let me just take these in turn, if I may. In respect of Eastern Beach, he says it is going to be finished by April and then resumed after the end of the bathing season – I think that is what he said. Last time I went to Eastern Beach, just a few days ago, the whole stretch of the beach was fenced. We are about a month or six weeks away from the end of April. When he says the works are going to finish by the end of April and resume – so there will be a gap for people to enjoy the summer season – what exactly will be finished by the end of April? They have started the works but they are quite well away from any kind of major works, so all I would envisage could be done in the next few weeks presumably is some kind of beautification and refurbishment. Can the hon. Member assist us with what phase he understands the works to be in by the end of April?

3180

3185 **Hon. Sir J J Bossano:** My understanding is that they will have finished the sheds that can be either rented or sold after April, but that would not be the numbers that were originally intended, which would have taken much longer and gone into the bathing season. As I said in an answer to one of the supplementaries to a previous question, whether they then do more will depend on the take-up of the ones they finish now. That is the information I am given by the people doing it, and that is what I expect to happen.

3190 **Hon. K Azopardi:** When he says there will be a lower number, does he have a number in mind? Has he been advised of the kind of number we are going to have, of sheds, by the end of April? Presumably the plans are being designed in a way that it does not encroach too much on to the beach because obviously it is a busy beach and people will want to enjoy their summer.

3195 **Hon. Sir J J Bossano:** I would have to see it myself, but the area that they are occupying and the part of the beach is what they put when they put it in for planning. I think probably less than half of the number they intended will be finished. They have a team of people working on finishing the ones that were already started and a team of people clearing up what would have been phase 2, which they are not going to try to do until after the summer season – and they may not do, if in fact the take-up is not what they expect.

3200

Hon. K Azopardi: Mr Speaker, can I just ask finally on the Eastern Beach: the allocation of these sheds will be also done? Whatever is constructed will also be done before the summer season starts in big furore?

3205 **Hon. Sir J J Bossano:** I do not think anybody is going to buy or rent something until it is practically finished, so the allocation, I imagine, would be when ... They have a list of people who have expressed an interest, they tell me, and then when the things are reasonably near to being usable is when people will either decide to rent or buy, or not do either.

3210 **Hon. K Azopardi:** And the allocation itself will be done by some kind of government process? Or is it also going to be done through CSSL? Is it an official process?

Hon. Sir J J Bossano: [*Inaudible*] allocating or anything else. I think they just put a list with people, first come, first served, and that is what they are going to do.

3215

Hon. K Azopardi: When the Minister says 'we are not involved', I have seen on Twitter that there has been a sort of invitation that people should enquire to a specific email address, and the email address does not suggest it is a government address but it seems to have been tweeted by a quasi-government entity. So I am just asking who is going to determine these things?

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Hon. Sir J J Bossano: I do not use Twitter, so I do not know who ... If there is something there, I would not know.

3225 They have been promoting this and they are doing it, and they tell me that they already have people who have put their names down, but of course everybody who puts their name down is not ... This is not like a house that you put a deposit on, and then, if you do not complete, you lose your money. People have put their names down, but without putting in any money and they will make a final decision depending on what the product is when they see it finished, or practically finished. I do not know whether there is an excess of names compared to what is going to be available, because what is going to be available I suspect is going to be less than half of what was intended. We just do not know.

3230

Hon. K Azopardi: Mr Speaker, on ERS and Rooke, and the letters that were sent out, he has given me a figure of 204 letters sent to residents. Is that all the residents? Did all the residents

3235 receive a letter or a form? I think it is a form, really. I have seen a form. Did all the residents receive a form?

3240 **Hon. Sir J J Bossano:** I think I need to make clear that this was a decision taken by the management, and I discovered it when the hon. Member mentioned it on television, so I did not really know it was going on. I do not know exactly to whom they have given it. I think they may have given it to people who should not be getting it all, because they have given it to some people who are in places operated by Medoc, who are not involved in this. I am just providing the information that I have been given, and the information I have been given is that it appears that 199 do not want to move.

3245 **Hon. K Azopardi:** Mr Speaker, obviously it may be because Mount Alvernia has been very successful. At the end of the day, given the statistics that the hon. Member has given to my learned colleague Mr Bossino, your heart must go out to those people who are over 100 and are still on the list. They have been waiting a long time, I guess.

3250 Mr Speaker, does the hon. Member indeed agree that that initial reaction by people suggests that either they simply do not want to move and are quite firm in their view, or that there is quite a long way for the Government to go in seeking to try to persuade people to move to this new home, despite the pictures that we have seen on GBC about the internals?

3255 **Hon. Sir J J Bossano:** Mr Speaker, the Government is not trying to persuade anybody to do anything. There may be people trying to persuade them to stay, but there is nobody trying to persuade them to move. The people will be given the option when the place is ready and they can see what is the alternative. That is why this spontaneous survey carried out by the management and staff of the place is probably accurate, because I am surprised that there are five who want to move without knowing what there is.

3260 In any case, if nobody wants to move, then that is fine. That is their choice. It has always been like that, and I have always made it very clear that we are not going to put pressure on people who are now at a stage in life where they are comfortable where they are and want to stay there. We are not going to move them against their will. This is not on. It would be wrong to do it and it is not going to happen.

3265 **Hon. K Azopardi:** Mr Speaker, obviously this not an exercise that he was involved in; he has explained that it was done by the management. Given the result and so on, is it intended for there to be another exercise to ask them again? Presumably residents and families have not been able to go on a visit to the new home, so they have formed that view based on, I suppose, what is in the public media. Is it intended for an opportunity to be given to them to go and see the site and be asked again? Or is it that the Government considers the exercise as being conducted and it is a fairly conclusive result, and therefore it is not necessary to do that?

3275 **Hon. Sir J J Bossano:** This has not been conducted by the Government, and therefore ... Okay, so five people, without knowing what is available, have said yes. To me, that does not send a message that there are five people who want to be in Rooke, it sends a message that there are five people who want to get out of that place without knowing where they are going. (**Hon. Chief Minister:** Into containers.) Yes.

3280 When the time comes and the place is ready, then the people will be asked officially if they are interested in finding out what is available as an alternative, seeing it and discussing it with their relatives, being told that they are under no pressure, they do not have to say, 'I am going.' Nobody is going to push them in the direction of going. I can understand that there may be people who would prefer not to go because there is this fear that it is going to affect their jobs or not going to affect their jobs. When the time comes, we will do things properly and then we will see how many
3285 want to come.

Hon. K Azopardi: The hon. Member says it has not been carried out by the Government, but obviously it has been carried out by the management, and the management are a public entity. Without making the distinctions, I accept the hon. Member's explanation that this not an exercise inspired or instructed by the political Government in that sense, carried out officially in that way, but he is making the distinction, as I understand it, that at a given point in future, the political Government will then say, 'We will carry out a new exercise.' That is how I understand what he is saying. Is that right?

Hon. Sir J J Bossano: The questionnaire, which he has seen, placed the deadline of 7th March. Why 7th March? I do not know, but if you put a deadline you are more likely to get a no than a yes.

Hon. K Azopardi: Yes, Mr Speaker, I certainly could not figure out the deadline. I had hoped that the hon. Member might help me with that, but he has explained that he was unaware of it until I spoke about it on television. There you go.

Mr Speaker, can I move on to the question on burner phones? The hon. Member says he is going to take advice. Can I just explain in a bit more detail the purpose of the question, so that when he takes advice it is in the context of this? The issue has been pointed out to me that insofar as you have a contract number, obviously there are details of who owns that phone, but when burner phones or reload numbers are used for the purposes of, for example, offensive texts or social media bullying, it is impossible to trace that number to a person, and that in certain cases there have been situations where there have been very offensive texts and so on, they have been reported to the Police, but the Police have not been able to trace them because of the nature of burner and reload numbers. And so I would urge the Government, if the hon. Member now understands the point a bit more in detail, that when he takes advice and consults also ... I would ask him not just to take advice but to perhaps consult the enforcement authorities as to whether they consider this an issue.

Does he agree that if the Government can consider introducing regulations that would have the effect that phones are not used for social media bullying, we should all do something about it?

Hon. Sir J J Bossano: I will make as thorough an investigation of what are the repercussions of doing it or not doing it as I can. I will take on board all the things the hon. Member has said.

Hon. K Azopardi: Mr Speaker, on the pension rates of married couples – and I take on board what he says, that it is a delicate moment in the negotiations for an EU treaty, so I will not overextend myself in the question, but it was merely to note to the hon. Member, when he says there will not be any changes until ... and he has explained when, but they will perhaps, presumably in future, consider changes which would be necessary were there to be alterations in the eligibility age and/or any consequential effect of the treaty.

But more specifically, the question was focused on the kind of disparity that you would find if you have married couples living together and unmarried couples living together. Unmarried couples living together obviously would be getting a higher household pension than married couples living together. Would that be part of the consideration in future?

Hon. Sir J J Bossano: I do not want to commit myself on this because at the end of the day we have to look at many aspects, but remember that the statistics I provided in terms of the growth of beneficiaries show more rapid growth of non-residents than of residents. It is very difficult to know what is happening with people who have worked here and are no longer here, what they claim and how we can check. The connection with where we are with the negotiations is that we do not know whether the liability we inherited from the membership of the EU is going to continue growing or is static and closed. Given that, the decision making on whether we should or should

3340 not change will be determined by an analysis of potentially who could be affected by a change and in what numbers and in the context that at the same time we will be moving to introduce equal pensions from the age of 60, whereas everybody else is going in the opposite direction.

3345 **Hon. K Azopardi:** Mr Speaker, can I move on to the last question I have on the paper, given that issue? On the redundancy entitlement I am not clear precisely on the answer the hon. Member gave because I was taking a note in respect of others, but I had understood him to say that the calculation of statutory redundancy is in respect of age but not gender. Is that what he answered? I cannot recall.

3350 **Hon. Sir J J Bossano:** The question, Mr Speaker, is not on the entitlement but on the level of the statutory redundancy, and the level of the statutory redundancy is based on age and service, so that you get so many weeks according to your length of service and so many weeks if you are over the age of 40. The regulation does not say whether you are a man or a woman, so the level of redundancy is not determined by the gender.

3355 **Hon. K Azopardi:** Yes, Mr Speaker, I accept that. In the phraseology of the question it really should have said eligibility, but is the hon. Member going to deal with the eligibility question so as to disconnect that in terms of the differences in gender?

3360 **Hon. Sir J J Bossano:** The eligibility question, which was introduced in 2006 and has not been changed, has a distinction because a distinction comes from the Social Insurance pension. That is to say the woman cannot, at 60, claim redundancy because she has a pension, and the man at 65 cannot claim it because he has a pension. So there is discrimination against a woman in one and discrimination against the man in the other. When we cure the discrimination against the man, then the discrimination in the entitlement will disappear. If you have pensions at 60 for men and women, then they will both be at 60.

3365 **Hon. K Azopardi:** That is precisely what I was coming to. To the extent that we then land on a situation where the differences are equalised in some way – without saying in which way, but equalised – the Government is also committed to equalise it in respect of redundancy pay. Is that correct?

3370 **Hon. Sir J J Bossano:** That would be illogical because if we equalised it in the other area, then there would be discrimination only in one way, and it would have to be put right, yes.

Mr Speaker: Next question.

**Q293/2023
Mount Alvernia –
Owner of building**

3375 **Clerk:** Question 293/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Who, or which entity, owns the building where Mount Alvernia is situated?

3380 **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 am informed that the Care Agency holds a lease on the building.

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Hon. Ms M D Hassan Nahon: Mr Speaker, does that mean that a committee within the Care Agency decides if the building ever gets closed down, sold or repurposed ...? Who is the authority with, in terms of those decisions?

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Hon. Sir J J Bossano: During the term of the lease, like any other lease, unless there are specific clauses that prohibit the use of the building for something else ... I have not seen the lease, but the lease is from the original trustees of the John Mackintosh Trust, so it may be that it says the building can only be used for an elderly residential home and there could be something that prevents any other use. In practice what has happened since they have had the lease is that the Care Agency has been treated as the owner of the building, but of course the lease is only at a nominal – I think £5 – rent. To all intents and purposes, it has always been treated by the Care Agency as a building that belongs to the Care Agency.

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Hon. Ms M D Hassan Nahon: Mr Speaker, if the residents of Mount Alvernia all decant to the Rooke, the Care Agency will no longer have an interest in the building for that purpose, so would that mean they might simply relook at scenarios where the purpose of the building could be repurposed? Is that a possibility?

3405

Hon. Sir J J Bossano: At the moment there is no question of the building being used other than for what it is at the moment. In the context of how many people want to stay there and how many people move, nothing is going to happen with the building whilst there are people who want to stay there. It is just that the building will require more maintenance the longer it is being used, because it is an old building and it takes quite a lot of maintenance.

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I have said it could be a few years in the future, but if and when you get to the stage that the building is no longer being used for the purpose that it was used for ... and it is quite clear that the lease was the result of the Government taking over Mount Alvernia from the trustees of the Mackintosh Trust, so it is quite possible that the building was leased to the Care Agency for the Care Agency to continue doing what the Mackintosh Trust was doing before. But it is not something that is going to change imminently. Nothing is going to change in the ownership of the building or in the use of the building any time soon. We are talking well into the future. I have just asked what was the title of the ownership, but I do not have access to the wording of the lease, which may say, for example, if you stop using it as a residential home you have to give it back. For all I know, there may be something like that. So the options for the Care Agency with Mount Alvernia would depend on the conditions that are attached to the lease, but in any event, nothing is going to happen anytime soon. We are talking about maybe two or three years down the road if we are seeing less use of Mount Alvernia and a building that is costing more and more to keep fit. It is not something that is imminent, not something about which we need to take decisions now.

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Hon. Ms M D Hassan Nahon: Thank you. Can the Minister just tell us whether he believes that the two entities will be needed to hold individuals who need care into the future, or is he thinking we only need one building to hold all our elderly who are in care?

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Hon. Sir J J Bossano: We are going to be needing, in the future, more care because there will be more elderly people, and I think we need to be guided by what is happening in other places.

I see the situation from what we have today in the steps that I have explained, where people initially have bigger homes, the children tend to leave home earlier and younger and set up their own home, so the place becomes very big. They need to move into something smaller. They

3435 cannot cope in the small place, so they need to be in a place where we have wardens and carers coming in to help. And then, depending on their state of health, they can go into a dementia home, a nursing home, a hospital or a residential place. We may need facilities independent of each of those, or we may need a facility that has segments for each of those people.

3440 It is a question of monitoring the situation, and I think seeing the trends and planning for the future is likely to deliver, but it is not something that you can say, 'I know enough about the pattern to be able to take decisions now.' We have identified now that because we no longer have a residential home, there is a vacuum in that area, where people who do not need the more intensive care are actually being put in the place that is providing them with more care than they need, because what used to be provided is no longer there. That is the stage we are meeting now.

3445 Hopefully, by July or August this year the building will be ready for occupation and people can then express an interest in moving or not moving or taking a space on the waiting list. Then we will see what pattern develops and then we will have to be adapting our planning for what we do next, what we build next, whether it should be another place for dementia or a floor.

3450 We cannot plan for the future as if we had a crystal ball. What we have to do is recognise the nature of that future and then make sure that we are pre-empting what we are going to need and provide it so that we are ready with the supply when the demand surfaces. That is the way I think we should do it.

Procedural

Mr Speaker: May I, just before the Chief Minister moves the adjournment, remind the Hon. Minister that he needs to be here tomorrow because he has to answer questions from the Hon. Daniel Feetham? Also, that applies to the Hon. Samantha Sacramento. Thank you.

Adjournment

3455 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn until tomorrow at 3 p.m. for the beginning of Chief Minister's questions.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Thursday, 16th March at 3 p.m.

3460 I now put the question, which is that this House do now adjourn to Thursday, 16th March at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn to Thursday, 16th March at 3 p.m.

The House adjourned at 8.58 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.01 p.m. – 7.58 p.m.

Gibraltar, Thursday, 16th March 2023

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The Gibraltar Parliament

The Parliament met at 3.01 p.m.

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

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

Tribute to Louis Triay KC

Clerk: Meeting of Parliament, Thursday, 16th March 2023.

Mr Speaker: The Hon. the Chief Minister.

5

Chief Minister (Hon. F R Picardo): Mr Speaker, with your leave, I ask to make a Statement today in the memory of Louis Triay KC, who was a Member of the Legislative Council. I did not do so yesterday because I had a Statement to make yesterday.

10 The sad news reached all of Gibraltar two weeks ago that Louis had passed away. We were reminded, in the various eulogies, of a man born in Gibraltar, educated by the Christian Brothers, who read law at University College in London and who was called to the Bar at the Middle Temple – good choice – in 1950. He passed away having been at the Bar for 73 years. He took silk in 1982 and by the time he passed away he had already long been recorded as the world’s longest-serving lawyer on record.

15 All of that is quite remarkable, but apart from all that, he was also a Member of this House. He formed part of the Legislative Council from 1964, to which he had been elected under one of his slogans, which was ‘New broom sweeps clean’. Then he became Minister for the Port and Trade from 1965 until 1969, where he was able to give effect to that other slogan that he had run in the 1964 election, which was ‘The independent who stands for action’. That could very easily have
20 been the motto of Louis Triay’s life, let alone his politics. In every discipline that he was involved in, they benefited from his commitment, whether it was the politics, the law or sailing. In the law, of course, one of his most significant contributions was the work that he did from the Bar in the development of a world-class finance centre in Gibraltar, which stemmed from the work he had done in this House, taking the exempt companies legislation through its stages as a Bill when he
25 was here in 1967.

Apart from the family and the law, Louis’s well-known third love was the sea. He was an accomplished sailor who enjoyed the respect of his fellow sailors in Gibraltar and, indeed, beyond Gibraltar, on a number of occasions – as he enjoyed telling most of us, no doubt – sailing together
30 with the now King Emeritus of Spain. I am sure that on all of those occasions when he had the opportunity to share a boat with the now King Emeritus of Spain, Louis would not have missed an opportunity for talking about his beloved Gibraltar. Indeed, one of the areas that brought together all of Louis’s skills – his sailing, his legal training and his political background – was the work that he did in trying to get Gibraltar recognised by the International Olympic Committee.

35 Mr Speaker, perhaps the best epitaph I can give Louis Triay is that in making this Statement and in thinking of him, whether it was when he was alive and I had reason to contact him or call him, or now that he is gone and I have reason to speak of him, speaking of Louis Triay always brings a smile to my face and gives me a tiny bit of that *joie de vivre* that he personified.

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

40

Hon. K Azopardi: Mr Speaker, it is a pleasure to associate myself with the remarks of the Chief Minister on this occasion.

Louis was, I have said before, an absolute legend in so many ways – sailor, politician, lawyer, Member of this House. As the Chief Minister has said, he left his mark over seven decades in the law, left his mark in all areas of society. He could connect with people. When he spoke to people with his natural charisma, at any level of society he could reach people and did so in the most charming way. He was not just a friend and colleague. He had so many anecdotes and so many human touches that you saw on a daily basis. The man lived life to the full. One of the things he used to say often was that if it hurts, work it, and it showed in every facet of his life.

Louis was not just a Member of this House, he was also a colleague of mine and of my learned friend Mr Bossino to my left, too. In our chambers, one of our boardrooms, which I informally call the political room, has lots of photographs and posters of those days of the 1960s, of the late Mr Stagnetto and Louis, and that poster ‘New broom sweeps clean’ hangs there proudly. I like to use that room because it at least keeps me in touch with that political reality and our hybrid life.

He reached dizzy heights in the law, but also in humanity, and he leaves a deep mark in this society of ours. Our condolences go to his family, as the Chief Minister says in that summary of his life.

It is so difficult to do justice to someone who has lived life to the full in the way that Louis did, but he left his mark across a variety of fields, not just in politics but also in sport with his campaign for Gibraltar to be admitted to the Olympic Association, the financial services issues and everything else he did. Up until the end, he had an incredible interest in everything that went on in Gibraltar. I said publicly when I was asked by GBC about this, that he would often come up to my room – he had his office on the second floor – and we would talk about politics, and up until the last days he kept asking me, ‘Are we going to get that treaty with the EU?’ with an interest in Gibraltar, its sustainability and its life as a community.

Our hearts and minds are with his family, and our condolences to them.

Mr Speaker: The Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Mr Speaker, thank you.

I was very sorry to hear about the death of Louis Triay. He was not somebody with whom I had regular contact, like hon. Members on the other side would have had in their own chambers, but he was somebody I met occasionally, and whenever we met it was always a pleasure to speak to him. He had, as Members have said, a remarkable career in the law, he was a man who broke records, and it was always very positive, very encouraging to speak to him. You ended up feeling very upbeat after having had that conversation because that was the personality he radiated.

He was also, in my view, a Gibraltarian patriot, somebody who was a firm believer in the rights of the people of Gibraltar to determine their own future, a believer in our continued connection with the United Kingdom and in resistance to the Spanish claim.

I was very sad and very sorry to hear about his death. My most sincere condolences to his family. May he rest in peace.

Mr Speaker: The Hon. Marlene Hassan Nahon.

Hon. Ms M D Hassan Nahon: Mr Speaker, the passing of Louis Triay leaves a big gap, a void that runs through this community and beyond. Here, in this House, he is a member of our political family, but he was also so much more. I will not repeat all his achievements, which have already been duly echoed today by the Chief Minister and the Leader of the Opposition, a record to be proud of and which makes us, as a people, proud to call him one of our own.

90 It is also well known, as has been said, that this man knew very well how to live life to the fullest, and I am sure that this fact will be of so much comfort at this time to his family and friends – a life very well lived until his last days, when in his 90s he would be seen whizzing round town on his motorbike. This is something we can all aspire to for ourselves.

I take this opportunity to pass my and my party's condolences to the family of Mr Louis Triay, and his close friends. May he rest in peace.

Mr Speaker: The Hon. Damon Bossino.

Hon. D J Bossino: Mr Speaker, I think it is appropriate that, with your permission, I read from a prepared speech, for reasons that will be made clear as I go through it.

Pure grit, determination and force of character. These are the words that come to mind when I think of Louis. I had the honour to work with Louis for almost 30 years, and those character traits came very much to the fore every day until his last day in the office, which incidentally was the Friday before the Monday when he died. That fact in itself speaks volumes of the person Louis William Triay KC was.

Members will understand how, in the long period of time I shared an office with him, there will be very many anecdotes that I can think of, all of which reflected a very interesting and colourful life, which he lived to the full until, almost literally, his dying day. I will share only a few of the many experiences and pearls of wisdom he would impart, drawn from the very rich life that he lived.

My participation and interest in politics provided the basis for many conversations in this area. In relation to that, I must say that he certainly had the common touch and a way with people. He used to proudly recount how, with no previous political experience, he decided to contest the 1964 elections to our predecessor organisation, the LegCo. With a small budget and little more than an old Jeep and a loudspeaker system, he managed to get elected as an independent Member, later holding ministerial office as a result of the emergence of the Coalition National Government as a result of the pressures that we were suffering from the Francoist regime in Spain.

During the 1967 riots, he used to tell me, and in typical Louis fashion, he rolled up his sleeves and took to the streets with the tiny Mini he owned at the time, went straight to what was Shepherd's Marina to personally inspect – at the time, as the Hon. the Chief Minister rightly points out, he was the Minister for the Port – the damage done to privately owned yachts, then taking matters further into his own hands and reporting the incident, barging through Convent Place and demanding to speak to His Excellency the Governor and report what was happening at the Port. As a result of that, troops were deployed, thereby successfully calming the political temperature somewhat.

Louis had that forte. He could speak to the high and mighty at their level, as well as his compatriots in all walks of life, as the Hon. the Leader of the Opposition has just said. He used his persuasive skills and contacts in the highest – and we know that they were the highest – echelons in Spain to, for example, restore telephone links during the time of the restrictions by speaking directly to Adolfo Suarez, then Spanish Prime Minister, a meeting which had been arranged by the king himself, King Juan Carlos. In 2014, more recently, he had a direct conversation over a lunch with the former King of Spain, Juan Carlos, at his palace at La Zarzuela, to discuss some other flashpoint that was impacting Gibraltar at the time.

That he did have a close relationship with the King Emeritus Juan Carlos was not an exercise in name dropping, it was real. Testament to that is the fact that they would exchange cards and emails on birthdays and Christmas. One year, Members will be interested to know, our receptionist at the firm received a call from a gentleman with a refined Madrid accent asking to speak to Louis. The receptionist, who happened to be my aunt, enquired as to who the individual was, as she was meant to do as a courtesy. You can well imagine the surprise and shock when the reply given was '*Su majestad el Rey de España*', His Majesty the King of Spain.

As is well known, he was an established lawyer as well. It seems almost bizarre to say it, but this gentleman was called to the Bar in 1950 and continued to practise until a few weeks ago. He was, as the Hon. the Chief Minister said, a Guinness world record holder as the longest-serving lawyer. He was an accomplished criminal defence barrister during his initial years, again putting
145 his razor-sharp mind to effective use in what I am sure must have been absolutely brutal cross-examination; Louis would not take any prisoners. He then developed a very strong and lucrative private practice base, which he fostered by working up the coast in the 1960s, when Marbella and Sotogrande were non-existent and Estepona was mere fishing villages, but were attracting high net-worth individuals from outside Spain. He even opened an office there. In his inimitable style,
150 charm and charisma would act as an irresistible magnet, which allowed him to clinch the client and the deal.

All of this, sadly, came to an abrupt end when he entered the political scene and then with the closure of the Frontier. At around that time, he took the opportunity to meet and then marry the beautiful Valerie and start a family. He was, nevertheless, able to continue to develop his practice
155 in the following decades, growing his sole practice with the addition of one lawyer in 1979, James Neish QC, followed by his son Louis and Charles Lavarello in 1989, me a few years later, and with the merger of Stagnetto & Co. in 2001 we joined up with the late Guy Stagnetto QC and his son Guy, eventually becoming the much larger firm that we are today.

Always finding the opportunity in adversity, one achievement which many attribute to Louis is
160 the creation, through favourable tax regimes, of Gibraltar's finance centre, which became essential when Gibraltar had to adapt once again and create wealth in a closed-Frontier economy.

One cannot, when talking about Louis, fail to mention the absolute love and passion he had for sailing. Anyone who has sailed with him, and that does not include me, can tell you that he was – how can I put it in the most diplomatic terms possible? – a demanding captain and would exact
165 the beyond-best performance of his crew in order to secure the win. In the wider sports field, he continued to persist in his campaign, as the Hon. the Chief Minister mentioned, to achieve international recognition for Gibraltar.

He worked hard and partied even harder, an eager participant at office parties, attending our Christmas party, which happened to be his last, only last year. He faced ill health with the same
170 attitude. He would endure physical pain with the determination to get through it. 'Mind over matter', he used to say. When he went through open heart surgery in his late 60s, he would tell me that he was ready to meet his maker; his maker clearly was not ready for Louis. He embraced and loved life. When the time came, it was quick and efficient, as he would have liked it.

In sum, Louis was a remarkable man, Gibraltarian to the core and with a significant
175 international hinterland, a legend who will be sorely missed.

I take this opportunity, Mr Speaker, to extend, once again, my condolences to his wife Valerie, his son Louis, his daughter Sophie, and each and every one of his grandchildren.

Hon. Chief Minister: Mr Speaker, I am grateful for all other Members' contributions, although
180 I must say it is not often that I associate with the words of the Hon. the Leader of the Opposition when he said 'Mr Bossino to my left'. The way I see it, he is always to his right.

Indeed, Mr Speaker, if I can say to the hon. Lady that when we are 90, two-stroke motorbikes will not be allowed anymore because the Minister for the Environment will have done for them,
185 but I get the spirit of us whizzing around on electric bikes, like Louis, would be a lot of fun.

I do not want to break Mr Azopardi and Mr Bossino's hearts by telling them how often Louis would be in touch and how supportive he was of our politics, but I will tell Mr Bossino that I was sworn to secrecy about the meeting at La Zarzuela. It was at a particularly difficult time and I am very pleased that he has felt able to refer to it. It is on the record, and I was very much consulted
190 by Louis at the time before going and when he came back with all the information that he brought back, told as he told it, with all of the additional anecdotes that he brought to it.

Mr Speaker, in that happy refrain, can I invite the House to now keep a minute's silence in Louis Triay's memory?

The House observed a minute's silence.

Questions for Oral Answer

CHIEF MINISTER

Q306/2023

**Bob Peliza Mews and Chatham Views –
Construction cost**

Clerk: We continue with answers to questions.
Question 306/2023. The Hon. the Leader of the Opposition.

195

Hon. K Azopardi: Mr Speaker, what is the current estimated projected construction cost of Bob Peliza Mews and Chatham Views, and how does the current projected construction cost compare with the contracted construction cost and the tendered construction cost, if different?

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Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the tender processes for Bob Peliza Mews and Chatham Views are still active and it is not, therefore, possible to provide figures for the construction costs for these at this moment. I can, however, advise that with regard to Chatham Views, a preferred bidder was declared on 8th March 2023 and an award is expected to be made during this month. In relation to Bob Peliza Mews, the tender assessment process is at an advanced stage and a Tender Board meeting has been set for 24th March. The final figures will, therefore, be available for the next meeting of the House and I would have no issues with the question being put again then, if Mr Speaker agrees.

210

Mr Speaker, the House will also want to know that I have, today, written to purchasers in both these estates, further updating them on progress.

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Hon. K Azopardi: Mr Speaker, with your leave and in light of the answer, I would be grateful to be able to file a question short of the six-month rule.

Mr Speaker: You have my approval.

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Hon. K Azopardi: I am grateful, Mr Speaker. Can I just ask, in relation to the answer given, is the Chief Minister willing to say who the preferred bidder is, or does he want to wait until the award is made on Chatham Views?

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Hon. Chief Minister: I would prefer to wait for the award to be finalised. I expect that we will be issuing a public statement once it is finalised, but if we have not issued it by the time the hon. Member puts his question, we will confirm it to him in the House. I am quite happy to tell him later who it is that we are negotiating with, but we always have to be conscious of the fact that the negotiation might not go as we expect.

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Hon. K Azopardi: And did I understand the tail end of his answer, that he has written to prospective purchasers on progress in respect of both Bob Peliza Mews and Chatham Views? Is that right?

Hon. Chief Minister: Yes, Mr Speaker.

235 **Hon. K Azopardi:** Without, obviously, wanting to see a copy, that letter to purchasers informs them in respect of the prospective awards, but also in relation to the possible timescales of the development – is that right?

Hon. Chief Minister: Yes, Mr Speaker, they have also been included in the press release that the Government has issued. I am quite happy to let them have the copies I have.

240 **Hon. K Azopardi:** I am grateful to the Chief Minister for giving me copies of that, which I see as dated today, so I assume it has been made public. If Mr Speaker bears with me for 30 seconds while I skim read it ... I see that in relation to Chatham Views – and obviously this has been issued today, so people will not necessarily have seen it – it ends with the comment ‘Your home will take two and a half years to complete from the award of the contract.’ So in relation to Chatham Views,
245 obviously the contract has not been awarded yet, but it will be, hopefully, this month, so I guess the timescales will run from that award, as he says. And in relation to Bob Peliza, it says between two and three years, depending on the phase of the project.

I am sure the prospective purchasers will be happy to get an update. They will be concerned, because the information reaches me regularly, and the Chief Minister ... I ask: is the Chief Minister
250 aware – I assume he is, but is he aware – that obviously there are people who, as a result of the delays in these projects, are suffering financially? They have obviously bought a house off plan but thought that they would have it already, and in some cases clearly may not get it for another two to three years, so we are talking about 2026 – maybe 2027, because sometimes there are further delays despite all the goodwill in the world. Those people, some of them, are having to rent in the
255 private market at very high prices and yet their families are growing and so on and so forth, so they may have bought something which they then have outgrown by the time they get it. Is the Chief Minister aware of those concerns? And is he talking to purchasers about all those issues?

Hon. Chief Minister: Mr Speaker, I am painfully aware of those concerns, but when you sit on
260 the government benches you deal in reality, and the reality is that people are going through those very difficult moments and we have not been able to build sooner. If we had been able to build sooner and had not, it would be unforgivable, but we have not been able to build sooner. That is why I update the purchasers regularly. That is why I am in touch with many of them. That is why many people who were purchasers will no longer be purchasers because they have had to go into
265 government rental accommodation and forgo their purchases. And that is why the Government is going to honour the original purchase prices from 2019 and not include the increases in the cost of construction, so that the equity that individuals will have when they complete on their homes will be even greater than that which they would enjoy because they were buying affordable homes if they had bought off plan.

270 So everything is a balance. In life, everything is a balance. As I have said today on *Direct Democracy*, people need to be wary of those who promise them things which are unrealistic. The idea that anybody could have built these homes sooner, the idea that by changing the Government these homes are going to be built sooner, or the idea that the Government has done anything to delay the building of these homes is just not to deal in reality. What we must do in the
275 context of people who are going through the difficulties that the hon. Gentleman has referred to – many of whom, of course, come to me as well as going to him – is at least give them the decency of honesty in the responses we provide.

Hon. K Azopardi: Mr Speaker, people will form a view on all those remarks, including the
280 remark that the Government could not have built sooner, especially when it is framed in terms that the idea that you could not have built sooner is some kind of remote and somewhat preposterous idea, because there is a backdrop and a history to this, and the backdrop and the

285 history is that it is the Government itself that promised to have these projects some time ago. In
respect of Bob Peliza Mews, it was in the 2015 manifesto on the basis that it would be completed
in 2019, so it is that the Government itself suggested publicly that it would be completed in 2019.
It then moved the programme forward, which I understand, and while the Government talks
about COVID and it does so in these letters also, and there is obviously some impact on delay in
COVID, the Government needs to understand ... Does the Chief Minister not agree that when he
290 suggests in some way that no one could have built earlier, the problem is that the Government
itself suggested that they were going to build in a faster way, so that also has to be thrown into
the mix?

Hon. Chief Minister: No, Mr Speaker, I do not accept that, and I do not accept it for a reason. I
do not accept it because there has been what we call a new intervening act. The new intervening
295 act was COVID. Yes, we were expecting to start sooner, but there had been also new difficulties
with Brexit. Hon. Members appear to want to forget the Withdrawal Agreement, whether or not
we would continue to enjoy the benefits of the transition period, how that would affect contracts
for delivery of product into Gibraltar, whether you could legitimately sign a contract to have a
fixed price or whether you would be overcharged for that price. All of these things, all of these
300 realities which hon. Members wish to now gloss over and forget, are relevant. The world, I am
more alive to than most, is divided between those who say, as Mr Bossino said yesterday, COVID
is just an excuse and Brexit is just an excuse, and those who understand that COVID and Brexit, in
its two phases, is a reality.

The hon. Gentleman will not find it convenient to accept, but I put it to him that if he had been
305 sitting in my chair and he had been faced with the decisions that I have had to make about when
to sign contracts, or indeed if any of the purchasers had taken my chair, they would have made
the same decisions that I have made about when to sign contracts, why not to previously sign
contracts, if they were thinking with their Gibraltar hat on, on behalf of all of the taxpayers of
Gibraltar and not writing an open-ended blank cheque to developers who could then have ridden
310 roughshod over the Government and our exchequer, and where we would have been giving a
subsidy even in excess of the one that we will give now, which these purchasers, in my view, are
now entitled to, but not because we have failed to build one day earlier than we could have when
all of those factors are brought into the equation.

All of this is detail, and the hon. Gentleman can just make an easy, spinnable remark about
315 delay but he has been a Minister and he knows that when decisions have to be made, they have
to be made in the round and they have to be made in the context of all of the issues I have put
out there. He might like to go back and think about where we were in 2019 and in 2018 when he
was calling me Theresa May's cheerleader because I wanted the Withdrawal Agreement to be
finalised sooner and the transition period to start sooner. He might care to reflect that it was only
320 once we had the transition period agreed and we knew we were in that we could sign the Hassan
Centenary Terraces agreement phase 1, which then enabled us to have a fixed price for the
delivery of goods. And then COVID happened. So lots of factors, Mr Speaker, and that is the reality
of government decision making.

Hon. K Azopardi: That is all very well, Mr Speaker, but of course again the Chief Minister tries
325 to repackage the narrative, because Brexit had already happened when they moved the timescale
in 2017 and had that press conference and issued that press release in August 2017 that said
hundreds of homes would be delivered by 2019 and 2020-21. So when they issued that press
release and called that press conference, they already knew that Brexit had happened, they were
330 negotiating, but they still made that announcement and they made that announcement in the
context of the 2019 election. If the Chief Minister is now suggesting that somehow this was
impossible to have achieved, they should have said that before the 2019 election and not
suggested to people otherwise because they were trying to get votes. That is a repackaging of the
narrative, with all due respect, and COVID – (*Interjection*) I am getting to it – did not seem to stop

335 luxury housing being built, but it did seem to have an effect on this, and now there is going to be an added cost. He said so in his original answer.

Let me ask about that. In relation to the additional cost that he says he is not going to pass on to purchasers ... I understand that they have not awarded the tenders yet, but does he have a figure for what the additional costs are? He has mentioned them a couple of times now.

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Hon. Chief Minister: Mr Speaker, I gave the figure to the Hon. Mr Bossino in the last House. It is nonsense that the hon. Gentleman has – *(Interjection)* Yes, I gave the Hon. Mr Bossino the figures in the last House in respect of additional costs in relation to Hassan Centenary Terraces. Yes? *(Interjection)* No, I do not have these yet, because I have not got a final price yet.

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Mr Speaker, how can the hon. Gentleman say that I should have said before the 2019 election that we would not have started building Chatham and Bob Peliza even in 2023? How can he say that? When a person who I have, as I have for the Hon. the Leader of the Opposition, deep intellectual respect for, gets up and asks you something which is demonstrably foolish, because I have deep intellectual respect for him I can only suggest that he is being mischievous. How could I have known before the 2019 election that in 2020, instead of sitting down to sign the contracts for Bob Peliza and for Chatham, I would, exactly three years ago today, be standing in front of an autocue in 6 Convent place saying that I was confining everybody over the age of 70 to their homes, instead of continuing the work we had been doing to grant the tenders to have them built and be handing over the keys now, months before a general election? What does he think I would have preferred to be doing: defending, not building, months before a general election, or handing out keys months before a general election? But I had to do the responsible thing. I went to the General Election in 2019 with the Withdrawal Agreement done, ready to have a transitional period and ready to start the work on building these homes, ready to start negotiating the new relationship with the European Union. And what did I end up doing? The last thing I ever expected I would do: telling Gibraltarians that they had to stay at home to save their lives. That is why, before the 2019 election and in the 2019 election, I did not tell people that their homes would be so delayed: because I did not know. I did not know they would be this delayed. I believed we would have started building in 2020. We would have been ready to start building in 2020.

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And why were luxury properties being built through COVID? For a simple reason: because they had signed contracts. They had signed contracts and they were building and putting pressure on us to permit the building to continue. And what happened in many of those instances? In some instances – in one instance in particular – there is an attempt to change contracts in respect of private properties that have been bought off plan through the COVID period because of additional costs. We are not going to do that.

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But to the straight question of why didn't you say before the 2019 election that this was going to be so delayed, I say to the Hon. the Leader of the Opposition I have too much deep intellectual respect for him to think that that is a question worth asking in this House.

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Hon. K Azopardi: The last question, Mr Speaker. I accept that I put a long preamble to my question, but my question specifically in relation to 2019 was actually it started because they moved the timescale in 2017 and they had said to people ... They had asserted in 2015 first that they were going to build these houses, Bob Peliza and Hassan Centenary, and they were going to finish them by 2019. They then said, in 2017, hundreds of homes would be ready, and before the 2019 election, it is clear. So none of what the hon. Member has said explains that situation. He has talked about Brexit and so on, but the point is that Brexit had already happened when they made the announcement in 2017, and none of what I am talking about is explained by the answer he has given. Can he not see that?

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Hon. Chief Minister: Mr Speaker, the intellectual respect I have for him is associated with what I believe must be a memory. These estates were announced in our 2015 manifesto, but in June 2016 the Brexit referendum happened, so that put the cat amongst the pigeons in respect of any

timetable we had committed to in 2015. After the referendum, having secured the Withdrawal Agreement that he was no fan of in 2019 and having got two thirds more votes than him in the General Election, we believed that we were ready to sit down in 2020 to do the tenders to build the homes. *(Interjection)*

The 2017 announcement in 2019 is recognised by the Government as not having been able to be met and we explained to people that we were going to start immediately – ‘As soon as the election is over, we are going to start immediately.’ And look at what happened after the election. And what did people think about the 2017 announcement and our explanation in 2019? What did they think? Thirty two per cent, fifty-odd per cent – so we explained to people what happened and they gave us the benefit of the doubt. And then COVID happened.

I cannot say more openly, more honestly and more genuinely that I wish these homes were ready, but it is not for want of trying or failing every day since the last General Election of wanting to do the work to have these homes finished as soon as possible. I want young Gibraltarians in Gibraltar living in affordable homes provided by the Government. That is what I want. That is what I work for every day. I have not been able to keep the timetable that I intended for reasons which are, I think, objectively fair, but the statements from the Hon. the Leader of the Opposition are not objectively fair. Neither should they be; they are partisan and designed to deliver him a partisan advantage because this is a partisan Chamber of political debate. Fair enough, but let no one think that he is making an objective analysis that should stand up to any scrutiny.

Mr Speaker: Does the Hon. Marlene Hassan wish to ask a question?

Hon. Ms M D Hassan Nahon: No.

Mr Speaker: I thought she had signalled. Fine.
The Hon. Damon Bossino.

Hon. D J Bossino: Mr Speaker, I rise – *(Interjection)* No. Mr Speaker, I have responsibility for housing. Doesn't the hon. Member accept ...? . I cannot put it in any other way, but in terms of the reasons – so as not to call it an excuse, which I know bothers him – he flip flops between citing COVID and citing Brexit. From the quick read that I think the Hon. the Leader of the Opposition has had of the letters, I do not think Brexit is even mentioned. And does he not accept that the point that my hon. Friend to my right, Mr Azopardi, has made drives a coach and horses through the points that he has made?

Let's accept that the promises he made in the 2015 General Election manifesto were unable to be delivered because of Brexit. Let's accept that the promises that he made once again – a hat trick, I think it was probably the third time – in 2019 were unable to be delivered because of COVID. But the reality is that we had the press conference in 2017. So can I ask this: does he not accept that people can exercise their judgement when putting those up to 10 crosses on the ballot paper, to which we are all subjected in a general election? Can he not accept that they be expressing dissatisfaction at the broken promises by Members opposite? **(A Member:** Hear, hear.) Can he not accept that? And can he comment – finally, Mr Speaker – because that anger, it has come to our knowledge, is poised to be expressed in a demonstration that Bob Peliza Mews purchasers want to effect at No. 6 Convent place? Does he not accept that people are angry because of broken promises?

Hon. Chief Minister: Mr Speaker, it is really quite remarkable to see a man who failed to win the leadership of his party stand up to defend the man who won the leadership of his party, because I cannot imagine that this is anything other than an attempt to reinforce the former question by the Leader of the Opposition by the man who is the putative Leader of the Opposition.

But to see him accuse me of flip flopping because I am using two excuses ... The hon. Gentleman and I have known each other for many years. I regard him as a friend, not just as a political

440 opponent. He must know how much it hurts my soul that somebody might think that what we
have been through in dealing with COVID would ever be deployed as an excuse. It is, frankly,
beneath the hon. Gentleman to get up and suggest that we are flip flopping on excuses. I put it to
him that if he had been in my chair, he would not have done what the Leader of the Opposition
might have done and what I did. I put it to him that if he had been in my chair, he would have
445 been struck by his legendary indecision and we would have seen none of the serious governing
that Gibraltar has required in this period. And, Mr Speaker – *(Interjection by Hon. D J Bossino)* No,
Mr Speaker –

Mr Speaker: Let's hear your point of order.

450 **Hon. D J Bossino:** Mr Speaker, the hon. Gentleman is casting aspersions. He has done it once
before and I let it pass. He is casting aspersions on my character by talking about legendary
indecision. Where does he get that from? That is a negative slur on me personally.

Hon. Chief Minister: How dare he?

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Hon. D J Bossino: It is a negative slur on me personally –

Hon. Chief Minister: Excuse me, how dare he?

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Hon. D J Bossino: – and he should have been called to order, Mr Speaker, by you.

Hon. Chief Minister: How dare he?

Hon. D J Bossino: He should have been called to order without requiring me to put a point of
465 order.

Hon. Chief Minister: How dare he?

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Hon. D J Bossino: It is shocking.

Hon. Chief Minister: The hon. Gentleman has said that I have used the death of Gibraltarians
as an excuse, and is that not casting an aspersion on me? To say that I consider him to be indecisive
is what one cannot say in this House, but you can get up and allege that the senior elected political
representative of the people of Gibraltar would use the death of Gibraltarians as an excuse is
475 perfectly fine?

Mr Speaker, the hon. Gentleman can obviously give it but not take it, *(Interjection by Hon. D J
Bossino)* and he needs to learn that if this is a political Chamber –

Mr Speaker: I would like the Chief Minister to resume his seat, and now we are going to move
480 on to the next question.

Q307-08/2023

Graduates –

Numbers employed in Civil Service and Gibraltar Development Corporation

Clerk: Question 307/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, this will not be so controversial.

485 What is the total number of graduates employed in the Civil Service at 7th March 2023, and will the Government provide a breakdown of the deployment of these by department, agency, wholly owned government company or other entity?

Clerk: Answer, the Hon. the Chief Minister.

490 **Chief Minister (Hon. F R Picardo):** How dare he, Mr Speaker?
I will answer this question together with Question 308.

Clerk: Question 308/2023. The Hon. the Leader of the Opposition.

495 **Hon. K Azopardi:** How many graduates are employed by or within the Gibraltar Development Corporation at 7th March 2023?

Clerk: Answer, the Hon. the Chief Minister.

500 **Hon. Chief Minister:** Mr Speaker, there are a total of 805 graduates employed in the Civil Service as at 7th March 2023, for which I now hand over a schedule with the information requested.

There are a total of 42 graduates employed within the Gibraltar Development Corporation as at 7th March 2023.

Answer to Q307/2023

Department	Civil Servant
Borders and Coastguard Agency	1
Care Agency	1
Civil Status & Registration Office	1
Department of Employment	2
Department of Environment	11
Department of Social Security	3
Digital Services	5
DVLD	1
Economic Development	1
Education Department	540
Financial Secretary's Office	4
Gambling Division	1
GFRS	3
GHA	4
Gibraltar Audit Office	15
Gibraltar Courts Service	6
Gibraltar Financial Intelligence Unit	1
Gibraltar Law Offices	1
Gibraltar Maritime Administration	4
Gibraltar National Archives	3
Gibraltar Sports & Leisure Authority	1
Government Law Offices	13
Heritage	1
HM Customs	45
HM Prison	4
Housing Department	2
Human Resources	8
Human Resources Department	1
Income Tax Office	13
Information Technology and Logistics Department	21
Ministry of Business, Tourism & The Port	2
Ministry of Culture	2
Ministry of Equality	4
Ministry of Housing, Employment, Youth & Sport	1
Ministry of Justice	2
Ministry of Transport	1
No 6 Convent Place	11
Office of Fair Trading	2
Office of the Chief Technical Officer	2
Office of the Deputy Chief Minister	3
Royal Gibraltar Police	3
Statistics Office	3
Technical Services	14
Town Planning and Building Control	9
Treasury Department	18
Upper Rock & Beaches	1
Youth Service	10

505 **Hon. K Azopardi:** Mr Speaker, obviously people at home are not seeing the schedule, so I will just ask ... I think the answer is yes, but I can see immediately from the schedule that the 805 graduates include 540 in the Education Department, presumably teachers, so if you net away the teachers we are probably looking at about 250 graduates. Does the Government think that is a sufficient number of graduates to be working in the core Civil Service?

510 **Hon. Chief Minister:** Mr Speaker, the numbers in the Civil Service on the same day, 7th March, were 2,280. If you take away the 540, you are closer to 1,700, so you would be left with about 30%, I believe. It is not a number that I think should cause us concern. In the past, there were no graduates in the Civil Service at all, and then the question was should we recruit graduates to the Civil Service to have some graduates in the Civil Service. We have graduates in the Civil Service, and indeed we have a lot of them in the Department of Education, not all of them teachers; there are other graduates in the Department of Education. There are 45 graduates in Customs, for example. There are 11 graduates in the Department of the Environment. There are 21 graduates in ITLD. The numbers are not just bloated with the teachers. There are 14 in Technical Services, 515 18 in the Treasury, 10 in the Youth Service and nine in Town Planning, so I think there is a very interesting spread of graduates throughout the departments, and I think it is an attractive mix.

520 **Mr Speaker:** Next question.

Q309/2023
Eastside development –
Payment of premium

Clerk: Question 309/2023. The Hon. the Leader of the Opposition.

525 **Hon. K Azopardi:** Mr Speaker, has the premium for the Eastside development been paid in whole or in part; and, if so, when and in what amount, and by whom?

Clerk: Answer, the Hon. the Chief Minister.

530 **Chief Minister (Hon. F R Picardo):** Mr Speaker, no premium has yet been received. An announcement will be made as soon as negotiations have been finalised.

535 **Hon. K Azopardi:** Mr Speaker, when does the Government expect that negotiations will be finalised and it will be ready to make an announcement, given that the initial announcement that was made in relation to the Eastside development I believe was October 2021?

540 **Hon. Chief Minister:** Mr Speaker, because there are negotiations ongoing, if I venture a date I make it a hostage to fortune and then make it harder for the Government of Gibraltar to continue the negotiations, if we feel we have to, because the other side will know we have given a date that we will want to meet. I do not think it is in the interests of the taxpayer to shoot the negotiators in the foot in that way.

545 **Hon. K Azopardi:** Well, obviously we would not want that to happen, but it is also right that when the Government made its original announcement back in October 2021, almost 18 months ago, it was quite specific about the value that it ascribed to the development, and the issue of the payment of the £90 million premium was specific. It was put in the public domain and it is not subject, presumably, therefore, to any kind of negotiating impact. Certainly that has not been suggested before. Indeed, it was provided for in the Budget book for last year.

550 Really what I am asking is why is anything that the Chief Minister has just said in the previous answer going to impact on the payment of the £90 million premium, which we had understood on this side of the House, and indeed publicly, had been sealed in terms of the negotiation and it was just subject to planning?

555 **Hon. Chief Minister:** Because I have not said any of that, Mr Speaker, and I am not suggesting that the £90 million is at all in play. What I am suggesting is that there are negotiations ongoing and if they want a termination clause that is worse for the taxpayer and they know that the taxpayer's representative wants the whole thing completed next week, they will press on that termination clause, where we might think that we want to go for another termination clause. For
560 example, we are not talking about negotiating the premium, we are talking about negotiating the contract. We made the announcement because the premium and the land in respect of which it was going to be paid had been agreed, and we set out the heads of terms so that people knew what was happening. We are now negotiating the actual transfer of the land, which includes contractual clauses on termination and it includes leases and draft leases and building leases, all
565 of those things, and we want to get, obviously, the best deal for the taxpayer in the suite of documents that is being agreed. That is why I do not think it makes sense to set up a date.

Hon. K Azopardi: Mr Speaker, for me to be clear, was the £90 million that was already agreed payable on the grant of planning permission, or is it payable once they sign the development
570 licence and hence the relationship with the negotiation he is involved in?

Hon. Chief Minister: Mr Speaker, I have not got the document with me, but I believe it was on execution of the contracts and the planning permission – in other words, the agreement. Both had to be done, so I think the outline planning permission has been granted some time ago with
575 some appeals that were outstanding, and the final parts of the contract negotiation are ongoing now.

Hon. K Azopardi: Just to be clear, Mr Speaker, no part payment has been made in relation to the £90 million – is that correct?
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Hon. Chief Minister: No, we have not offered the site out for hire purchase.

Mr Speaker: Next question.

Q310 and Q331/2023
Treaty talks re future relationship with EU –
Update; Airport

Clerk: Question 310/2023. The Hon. the Leader of the Opposition.
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Hon. K Azopardi: Mr Speaker, will the Chief Minister update the House on the state of talks aimed at finalising a treaty with the EU for a future relationship with Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.
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Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 331.

Clerk: Question 310/2023. The Hon. Ms M D Hassan Nahon.

595 **Hon. Ms M D Hassan Nahon:** In the context of negotiations between the UK, Gibraltar, Spain and the European Union on Gibraltar's future relationship with the EU, can Government explain in detail what it considers to be the difference in definition between 'joint use' of the Airport and 'enhanced use' of the Airport?

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

Hon. Chief Minister: Mr Speaker, the negotiations to arrive at a treaty between the United Kingdom and the European Union on the future relationship are ongoing.

605 The term 'enhanced use' of the Airport refers to its greater usage through flights between Gibraltar and the European Union. This was first used in the Cordoba Agreement. The term 'joint use' has traditionally been taken to mean shared or joint control over the Airport and is associated with the 1987 Agreement, which was rejected unanimously by our predecessor House of Assembly.

610 **Hon. K Azopardi:** Mr Speaker, I will ask the question. I understand that the hon. Member is involved in ongoing negotiations and it is up to him how he wants to answer it. I appreciate the delicate moment and on our side of the House he knows that we have often said, despite our disagreement on issues, that we all want to achieve a safe and beneficial agreement for Gibraltar. Is there a forthcoming round of negotiations planned? There have been statements in the recent
615 past about parties coming close, and it has been suggested, by the hon. Member before – indeed, in the press – that parties were very close. Are we at that moment, or are we anywhere closer to a deal? And can he perhaps clarify a bit more?

Hon. Chief Minister: Mr Speaker, there is ongoing and continuing daily contact between
620 negotiators. We are, I think, all, in good faith, trying to ensure that we achieve the best deal that each of the parties considers is essential. We are all setting out to secure something that is safe, secure and beneficial for each of the sides. This is not easy. If it were, it would be done already.

I have made many statements in this House about the state of negotiations. I am not making one now for a reason, and I think the hon. Gentleman will understand that if I am not saying more,
625 it is not because I do not want to say more, it is because I consider it prudent not to say more.

Hon. K Azopardi: I accept that, of course, and hence the basis on which I am asking the questions, but can I just ask you one more thing? It did jump out at me from the page when I read a recent report of the discussions, that ... There are a number of items that are being discussed
630 from time to time, but the one item that I was slightly surprised at was that there was a throwaway remark in a Gibraltar paper that one of the issues that was now also being discussed was so-called nuclear security. Is that a new item? Is that even being discussed? And if so, does the Chief Minister want to say anything about that? And if he does not, then in the context of the negotiations I will understand, but it seems to me to be a new thing.

635 **Hon. Chief Minister:** Mr Speaker, no, I do not want to say anything about the negotiations. I do not want to suggest that that is not being considered or to suggest that it is being considered, because the amount of nonsense that I have read in the press about the issues that are alive in the negotiation ... and unfortunately, some of it apparently inspired by people who are in the negotiation, although they know that, being in the negotiation, those things would not be
640 accepted even if uttered from a corner of the room in the negotiation.

I think we all want to see an outcome here rather than a running commentary. It is the outcome that has value, not the commentary, and I think that is how we have to approach answers in this House at this moment in respect of the matter.

Q311-12/2023

Airport tunnel –

Noise and air pollution mitigation measures; measures to accommodate heavy traffic

645 **Clerk:** Question 311/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, what noise and air pollution mitigation measures are being considered by the Government in respect of the proposed opening of the airport tunnel and residents of the immediate area?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 312.

655 **Clerk:** Question 312/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, in preparation for the opening of the airport tunnel, what modifications or enhancements does the Government propose will be made to our roads to accommodate heavy traffic and different modes of transport?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the tunnel project includes the installation of environmental noise barriers alongside residential areas immediately bounding the tunnel approach ramps.

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The tunnel and its approach roads from the Frontier to Winston Churchill Avenue have been designed to cater for the volumes of traffic entering and exiting Gibraltar. The conversion of Devil's Tower Road into a dual carriageway was part of that planning at the time the decision was taken to build the tunnel. There is also a separate cycle and pedestrian subway following the tunnel route, although, as has already been publicly stated, pedestrians, cyclists and e-scooters will be able to continue using the runway, as is currently the case. This will assist in promoting active travel and sustainable forms of transport in the area and beyond, linked into the Active Travel Strategy for which works along Bayside Road are already under way.

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Hon. E J Phillips: I am grateful to the Chief Minister for the answer, and particularly in relation to the measures which appear, on their face, to focus on noise volume and creating subways for particular modes of transport, which he says in his answer would encourage active transport, which he knows, as well as the Minister for Transport knows, we support insofar as the cycling initiative is concerned.

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Just one thing that jumps out of the answer to the question is that it was specifically focused also in combination with the answer he gave in relation to air pollution reducing measures. The Minister will know, of course, of the sad death of a nine-year-old child, which the Inner South Coroner's Court ruled was due to air pollution, and in the UK they are really focusing on that insofar as young lungs are concerned. Given the fact that we are moving a lot of traffic down that way to the Airport, does he have any other specific measures to reduce not only the volume but also air pollution more generally? I know it is a big concern for his Government and it is a big concern on our side, but also for members of the public who are now residing in this more populous area of Gibraltar and the concerns that they have shared with me about air pollution more generally.

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Hon. Chief Minister: Mr Speaker, we have to understand what we are dealing with. The traffic that is now going to go down Devil's Tower Road is the traffic that goes down Winston Churchill Avenue. In other words, it is the traffic that goes through, bisecting Glacis Estate and Laguna

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695 Estate. All of that traffic is there today and will still be there tomorrow because the access to the
tunnel will continue to be along Winston Churchill Avenue. You just turn right as you go north, left
as you come south, instead of going across the runway. So the traffic that is going to be in the area
of Beach View Terraces, E1 and Hassan Centenary Terraces etc. is the traffic that is now at Laguna
and Glacis. What we want to do is not say, 'What are we going to do now that this traffic is going
to go past Beach View Terraces?' What we want is to have less traffic, and that is what the
700 Sustainable Traffic Plan is about. I am very pleased that they are now supporting it and I am very
pleased that we are working together on these issues, because I think this is an area where we
should not have party political division. We should not allow one interest group to use one of us
against the other to think that, by doing that, we can garner votes one way or the other. This
should be a House approach, which is why I supported the Hon. Minister for Transport when he
suggested that he should get in touch with hon. Members opposite when he was announcing the
705 beginning of the implementation measures.

The ability to continue to see the runway crossed by pedestrians, scooters and bicycles is a
highly important part of how we reduce traffic. The advice we had was that the deal we had
inherited from the GSD, which did not permit pedestrians and bicycles to cross the runway, was
going to cause much more vehicular traffic because faced with the need to walk all the way down
710 to Eastern Beach and walk back, those people would bring their cars, would come on their mopeds
or would come in taxis; at that time there was not such a thing as an e-scooter – an e-scooter is a
more modern iteration of transport. So we persuaded the MoD that it was in their interest
because of Devil's Tower Camp and Four Corners, which you no longer have to go around, and in
the interest more widely in terms of concern for the planet, that we should continue to be able to
715 cross the runway, because that means people will take the route they take today. Many thousands
of people should be lauded for the fact that they do not get in a vehicle and they cross the runway
on foot, some of them in the most inclement of weather. I try to walk, but in inclement weather I
am a bit of a wuss. I laud the fact that people walk in inclement weather and cycle in inclement
weather as well.

720 So by keeping the runway open, which is a measure that we have now been able to announce –
I am going to sign an MoU with the MoD in coming days – we think it that will have a huge effect
in keeping the traffic as it is and not making it worse, and other measures will assist in reducing
the traffic as we reduce it more widely.

725 **Hon. D J Bossino:** Mr Speaker, in relation to the final point he made, in terms of using the
runway and that that has been permitted by the MoD – because ultimately, at the end of the day,
it is an MoD runway – does it result in a cost to the Government to have obtained that easement?

730 **Hon. Chief Minister:** Mr Speaker, was he the gentleman who was accusing me yesterday of
becoming involved in other people's questions? No, that hypocrisy cannot have been manifest
from him, given how he involves himself in asking questions in other people's questions.

Yes, Mr Speaker, it does involve a cost. I do not have the exact numbers with me. It involves
the Government of Gibraltar funding the cost of maintaining the guard, because the MoD no
longer needs to maintain the guard; they would close it. We are not going to provide the guard,
735 they are going to provide the guard, but we are going to fund the costs of providing the guard.

Hon. D J Bossino: Is that information which presumably he does not have now, but he would
have with some notice?

740 **Hon. Chief Minister:** I told the Hon. Mr Phillips a moment ago, Mr Speaker, that we are about
to sign an MoU with the MoD. The final calculations are being done for that MoU, and when that
MoU is signed there will be a press statement, I imagine before the next meeting of the House
given that the next month is the Easter month and I would not want to bring him here in his Easter
vigil. Therefore, he can expect that the amounts will be in the press release, and if they are not,

745 because the press release drafters decide that it should not be there, then he can ask the question and I will provide it, but certainly in the Budget it will feature.

Hon. E J Phillips: Mr Speaker –

750 **Mr Speaker:** No, we need to move on. Next question. *(Interjection by Hon. E J Phillips)* No, please resume your seat.

Hon. E J Phillips: Mr Speaker, what about five, six, seven and eight?

755 **Mr Speaker:** Oh, I see what you mean. I see what you are getting at. Right. You may ask a question, Mr Phillips.

Hon. E J Phillips: I am grateful, Mr Speaker. Just one question. Just curiosity, because the response the Chief Minister gave in relation to my hon. Friend's question about the Frontier itself and the small cost that might be incurred by the Government ... Are there any issues about powers and rights and obligations and who will be performing that function at the runway crossing by Winston Churchill Avenue, because there is a technical ...? I think the Minister for Justice actually had an issue with this last time we debated it very briefly.

765 **Hon. Chief Minister:** Mr Speaker, I do not understand the point that the hon. Gentleman is making. The point I made was that we are going to pay for the guard but the MoD is going to continue to provide the guard. That is why I phrased it that way. I do not know whether he meant what is going to happen on the runway. The runway jurisdiction remains with the Royal Gibraltar Police. They have jurisdiction, too, but it is ...

770 **Mr Speaker:** Next question.

Q313/2023

Law firms making introductions to Government Ministers – Legality of charging fees

Clerk: Question 313/2023. The Hon. R M Clinton.

775 **Hon. R M Clinton:** Mr Speaker, can the Government confirm that it is unacceptable for law firms to charge their clients a fee for making introductions to Government Ministers?

Clerk: Answer, the Hon. the Chief Minister.

780 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government agrees that it would be unacceptable for any law firm or professional or person to purport to charge a fee or seek any advantage for making introductions to Government Ministers or officials. Government Ministers respond to all queries from all members of the public without the need for any introductions, paid or otherwise.

785 If any person has been asked to pay such a fee, they should seek restitution of their capital and should alert the relevant Minister and my office of any such goings on.

Mr Speaker: Next question.

Q314/2023

**UK guaranteed £500 million facility –
Update re extension**

Clerk: Question 314/2023. The Hon. R M Clinton.

790 **Hon. R M Clinton:** Mr Speaker, can the Government provide an update on negotiations for the extension of the UK guaranteed £500 million facility whose termination date is 3rd December 2023?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, no update can be provided at this time. Discussions are ongoing and the House will be updated once these are finalised.

I can tell the House that discussions have progressed very well. I will, of course, update the House during my address at the Budget on the state of play then, if I have not been able to make an announcement before then.

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Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's comment as to negotiations that are ongoing. As I understand it, I believe the facility of £500 million – I am happy to be corrected by the Chief Minister – would be at about £425 million as at 1st February if the numbers that I had yesterday were correct. Does he agree that having only £75 million left to 3rd December is perhaps cutting it a bit fine in terms of the overall public finance position?

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Hon. Chief Minister: Mr Speaker, of course the numbers that he got yesterday are correct, but I do not agree with his analysis.

Q315/2023

**Spanish tax haven blacklist –
Expected date of removal**

810 **Clerk:** Question 315/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the exact date upon which Spain's commitment to remove Gibraltar from its tax haven blacklist within two years of the coming into effect of the Tax Treaty expires?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the International Agreement on Taxation and the Protection of Financial Interests between the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland regarding Gibraltar, more commonly referred to as the Tax Treaty, stated that the agreement 'shall enter into force on the date of the later of the parties' notifications that they have completed their internal procedures'. The date in this respect, therefore, relates to the end of March.

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I am happy to be able to confirm that the relevant Spanish officials have confirmed through diplomatic channels that they are commencing the process of complying with their commitment to remove Gibraltar from the list in question. More details on the timings for the completion of this process will be announced as soon as they are available. Should the process not progress

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within a reasonable timescale, we will, more in sorrow than in anger, withdraw from the application of the treaty.

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Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's response. I am sure my hon. colleagues will have something to ask further, but if I can just ask for concrete clarity on a date. The unilateral declaration by the government of Spain on delisting referred to – I have a copy of the statements that the Chief Minister gave us at the time – 'within two years of its entry into force'; in Spanish, '*dos años desde su entrada en vigor*'. Given that language, what is actually the date? Is it 31st March, or is there another date between now and 31st March? I am just trying to get some clarity as to when is the actual end date.

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Hon. Chief Minister: Mr Speaker, I think I have given the hon. Gentleman that clarity. I have said the end of March and I have also told him – which I would have thought he would have wanted to start his supplementary with, but of course that is a matter for him – the very welcome news that we have had confirmation from the relevant officials in Spain that they are starting the process of our removal from the blacklist. That, I think, is the headline we should all want to go away with in respect of this matter.

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Hon. Azopardi: Mr Speaker, let me just ask, because I think my hon. colleague, when he said he wanted a bit of clarity ... I had read before that the entry into force in Spain, which was the last party for it to be entered into force for, was 4th March 2021. The hon. Member is suggesting that it is not 4th March, so to the extent that it is out there ... When you google this, that date comes up as a confirmation date. It is not 4th March. The precise date is 31st March, or is it any other date at the end of March?

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Hon. Chief Minister: Mr Speaker, I do not want to be held to a particular date on this subject. I want to be clear that the information we have had is that having hit March, we have been told by the Spaniards that they are starting the process of removing us from the blacklist. Starting a process can be something that then gets stretched out, and therefore I am saying, 'Thank you for confirming that you are starting this process. Thank you for confirming that we are all seeing each other in compliance. That process has to be dealt with in a reasonable period of time, otherwise we will consider that you are not acting in good faith and then we would withdraw.' But let's be clear. We have had confirmation from the relevant Spanish officials through diplomatic channels that the process has begun. I will only be happy when the process has ended if it ends within a reasonable period of time, that is to say short and not designed to avoid the obligation that Spain acquired in writing to act in this way.

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Hon. K Azopardi: Of course it should be done in a reasonable period of time but I thought that that is what had already been agreed – in other words the reasonable period of time had been defined as ... Spain had said it would be done within two years of the entry into force by the last party, which I had understood to be early March 2021, and therefore that we are now on borrowed time already. The reasonable period of within two years having been set, if we are wrong and it is not the beginning of March and it is the end of March, it should really be done by the end of the month, and if there is going to be any added leeway, it is leeway beyond the commitment given. Does he not agree?

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Hon. Chief Minister: No, Mr Speaker, because what he has done there is set himself up as the arbiter of reasonableness without knowing the legal system of the place he is talking about and how long their processes might take. But if we were to indulge them in that debate, we might be giving them more leeway than they deserve, so what is in the interest of Gibraltar is to say they have confirmed it is happening, let's see it happen within a reasonable time, let's see what they

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880 say now is the reasonable process they have to go through that the pressing of the button takes them to.

Mr Speaker, we have to be very clear about one thing. Gibraltar entered into this commitment in good faith. We entered into this commitment on the basis of representations made to us, I can only believe in good faith, to remove us within a certain period. We are now being told that they are delivering against that commitment. I will believe it when it is done.

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Hon. K Azopardi: Mr Speaker, I am, with all due respect, not setting myself up as the arbiter of what is a reasonable period of time, nor am I setting myself up as an expert on Spanish law or administration. I am reading from the declaration of the government of Spain that is headed '*Declaración unilateral del gobierno de España sobre delisting*', which says, '*dos años desde su entrada en vigor*', within two years of its entry into force. We can have a disagreement about whether it is the beginning of March or the end of March, but the government of Spain, setting itself up as the arbiter of what is reasonable in accordance with Spanish procedure, has said within two years, and it is either at the beginning of March and we are on borrowed time, or at the end of March and we are not on borrowed time. Has the government of Spain indicated to the hon. Member what it considers is the time it needs for the delisting, given the *declaración* they issued at the time of the Tax Treaty?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman has referred to the unilateral declaration. The unilateral declaration talks about a timeframe. It does not talk about the period to give effect to the thing which is the thing that we are saying, maximum, is a reasonable period. This is when it has to happen. How it happens is what we are talking about must happen in a reasonable period of time. This has to happen. The effect of it has to now happen within a reasonable period of time.

I will not be happy until Gibraltar is removed from the blacklist. This is clear as to what the Kingdom of Spain has to do. We are not giving the Kingdom of Spain any way out in respect of what they have said they will do, because if we are going to enter into new arrangements with the Kingdom of Spain, we will judge the credibility of those new arrangements based on the credibility of the arrangements we have already done. What matters here is outcome, and it matters that that outcome should come and it should come within the timeframe that was agreed, because otherwise nothing else will be credible.

Mr Speaker: If the Leader of the Opposition wishes a further supplementary, then we will ... No. We will move on then.

915 **Clerk:** Question 316 – (*Interjection*)

Mr Speaker: Just a second, Mr Clerk. The Hon. Roy Clinton has a quick supplementary.

Hon. R M Clinton: Thank you, Mr Speaker, for your indulgence. A very quick question. Did I hear correctly that the Chief Minister stated that if, in his view, the Spanish government does not move quickly enough to remove us from the blacklist, he would take steps to rescind the tax agreement?

Hon. Chief Minister: Yes, Mr Speaker, I have repeated what I have said in that respect. I have said it before.

Mr Speaker: Next question.

Q316-17/2023
Tax Office and ITLD premises and staff –
Plans to relocate

Clerk: Question 316/2023. The Hon. D J Bossino.

930 **Hon. D J Bossino:** Does the Government have any plans to relocate the Tax Office and its complement of employees?

Clerk: Answer, the Hon. the Chief Minister.

935 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 317.

Clerk: Question 317/2023. The Hon. D J Bossino.

940 **Hon. D J Bossino:** Does the Government have any plans to relocate the offices of ITLD and its staff?

Clerk: Answer, the Hon. the Chief Minister.

945 **Hon. Chief Minister:** Mr Speaker, as I mentioned at the last session of Parliament, plans for the relocation of some government departments are ongoing. An announcement will be made publicly if agreements with a new landlord can be finalised.

950 **Hon. D J Bossino:** Mr Speaker, I think the reference that he is making is to the question that I asked specifically in relation to the private landlord in the New Harbours area where the Bassadone Group have a building, and I understand that they are also building office space.

955 The information I have received is that as far as these departments were concerned, there was consideration being given to moving them. Is he able to state any further at this stage whether ...? He talks about 'some' government departments – is he able to say whether it is these government departments which he is considering making the move to the Bassadone premises?

Hon. Chief Minister: No, Mr Speaker, I cannot make a statement about that now.

960 **Hon. D J Bossino:** Is he able to provide the House with an update as to when he thinks he will be in a position to provide that information? If he recalls the particulars that I asked of him, presumably it is going to have a rental price tag attached to it ... when he expects to be in a position to provide that type of information to the House?

965 **Hon. Chief Minister:** Mr Speaker, I am unable to update the House on when I will be able to update the House.

Mr Speaker: Next question.

Hon. D J Bossino: Is there any particular reason for that?

970 **Mr Speaker:** Please, no. *(Interjection by Hon. D J Bossino)* No. Next question.

Q318/2023
Waterport fountain –
When to be fixed

Clerk: Question 318/2023. The Hon. D J Bossino.

Hon. D J Bossino: When will the Waterport fountain be fixed?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the repair of this fountain will involve public expenditure. Given the current issues surrounding public finances as a result of the spending on the COVID pandemic, this repair is not considered a priority over other spending.

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Hon. D J Bossino: Mr Speaker, we had a relatively lengthy exchange in relation to roundabouts yesterday – the Sundial – and he was able to provide, I think, in relation to that question, quite a lot of answers and replies around the fringes of it, in terms of the developments that were going to go ahead. Is it something that he is considering? It is genuine complaints that people have made to me within the context of tourism, and in fact I would have expected that the Hon. the Minister for Tourism would be answering it, but the Hon. the Chief Minister is answering it because of the expenditure that this would incur to the public finances of this place. Is he able to state whether it is his intention, and if it is his intention to refurbish it, when that is likely to happen? I would ask whether he has an idea of the cost of that.

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Hon. Chief Minister: Mr Speaker, I am, of course, delighted to provide such information as I can to the hon. Gentleman in respect of this eponymous fountain that he is asking after and say that the Government will continue to take the view that if it is possible to ask those who are developing in the area to provide enhancements for the area, we will be seeking to do that in the context of negotiations. There is one particular project in that area that is coming, that would no doubt benefit from this being repaired, perhaps even updated, modernised etc. and in such a manner that its colloquial reference might change from Capullo to something else.

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Mr Speaker: Next question.

Hon. D J Bossino: Mr Speaker, if I may – I think I have only asked one. In relation to that – we are talking about the fixing of it – is it within the realms of possibility, or does the Government have absolutely no cash available to it, to pay for the connection so that we have water spouting out from the relevant tubes of the fountain and it works as a properly functioning fountain?

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Hon. Chief Minister: Mr Speaker, if the issue were connection we might have been able to fix it, but it is not. And it is not about not having cash, it is about prioritising the use of cash, which is what I told the hon. Gentleman yesterday. Yesterday, I told him it was about prioritising. Today, he says, 'Today, you have absolutely no cash available,' which mischaracterises the public finances in a way that I can only associate with his desire to spin everything.

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Mr Speaker: This is the last supplementary.

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Hon. D J Bossino: I am grateful, Mr Speaker. If it is not a matter of connection, what is it?

Hon. Chief Minister: Another type of repair.

Mr Speaker: Next question.

Q319-20/2023
Stronger links with Morocco –
Dates of Chief Minister’s visits; announcement

1020 **Clerk:** Question 319/2023. The Hon. D J Bossino.

Hon. D J Bossino: On what dates has the Chief Minister visited Morocco in order to establish stronger links, since the last election?

1025 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 320.

1030 **Clerk:** Question 320/2023. The Hon. D J Bossino.

Hon. D J Bossino: When will announcements be made in relation to the establishment of stronger links with Morocco?

1035 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, in relation to Question 320, an announcement will be made as soon as possible.

1040 Additionally, as I have already told the hon. Gentleman in this House, it is not in the public interest, at this stage, for me to say any more in relation to this issue given the very live and complex political context we currently find ourselves in. When it is, I shall look forward to making the relevant announcement.

1045 **Hon. D J Bossino:** Mr Speaker. We had this exchange in this House back in October, I think it was, and I am going to refer the hon. Member to the answer he gave at the time. It was not him, actually, it was his colleague the Minister for Tourism. There was already, at that stage, disclosure provided in the prepared answer to my question, not even in response to a supplementary, and the answer was this, and I quote:

the Chief Minister has engaged in a number of visits to Morocco to seek to establish stronger links, and announcements which show those links bearing fruit are expected in coming months.

1050 This was in November. Given that it is already in the public domain that the hon. Gentleman has visited on a number of occasions the Kingdom of Morocco, why can't he provide me with the dates?

1055 **Hon. Chief Minister:** Mr Speaker, for the reasons I have referred him to a few moments ago. We are all in politics to try to make Gibraltar better, I hope. We are all in politics to try to improve Gibraltar. If somebody I have known since we were 12 years old hears me say, 'It is not in our interest that I give you any more information,' I hope he knows me well enough that I would not be trying to hide behind that to avoid giving him an answer. So even though it might appear to him to be innocuous, can he take it from me that it is not in the public interest that I should say more?

1060 **Hon. D J Bossino:** Mr Speaker, I am happy to take it from him to an extent, but I would like to understand the premise for the rationale of that position. His colleague, a Member of his Cabinet and Government, has already stated in this House – on public record, it is in *Hansard* – that the hon. Gentleman has visited the Kingdom of Morocco on a number of occasions. I am asking him

1065 to simply state the dates. Why is it that that has an impact on the public interest of Gibraltar in the negotiations? I simply do not understand it.

Hon. Chief Minister: Mr Speaker, who has mentioned the negotiations? I said in the complex political context we currently find ourselves in. He has mentioned the negotiations. Why is he making that link?

1070 Mr Speaker, in the Gibraltar in which I was brought up, if the Chief Minister of Gibraltar or a senior Minister said, 'Look, it is not in Gibraltar's interest that we talk about this,' people would say, 'Fair enough, we are all in it together.' Here, I am being pressed to explain the public interest. If I explain the public interest, I am going to give the game away. It is not in the public interest that I should explain the public interest. The hon. Gentleman is pushing me to give him answers which
1075 are right out of the script of *Yes Minister*. I would have thought that somebody who has been following and involved in politics from the age I was would understand what I am trying to say to him and that if we are all in it together, the nation is not going to fall because I do not give him this answer across the floor of the House today. Why press?

1080 **Mr Speaker:** This will be the final supplementary.

Hon. D J Bossino: Mr Speaker, so be it. Simply to put to him that I have not plucked that interpretation of what he has given the House on this occasion from thin air. I made a direct reference to the negotiations with the EU not because I have invented it, but because the hon.
1085 Gentleman himself said so in the context of his reply in November when he said, and I am quoting:

the hon. Gentleman knows that we are in the middle of a negotiation. That negotiation involves the United Kingdom, it involves the European Union and it involves Spain, as a member state of the European Union.

He says that by asking that question I may disadvantage Gibraltar, simply asking him to provide me the dates in relation to visits that the Hon. Minister said he had made to Morocco. I ask him to accept that the premise of my question was relevant in the context of the EU negotiation, because he himself said it could have an impact on the EU negotiations, but now he is saying it
1090 could have an impact on other things.

Hon. Chief Minister: Mr Speaker, I ask that you rule that the hon. Gentleman's remarks are out of order, given that they were not ended with a question.

1095 **Hon. D J Bossino:** I am asking –

Mr Speaker: Would you add a question on to what you have just said?

Hon. D J Bossino: Mr Speaker, I have asked him to make a comment in relation to the point I
1100 have just made. It was a question.

Hon. Chief Minister: Mr Speaker, I have absolutely no intention of further commenting in respect of this matter, and I refer the hon. Gentleman to the answer I gave a few moments ago.

1105 **Mr Speaker:** Next question.

Q321/2023
Drug dogs –
Location of teams

Clerk: Question 321/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Does HM Customs still have a drug dogs team, and have any dogs been transferred between HM Customs and the RGP; and, if so, how many?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, HM Customs has two drug dogs with their respective handlers, who are both customs officers. Both teams are trained to search for controlled drugs and cash.

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Hon. Ms M D Hassan Nahon: Mr Speaker, can I ask the Chief Minister – I do not believe he answered my question – the part about have any dogs been transferred between HM Customs and the RGP?

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Hon. Chief Minister: Mr Speaker, in fact the opposite happened. The drug dogs at the RGP I think at one stage were transferred to HM Customs.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker. And if that is the case, has that left the RGP without any dogs, or have they replaced them?

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Hon. Chief Minister: Mr Speaker, the RGP came to me, through the Minister for Justice, to say that they no longer wanted to have a drug dog capability. They did not believe that Gibraltar needed to have two drug dog capabilities and two explosive detector dog capabilities. GDP have explosive detector dogs and Customs have drug detector dogs. This was entirely driven by the Commissioner of the RGP, who approached us on that basis.

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Mr Speaker: Next question.

Q322/2023
COVID memorial –
Completion date

Clerk: Question 322/2023. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: When will Government hold the promised memorial for those who died during the COVID pandemic?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the COVID memorial is currently at an advanced stage in the construction process. The Government will make an announcement as to the exact date of the memorial as soon as it is able to do so after confirmation of completion of works, which are likely to take another six weeks or so.

1145 **Hon. Ms M D Hassan Nahon:** Mr Speaker, has Government identified ...? Perhaps I have not seen it. Have they shared with the public where this memorial will be?

Hon. Chief Minister: Mr Speaker, I believe we have.

1150 **Hon. Ms M D Hassan Nahon:** Can I ask him to repeat this information here?

Hon. Chief Minister: Not with any certainty, because I do not think I have it here, but I think there has been an announcement of which the successful design has been. Yes, in fact I do have it here, Mr Speaker. It is a press release of 16 June last year: Press Release 415/2022.

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Hon. Ms M D Hassan Nahon: Mr Speaker, is the Chief Minister telling us that if the design of the works is finished within the next six weeks, there will be a memorial ceremony and this will be taking place in the next couple of months, for example?

1160 **Hon. Chief Minister:** Yes.

Mr Speaker: Next question.

**Q323/2023
COVID inquiry –
Details**

Hon. Ms M D Hassan Nahon: When will the Government inquiry into the handling of the COVID crisis take place, and does Government have a structure prepared for who and how it will be run?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, final arrangements are being made for this important inquiry to be convened. The Government has an eye on the UK inquiry, to deliver the best inquiry for Gibraltar, to learn the lessons of this pandemic before the inevitable next one, although I sincerely hope it will not come for many decades and generations.

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Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker, and I thank the Member for the answer. Will that mean that he is looking at holding this inquiry into our next legislature regardless of who wins the next election? His sights are on the next term of office when this will be taking place?

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Hon. Chief Minister: I do not know what the hon. Lady is implying in her answer. The Government will convene the inquiry. It is my view that that inquiry will be convened during the lifetime of this Parliament. The inquiry will run for a considerable period of time. Inquiries are not in any way linked to the lifetimes of parliaments. It could run for the lifetime of two parliaments, it could run for a quarter of the lifetime of a parliament, but it is very likely that the inquiry will run through from the lifetime of this Parliament to another Parliament.

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Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker. I was asking because if the Chief Minister was saying that he was waiting on certain information or things to be in place before holding the inquiry – and there are, I think, objectively, a maximum of six or seven months left of this legislature, the lifetime of this Parliament ... That is why I was asking if it was likely to take place in the next legislature.

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1190 My question would be whether the Chief Minister is involved or making arrangements and
preparing structures for this inquiry in terms of who is going to be running it, so that we can
guarantee maximum independence.

1195 **Hon. Chief Minister:** Mr Speaker, yes, sir, but given that the election is not going to be called
tomorrow, as apparently there is a strong rumour that it would be, there is plenty of time to do
it.

Mr Speaker: Next question.

Q324-27/2023

ID cards –

**Number of printers; printers operational on 7th March 2023;
days when printers not operational in 2022-23; current waiting time**

Clerk: Question 324/2023. The Hon. Ms M D Hassan Nahon.

1200 **Hon. Ms M D Hassan Nahon:** How many ID card printers does the Government possess?

Clerk: Answer, the Hon. the Chief Minister.

1205 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Questions 325 to 327.

Clerk: Question 325/2023. The Hon. Ms M D Hassan Nahon.

1210 **Hon. Ms M D Hassan Nahon:** How many ID card printers were operational and fully functioning
on 7th March 2023?

Clerk: Question 326/2023. The Hon. Ms M D Hassan Nahon.

1215 **Hon. Ms M D Hassan Nahon:** Please list the number of working days on which the Government
ID card printers have not been operational in 2022 and 2023?

Clerk: Question 327/2023. The Hon. Ms M D Hassan Nahon.

1220 **Hon. Ms M D Hassan Nahon:** What is the current waiting time for an ID card?

Clerk: Answer, the Hon. the Chief Minister.

1225 **Hon. Chief Minister:** HMGoG possesses three printers with the ability to print electronic ID and
civilian registration cards. Two of these are located at the Civil Status and Registration Office and
one at the Driver and Vehicle Licensing Department.

All printers were fully functional on 7th March 2023.

The electronic card printers at the CSRO have not been operational during the following dates:
from 13th October to 19th October 2022 inclusive, and from 30th January to 28th February 2023
inclusive.

1230 The current average waiting time for an identity card is 10 working days, and 25 working days
for a civilian registration card.

Mr Speaker: Next question.

Q328-29/2023

Public sector workers –

Cost of living adjustment to salaries; heads of department salary increases

Clerk: Question 328/2023. The Hon. Ms M D Hassan Nahon.

1235 **Hon. Ms M D Hassan Nahon:** When is the Government expected to review its policy on granting civil servants a cost of living adjustment to their salaries, given that the cost of living has increased dramatically in the last four years?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): I will answer with Question 329.

Clerk: Question 329/2023. The Hon. Ms M D Hassan Nahon.

1245 **Hon. Ms M D Hassan Nahon:** Can Government provide a list, within the last four years, of Civil Service, public service and government-owned company heads of department who have received a salary increase, with a breakdown of each individual post, the original salary and their salary after the increase?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, as the hon. Lady should know, any announcement related to the Government's recurrent expenditure will be made at the debate on the Appropriation Bill later this year. This allows for the Government to properly cost and plan for the next 12 months having had sight of its revenue and expenditure for the past financial year, which ends later this month. The Government has created a forum with all of Gibraltar's public sector unions to consider these issues with the representatives of our colleagues in the public sector.

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All civil servants, public servants and government-owned company heads of department received a salary increase on 1st August 2019 in line with the IRP, which was the last relevant date before the pandemic plunged us into deficit from the previous historic surpluses we had achieved. In addition, over the last four years any officer who was not on the maximum of their pay scale has also received the applicable annual increase until they have reached the maximum scale. The salary increases any individual officer might have enjoyed in the past four years are reflected in the Estimates Book and are therefore available to the hon Lady.

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Hon. Ms M D Hassan Nahon: Mr Speaker, if I ask a question and I ask Government to provide a list for this House and the Government does not, or points me somewhere else, is that all right?

Hon. Chief Minister: What I have said is that the information she has asked for is public. It is not that I am not providing the list, it is that she has the list. She has it in her Estimates Book. If she goes to one Estimates Book she sees the list of every single public officer, and if she goes to the next one she sees the same list, and every single one of those salaries increased. What she has asked me for is to pull out the pages at the back of the Book and give them to her. I have my Book, she has hers.

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Mr Speaker: The Hon. Roy Clinton.

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

In relation to the hon. Lady's Question 328, I think I heard the Chief Minister refer to the creation of a forum with the trade unions. I believe Unite announced this on 13th March and

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described it as a recent breakthrough, with the Government committing to engage with the unions via an employer/trade union public sector negotiating forum. Can the Chief Minister provide more information to the House as to the remit for this forum? And how long does he expect it to be in existence for?

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Hon. Chief Minister: Mr Speaker, what I have said about this forum is that it is a forum to hear the union's views in respect of public sector pay in years when we are expecting to be in deficit. In years when we have been in surplus, the unions have been very happy to come and see me. They have asked me for a 2% pay rise. I have said I hear what they say, I have come to the House and I have given them a 3% pay rise. They have walked out of the House very happy and everybody has been very happy because there is a surplus.

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If there is a surplus, we must ensure that we share that surplus with working people, whether we do it through increases in the Minimum Wage – because we also pay people the Minimum Wage – or we do it through increases in the salaries of those in the public sector, or other benefits that we provide more widely in the community, but when we are in deficit ... I accept that the unions want to be able to influence the Government's decisions in respect of public sector pay and therefore they want a negotiation rather than just a discussion, so I am committed to having this forum for the period when Gibraltar is in deficit, and I am very happy to start that process of talking to the public sector unions this year.

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Mr Speaker: Next question.

Q330/2023

Morrisons pay dispute – Discussions held

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

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Hon. Ms M D Hassan Nahon: What discussions, if any, have there been between the Government, Morrisons and Unite the Union regarding the current pay dispute?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I have written, as Chief Minister of His Majesty's Government of Gibraltar, to the parties involved in the current pay dispute between Morrisons and Unite the Union to offer the services of my office, in particular our industrial relations machinery, to assist in finding an appropriate solution to the dispute. I wrote on 8th February. Unfortunately, we have not been able to assist, but we stand by to help if we are able.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Chief Minister for his answer. Is Government able to share with this House any information on what has been discussed or whether he believes that there is any solution coming any time soon?

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Hon. Chief Minister: Mr Speaker, the only thing I can share with the hon. Lady is that I have written to both parties, I have offered to help and my offer has not been taken up – but we are third parties to that dispute.

HOUSING, EMPLOYMENT, YOUTH AND SPORT

Q294/2023

Housing waiting list –

Applicants remaining pre-November 2011

Clerk: Question 294/2023. The Hon. D A Feetham.

1325 **Hon. D A Feetham:** Mr Speaker, of those individuals who were on the housing waiting list in November 2011, how many are still on the housing waiting list today and how many are divorced or separated fathers waiting for a one-bedroom flat?

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

1330 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, 76 applicants on the housing waiting list with an application dated pre-November 2011 remain on the list. Many may have been offered allocations they have refused. As far as the Ministry for Housing is aware, from the information available about each applicant, none are divorced or separated fathers waiting for a one-bedroom flat.

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Hon. D A Feetham: Mr Speaker, he said that many have been offered and refused. How many is 'many'?

1340 **Hon. S E Linares:** Mr Speaker, I have not got the exact number of how many is 'many', but I would suggest it is near the 76.

1345 **Hon. D A Feetham:** He is responsible, obviously, for the accuracy of answers he provides to this House. May I drill down on that answer that it is close to 76? Has he seen any statistics that would allow him to come to this House and answer the question that I have posed, using the using the word 'many'?

1350 **Hon. S E Linares:** Mr Speaker, quite frankly, this is extra information that I gave him from the question. He had not specifically asked that question, and therefore the official has put that many *may* have been offered allocations they have refused. I could go back and ask specifically that question, which he has not done.

1355 **Hon. D A Feetham:** Yes, I would like him, if I may, Mr Speaker – I would like the Minister; I apologise – to provide me with that information. I have to say that I am surprised that the Minister, when he saw the answer, which referred to 'many', did not ask the question. I have sat on that side of the House and it is a natural question to ask the public servants: how many is 'many'? But yes, I would appreciate it, Mr Speaker. He is absolutely certain that none of the 76 are divorced or separated fathers? He has asked about that and he is absolutely certain about that?

1360 **Chief Minister (Hon. F R Picardo):** No, Mr Speaker, what the answer says is from the information available in their filed application. It is impossible for us otherwise to know, and that is why it is prefaced with those words.

1365 **Hon. D A Feetham:** So in actual fact, the answer is that it is really impossible for the Minister, on the information that the Minister has, to provide any answer to that question because he just really does not have the information. That ought to be the answer.

Hon. Chief Minister: No, Mr Speaker, the answer is what the answer is, that from the information available about each applicant none of them are divorced or separated fathers waiting for a one-bedroom flat. If they were, that should be on the application because one of the things that you are asked is about your family composition, your marital status etc. The information that we have about these people suggests that they are not, because they have filled in those things contrary to the information that they should have provided to suggest it. So we do have information about the status, and from that information none of them appear to be, but they could, since filling in the form, have got married, got divorced and now want a one-bedroom for that reason, for all we know. That is why we cannot give more certainty and we have to ensure that we provide it in this way, so that what we are saying to the House is entirely correct.

Hon. D A Feetham: Mr Speaker, the reason why I am asking this question is because I know of several individuals who are on the housing waiting list for a one-bedroom flat, who have been on the housing waiting list going back to 2011 and still have not have not been allocated a flat.

I will pose my question in a moment, but the reason why I am asking is because I have asked in the past, and the point that I have made in the past is that actually divorced fathers do really get a very raw deal in a variety of ways, this being one of them, because invariably they are the ones who have to leave the matrimonial home. Let's assume that it is a government rental, for example. When they try to get onto the housing waiting list, they are told, 'You are only entitled to a one-bedroom flat,' even though they may have, for example, three or four children. This is a government policy going back to the GSD years. I never agreed with it, I have to say, but I could never persuade anybody to change policy in this regard. The argument is why should a child have two rooms, one with the father and one with the mother? The problem, of course, is that you end up, as a father, not being able to have meaningful overnights. *(Interjection)* I am going to ask a question. I am just explaining, so that I can – *(Interjections)*

Mr Speaker: Chief Minister, I allowed the Hon. Daniel Feetham to make a short preamble. I am allowing him to do that.

Hon. D A Feetham: Mr Speaker, thank you very much. It is my only question because, as he knows, I have agreed to take other questions in writing.

They get a raw deal, and some of them have been on the waiting list since 2011. If I provide to the Minister the details of the individuals in question, will he at least look at these individual cases to see whether something can be done about them? They really are, in my view, getting a raw deal.

Hon. S E Linares: Firstly, Mr Speaker, I do not agree with the premise of the hon. Member's assertion that we do not help divorced or separated parents – or fathers – because sometimes it is also mothers, not only fathers. But we have helped loads of them.

I am assuming that of the 76 on whom I am getting information, because this is the question ... He is saying it is before 2011 because those are the ones who are probably more pressing. I do appreciate that he does give me a list of those, so that we can look into what the issues are, and I am sure we probably have already, but we are willing to explore that. I do not have an issue with that. But we do help parents and we have to look at exactly what the fathers' rights are in relation to the children as well, because some fathers claim, 'I want to have my children with me' – and I can tell the hon. Gentleman that some of the children are 26 and 28 years old – because they still think that it is their children. Of course they are their children until they die, but the point is that, at times, divorced fathers and mothers want to have their 'children' – and I say children in inverted commas because a person ceases to be a child at a certain age ... they want to live with their children. That means the son or the daughter can go and sleep in their house.

Also, there are many divorced fathers who we have looked at and analysed, who do not have court jurisdiction for their children, and they have to obtain that. And we have done that many

1420 times, where they go to court, they say, 'Who has custody of the children? Is it 50/50? Is the father
able to see the children because of certain things that have happened during the family
composition?' We look at all that. That is important because if the father comes and says, 'I have
1425 been a good father. I married and divorced and I want my children to stay with me and they are
young,' usually we do try to accommodate that father as best we can. We might not be able to
give them, say, a three-bedroom flat where they have one room for each child. We might be able
to give them a lower composition, but we definitely do, and I can honestly ... For me, the most
important people here are not the divorced mothers or fathers, it is the children. That is the
concern, and I can honestly say that whenever ... With everything that I look at, it is always what
are the consequences to the children, and that is what I prioritise. For me, it is not the divorced
1430 father, it is the children of those divorced fathers.

Mr Speaker: Next question.

Q295/2023
Government housing estates –
Rules for tenants

Clerk: Question 295/2023. The Hon. the Leader of the Opposition.

1435 **Hon. K Azopardi:** Mr Speaker, does the Government intend to rationalise the rules for tenants
in the various government housing estates?

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

1440 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, no, sir.

Hon. K Azopardi: Mr Speaker – *(Interjection)*

Hon. S E Linares: Apologies – it is yes, sir! *(Laughter)*

1445 **Hon. K Azopardi:** Well, I am glad that we got a U-turn after three seconds.

Mr Speaker, I can I just ask is the rationalisation in the context of the review of the Housing Act
that that the Hon. Minister has been speaking about on previous occasions? And is the
rationalisation to the extent that the aim and objective would be that each housing estate should
have a common set of rules?

1450 **Hon. S E Linares:** Yes, Mr Speaker, it is a combination of being in the Housing Act and also on
each individual tenancy agreement, which will be a general tenancy agreement for all households
in the government stock. So it will not be different from one estate to the other, everybody will
get the same, which is the agreement that we are writing out, and that will be reflected within the
1455 Housing Act and will be reflected in the tenancy agreement.

Hon. K Azopardi: And does the Minister have any kind of idea of the kind of timescale for the
rollout of that rationalisation?

1460 **Hon. S E Linares:** Mr Speaker, I hope I am not bound to, but I am trying to do it even before
the summer. But please do not hold me to that because I have been pressing all my staff that we
have all the list of things to do with housing to be ready. That is the Housing Act, the booklet, the
tenancy agreement, the housing allocation scheme, all these to be rolled out. I have said it before:

1465 it is probably rolling out the Act first – I am looking now at putting it maybe just after Easter, the whole of the Housing Act – and then the things later will follow behind, because the Act is the basis on which all the others follow.

Mr Speaker: Next question.

JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q256/2023

**Parental alienation –
Update on Government plans**

Clerk: Question 256/2023. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Government please update the House on its plans to tackle parental alienation?

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

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Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, I refer the hon. Member to my previous answer on the subject. He may recall that on that occasion I explained that following the consultation process we undertook, it became apparent to me that the change that is needed is wider and not on one specific point of family law. For this reason, in my Budget address last year I announced a review of family legislation. The changes, therefore, will be wider reaching and will go beyond this single net issue. We have already established a working group for this purpose and the work is ongoing.

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Hon. D A Feetham: Has the drafting of new legislation commenced yet?

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Hon. Miss S J Sacramento: Mr Speaker, the drafting itself has not commenced. We have, however, had a lot of stakeholders who are involved in the whole process involved in working together to advise me on the exact changes we need to make, because really the outcome that I want will probably be better than the initial outcome I sought when I started the consultation process on this. That, in fact, is the beauty of consultation when it is done properly. We had feedback from almost 50 individuals on the parental alienation exercise. I myself, I think, saw about 35 of these, and after having spent probably between half an hour and an hour with each of these individuals and hearing their stories, by the end of that process when we started looking at what we needed to do, we came to the conclusion that to make it better, our changes needed to go beyond this point and be wider reaching. That itself will entail a lot more work and therefore it will take longer than we envisaged when we set out, but hopefully we will have a much better product and a much better outcome at the end.

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Hon. D A Feetham: Mr Speaker, when the hon. Lady talks about a wider remit, can she inform the House as to what issues are contained in that wider remit?

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Hon. Miss S J Sacramento: Mr Speaker, parental alienation is one of the matters that is contained in the Children Act. It pretty much arises upon the breakdown of a family relationship. So the focus that I have is on trying to streamline and better enhance and improve the process for marital breakdown. This is in the context of a wider review of the Children Act, which goes beyond family breakdown. The Children Act, as the hon. Gentleman will know, has different parts to it and

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1510 it deals with private law and public law, so we are looking at this piece of legislation to see how we can bring it up to date. It has been a considerable period since this was passed. Things have changed, family dynamics are changing, and I want to bring it in line to reflect more the modern situation that we find ourselves in, which unfortunately is, each time, more and more complex.

Hon. D A Feetham: Mr Speaker, I am just not clear. I can understand that there might be merit and that the Minister might want to update the Children Act because that may be a worthwhile task in itself. It was a good piece of legislation when I introduced it, I have to say in our defence, 1515 but I can understand that –

Hon. Miss S J Sacramento: I was not –

Hon. D A Feetham: No, and I know that it is not a criticism. I am just not clear why the 1520 consultation process would have given rise to issues that are associated with parental alienation that causes a delay in attempting to deal with parental alienation as a, as she has described it, net issue.

Hon. Miss S J Sacramento: Mr Speaker, for the avoidance of doubt, this was not a criticism of 1525 the Children Act, which I know the hon. Gentleman worked very hard on in his time as the Minister for Justice. But this piece of legislation is 2009 legislation, so a considerable time has passed and family dynamics have changed.

To answer the latest supplementary from the hon. Gentleman, what transpired and what became apparent to us as part of the consultation process was that a lot of people came to see us 1530 at the invitation of people coming to see us for parental alienation, but a lot of the complaints that they had, once we had spoken to them, were not actually of parental alienation. Parental alienation is very specifically defined in law and parental alienation will only crystallise when children stop seeing the other parent. What we found, and it was predominantly from fathers but not exclusively, was that they were not seeing their children as much as they wanted to see them. 1535 So, whereas we started off with one intention, by the time we finished, really the picture that we got was a different one. There was a constant trend that people found the procedure difficult to manage and people's expectations at the end of the procedure were difficult to manage.

What we want to do is have a more formulaic system of dealing with the situation of family breakdown, so that it becomes easier on the parties. The aspiration, of course, is that if it is easier 1540 for the parties and it becomes less acrimonious, then it will have a better outcome for the children, because ultimately the fundamental basis of the Children Act is that the welfare of the child be paramount. I know that the hon. Gentleman attempted this when the Children Act was commenced in 2009 and the hon. Gentleman produced some booklets as guidelines. We have, in fact, spoken about this across the floor of this House in previous questions that the hon. 1545 Gentleman has posed to me. Whereas I think back in 2009-10, when that was certainly a good intention on the part of the hon. Gentleman, it was not really something that took off, so I want to deal with it with the same intention but in a different way, and probably by way of secondary legislation so that the framework and the parameters are, in reality, more effective, and particularly in the context of where we find ourselves with an increasing number of marital 1550 breakdowns. So the whole intention is to make the whole process much better for all the parties involved and more streamlined.

Hon. D A Feetham: Could the hon. Lady perhaps inform this House as to how close we are to a white paper, for example, on new legislation? 1555

Hon. Miss S J Sacramento: Mr Speaker, realistically, I cannot see us having a draft ready for this for a number of months, at least – I would say two months, three months. I think my last meeting on this may have been last week or the week before, before the question was posed.

1560 Because it is so far reaching, I want to make sure that I have all the stakeholders involved. If we are going to make all these changes, and they will end up being quite big and quite significant, I need to make sure that I hear from all the parties.

Mr Speaker: The Hon. Elliot Phillips.

1565 **Hon. E J Phillips:** Mr Speaker, I am grateful. It will be very short. The Minister will know that, like the hon. Gentleman to the left of me, I have been a passionate advocate, as she has as well, insofar as parental alienation, and she will know, of course, that two months after I was first elected to this House in 2016, I attempted to promote the issue of parental alienation and training for our judiciary, family lawyers and, indeed, Social Services. Can the Minister confirm that that
1570 training has now been conducted? Principally, the best way of dealing with parental alienation is dealing with that behaviour at the very beginning, to drive it out, because it can be a toxic development in the relationship of children with their parents.

Hon. Miss S J Sacramento: Mr Speaker, save for the point I made earlier, which is that what
1575 we found when we spoke to people who came for part of the consultation process ... We found that the issue was actually not parental alienation. People perceive not having 50% contact with children once they separate as parental alienation, but that is not parental alienation. This is the advice that I get from social workers. Social workers, by virtue of their profession, are trained in this. There has not been additional training for the judiciary on this because, actually, parental
1580 alienation is not an issue that has arisen. It is more of a perceived issue of parental alienation than an actual situation of parental alienation as defined in the law.

I am happy to give the hon. Gentleman a more specific breakdown and we can look at the legislation on that on another occasion, because it is more of a technical discussion that we need to have.

1585 Mr Speaker, I have dealt with all the questions this afternoon.

Mr Speaker: Next question.

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q296/2023 Semaglutide – GHA prescribing

Clerk: Question 296/2023. The Hon. E J Phillips.

1590 **Hon. E J Phillips:** I welcome the Hon. Minister back home.
Mr Speaker, can the Government state whether the GHA is prescribing the weight-loss drug semaglutide?

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

1595 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Yes, Mr Speaker, I am informed by the GHA that it is prescribing semaglutide. It is prescribed in line with current NICE guidelines for its use. These will be reviewed as and when appropriate.

1600 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer. Just one additional question that arises from that. There have been some concerns post the approval of this drug in the United

Kingdom, given the significant implications for muscle wastage as a result of taking the weight-loss medication. Can the Minister explain whether or not this particular drug is also used in the context of type 2 diabetes, for which I understand it is being used and licensed in other countries?

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Hon. A J Isola: Mr Speaker, yes, primarily. If I can give him more information, there are currently some eight patients being prescribed this medication, five of them are for diabetes and three are for weight loss, so it is a very small number and there is clearly no abuse of that nature.

**Q297/2023
GHA surgery –**

Cancelled and rescheduled operations in last 12 months

Clerk: Question 297/2023. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state the number of cancelled or rescheduled operations in the GHA in the last 12 months?

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

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Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, there have been a total of 1,670 cancellations between March 2022 and February 2023. All cancelled procedures are rescheduled as soon as possible unless there are reasons to not reschedule. For example, a patient may choose not to go through with the procedure or a patient may be not deemed medically fit to go through with that procedure.

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The reasons are as follows: patient unwilling to proceed, 686, which is 41%, so a very big chunk of the 1,670 are actually patients not wanting to proceed and there may be a whole series of reasons for that – it may not just be that they do not want to, there may be a good reason; operational, 396, which is 24%; no longer required, 325, which is 19% – so that is 60% that are patient or no longer required; patient not fit for surgery, 175, which is 10%; and COVID-19, 88, which is 5%. In terms of the GHA, it is 24% of those numbers that are cancelled operations.

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Hon. E J Phillips: Mr Speaker, I am grateful for that answer, and actually these types of very helpful statistics dispel many of the rumours in our community. I am grateful to the hon. Gentleman for providing the detailed breakdown that he obliged us with just now.

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Just in relation to the percentages, does he have any visibility on previous years and how they correspond to this particular year that he has referred to?

Hon. A J Isola: No, Mr Speaker, I do not, but obviously the difficulty with comparing the last couple of years with COVID is that it would be completely unusual to compare to such an exceptional couple of years. To do a fair comparison it would have to be pre-COVID, and I have not got those numbers with me.

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What I can tell the hon. Member by way of further information that I have available to me is cancellations on the same day are 30.84%, so almost 31%, and within seven days are 29.54%. So it is 60% cancelled seven days before, which causes big problems for the hospital in terms of the use that could have been made of those facilities did they have time.

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Obviously when I talk about operational reasons, some of those could be, for example, that there are emergencies that require to take precedence over planned operations. So there are a whole load of reasons as to why operations are cancelled, but the largest chunk by far is patient decision.

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1650 **Hon. E J Phillips:** Mr Speaker, one final question. Of course you can understand why the GHA might have operational reasons for cancelling or rescheduling appointments, but insofar as that very large chunk of patients not willing to proceed, what measures are the Government taking to try to avoid that happening? The disruption must be very significant on resources at the GHA, and as I said before, I think these are very useful data points to explain to the public the importance of keeping their appointments. There may be reasons why they do not want to have the operation, there may be many reasons for that, but what other steps are the GHA taking to avoid that scenario, which wastes our resources in that way?

1655 **Hon. A J Isola:** Mr Speaker, it is a very difficult one. Obviously, the GHA cannot force people to turn up for an operation they do not want to have. As I said before, there may be some very good reasons as to why people wish to cancel the operation at a particular given time. I think, for us, the hardest thing the GHA have to cope with is the lack of notice when preparations are made, goods are ordered. Parts may be needed, if I can call them that, which are ordered in advance and everything is prepared for a given day, and then it has to be pulled seven days before in 60% of those cancellations. It is difficult.

1660 I think the GHA takes every precaution to ensure that people are ready. I know one particular individual who would come under patient not fit for surgery, and that is not the patient's choice. Something may have happened to them – maybe too much weight to risk, or other conditions that have arisen between the operation being placed and the operation happening.

1665 Like a lot of the things we talk about when it comes to the GHA, it is very difficult to look at these as pure numbers, because every single number has a story that is different to the other. And so I always urge caution, not inferring things which are well intentioned but could be very misleading in how we interpret some of these numbers.

Mr Speaker: Next question.

Q298/2023
GHA –
Number of sponsored patients

Clerk: Question 298/2023. The Hon. E J Phillips.

1675 **Hon. E J Phillips:** Mr Speaker, can the Government state the number of sponsored patients broken down to medical issue or discipline?

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

1680 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I now hand over a schedule to the hon. Member with the information requested.

Answer to Question 298/2023

Allergy	1
Cardiology	214
Colorectal	63
Dental	8
Dermatology	7
Endocrinology and on call medicine	30
ENT	155
Gastroenterology and on call medicine	45
General and On-call Medicine	1
General Surgery	156
Geriatric and On-call Medicine	61
Gynaecology	84
Haematology	39
Maxillofacial	9
Nephrology and on call medicine	35
Nephrostomy / Thoracoscopy	3
Neurology	69
Oncology	38
Ophthalmology	110
Orthopaedics	119
Paediatrics	213
Pain Clinic	15
Psychiatry	7
Radiotherapy	2
Respiratory and On-call Medicine	79
Spinal	78
Transgender Surgery	2
Urology	74
Vascular	81

1685 **Hon. E J Phillips:** Mr Speaker, we will obviously digest these numbers, but does the Minister express a view in relation to paediatrics? That seems fairly significantly high in the context of all of these numbers. I would say that in the context of all the glowing reports that I receive from many constituents about paediatrics generally, given the team that we have there. I wonder, has he got a view as to why they are so high in relation to sponsored patients outside of Gibraltar for paediatric care?

1690 **Hon. A J Isola:** Mr Speaker, no, I do not, but I will happily get that information to the hon. Member before the next sitting, if there is in fact any reason or if it is disproportionately high or higher than it should be. I am not aware of it, but I will certainly come back to him.

Obviously these are for both the UK and Spain, so there may be some tertiary centres in Spain that we send children to who need help and the expertise is available across the way. But I will get that information over to my hon. Friend.

1695 **Hon. E J Phillips:** And insofar as cardiology is concerned, just one question in relation to that. The Government has made very recent announcements in relation to a partnership – loosely I characterise it as that; I am sure he will correct me if I am wrong insofar as that characterisation is concerned, but that is clearly intended to drive down that number where we send people abroad so that they can be treated at home. Is that right?

1700 **Hon. A J Isola:** Yes, it is, Mr Speaker. We believe that will make the experience far better for patients. The access will be far quicker available to people in time – it is an issue in cardiology – and we hope to be able to reduce the numbers of sponsored patients we have significantly by having these services available here in St Bernard's.

1705 **Hon. K Azopardi:** Mr Speaker, can I just ask, in terms of transgender surgery, what protocol is the GHA operating when it considers these issues? Is there a specific protocol criteria being drawn up with the clinicians involved? Does it involve input from across specialities when these services are being offered? Does the Minister have information on that?

1710 **Hon. A J Isola:** Yes, Mr Speaker. There is a tertiary referrals board that considers every single application for clinical assistance outside Gibraltar, and they are the ones, on clinical grounds only, who make a recommendation as to whether a patient should be referred for any of the specialities that are listed on the schedule. That tertiary referral board can be large. It is multidisciplinary, so it covers every single area – and it changes too – of the Hospital. So yes, it is a purely clinical decision.

1715 **Hon. K Azopardi:** I appreciate it is a purely clinical decision; I was not suggesting otherwise. I was trying to probe into whether there was a specific protocol in these areas – we are all aware of the debate going on in other jurisdictions about the availability of services in this very delicate area – and whether there are age issues involved and so on, in terms of the patient. I am just asking whether the GHA specifically operates a particular protocol in these areas. Is it something that is being debated within the GHA, or not? Is the Minister aware of the age of the particular patients, for example?

1725 **Hon. A J Isola:** No, Mr Speaker, I am not, but I am happy to get that information and let the hon. Member have it.

1730 **Hon. K Azopardi:** Is the Minister aware whether beyond there being a tertiary board there is a specific clinical protocol being adopted in these cases? That is what I am asking. *(Interjection)* Yes.

Hon. A J Isola: Mr Speaker, I am not aware, but I will find out from the GHA what that is and how that operates and let the hon. Member have that information.

1735 **Mr Speaker:** Next question.

Q299/2023
Removal from FATF grey list –
Update

Clerk: Question 299/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide an update on the removal of Gibraltar from the FATF grey list?

1740 **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 answer to the question is in the Government Press Release 100/2023 dated 24th February 2023. This explains that only one action point of the original two remains outstanding, being that relating to the pursuit of more financial confiscation judgments and that a further report will be made to the FATF Review Group in May of this year ahead of the FATF June plenary.

1745 Those are the facts. I am happy to speak behind the Speaker's Chair and perhaps give some more detail, but I think that is what I should limit myself to here.

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Mr Speaker: Next question.

Q300/2023
St Michael's Cave –
Water delivery issue

Clerk: Question 300/2023. The Hon. D J Bossino.

1755 **Hon. D J Bossino:** When will the issues impacting on the delivery of water by the St Michael's Cave site be resolved?

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

1760 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Mr Speaker, the St Michael's Cave area is provided potable water by the Ministry of Defence network in the Upper Rock and salt water by the AquaGib network. AquaGib is not aware of any salt water issues and currently has no network in the area to be able to provide potable water to St Michael's Cave. I am also informed by AquaGib that they have received no live customer reports of any issues in the area.

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1770 **Hon. D J Bossino:** As far as the first limb of his reply is concerned, I am aware that the potable water provision is conducted by the MoD whilst the salt water is provided by AquaGib. But as far as the second one is concerned, that is not the information that I have been receiving. I am told that it is an embarrassment when visitors to that particular site face this issue. His reply is what it is. He is saying that whoever has prepared the reply for him – I imagine it is AquaGib – has told him that there are not any issues, but I would ask him, please, to fact check that a bit further. There is no reason to doubt that the information that I have received is correct, which is that it is an issue and it is a cause of embarrassment because people who visit the area are having to use the facilities that the only business that is there is able to provide in order to alleviate the issue.

1775 It is quite an embarrassment as far as Gibraltar PLC is concerned, so I would ask him whether he would consider looking at that a bit further and trying to resolve it. I am appreciative of the fact that this is an MoD responsibility, but I think the MoD needs to be spoken to.

1780 **Hon. A J Isola:** The hon. Member has just thrown me by the last bit. Is he telling me that there are complaints in respect of salt water and potable water?

Hon. D J Bossino: Mr Speaker, as I understand it, it is the MoD that provides potable water – yes? – and the complaints relate to potable water only. (*Interjection*) No, I understand it is potable water.

1785 **Hon. A J Isola:** Mr Speaker, therefore the information I have given him is correct, that AquaGib is not aware of any live customer reports of any issues in the area. (**Hon. D J Bossino:** Okay.) Okay. So the information that I have been given is correct.

1790 I am not aware of any issues in respect of potable water. I would ask the hon. Member to ask the individuals concerned to write to me and I will certainly take it up with the MoD myself. I am not aware of those issues. Nobody has corresponded with my office or indeed with AquaGib, who are not aware either, in respect of the potable water issue. If they would write to me and give me the details, I would be very happy to press that with the MoD.

1795 **Hon. D J Bossino:** And indeed, Mr Speaker, it may very well be that I am the one who needs to do a bit of fact checking. I will do so. Once I have clarified that the position as I have explained it to him across the floor of the House is correct, I will write to him and present to him the relevant facts.

Mr Speaker: Next question.

Q301/2023
St Bernard's Hospital –
Redesign of reception area

1800 **Clerk:** Question 301/2023. The Hon. the Leader of the Opposition.

Hon. D J Bossino: Mr Speaker, are there plans to redesign the reception area at St Bernard's Hospital; and, if so, how?

1805 **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 can confirm that the GHA has plans to redesign the reception area at the entrance to St Bernard's Hospital. These plans are at the inception stage.

1810 **Hon. K Azopardi:** I see. Can the Minister give us a bit of an idea of the nature of those works?

1815 **Hon. A J Isola:** Mr Speaker, not at this stage. As I said, they are at inception stage. They have not yet been considered by Cabinet, and in anticipation of that I would not like to give any more details which may subsequently prove to be inaccurate.

1820 **Hon. K Azopardi:** Presumably the same would apply if I asked about costs and things like that. There is no idea on that until there is approval. Is that correct? And when he says it has not been discussed by Cabinet, is it the intention that it should be discussed so as to form part of the forthcoming Budget? Or has that boat been missed, so it would not be for the 2023-24 Budget?

1825 **Hon. A J Isola:** Mr Speaker, I think to talk about cost is just ... We have very approximate costs which are pre-costing costs, if I can say that, which I could not possibly give because that would just be commercially daft. I think all I can say is that at the time that an announcement is made – if it is approved, because I do not know if it is going to be approved by my colleagues – it will become clear as to why this is yet to be ... We cannot say anything at this stage. It will become more apparent once we have some sort of approval from Cabinet to go forward and make a public announcement in respect of what the ideas are, both in respect of funding and in respect of what is proposed.

1830 **Hon. K Azopardi:** Is the Minister able to say why this is even necessary even at the inception stage? It is a fairly modern building. You have the health centre next door. It seems to have a usable reception. What is the underlying reason why you would want to redesign the reception area?

1835 **Hon. A J Isola:** I think if the plans were made public, it would answer all of those questions. There are good reasons. It is not just aesthetic. There are good reasons which have been looked into by the GHA in respect of the better management of the estate, the better use of space within the estate. As you know, we have different rooms all over the Hospital that are waiting rooms. It would be far easier to centralise within one area and make better use of space. So it is about space and providing a single point of entry into the facility, which I think will work very well.

1840 **Hon. K Azopardi:** I am not going to probe the hon. Member too much if he is not ready, but it was suggested to me when the rumourology ... as these things trickle down to the Members on this side, that ... I went for a check-up today at the Hospital. Every place has its own little waiting areas and administration. You check in at different counters, on different floors and so on. Is this an idea for there to be one waiting room, one entry point only, a mega one, and then you would do away with all these other facilities? And if so, is the conceptual discussion involving whether that is going to have an impact on staff?

1845 **Hon. K Azopardi:** I am not going to probe the hon. Member too much if he is not ready, but it was suggested to me when the rumourology ... as these things trickle down to the Members on this side, that ... I went for a check-up today at the Hospital. Every place has its own little waiting areas and administration. You check in at different counters, on different floors and so on. Is this an idea for there to be one waiting room, one entry point only, a mega one, and then you would do away with all these other facilities? And if so, is the conceptual discussion involving whether that is going to have an impact on staff?

1850 **Hon. A J Isola:** Mr Speaker, no. I think we are running a bit too fast to talk about those things before any form of determination is made. I have no doubt that there will be some areas that will need less space as a result of the new entrance and the new facilities being put there, but I think to go into any more than that at this stage – it is purely a conceptual stage – would be a mistake, so if the hon. Member does not mind, I will defer from doing that.

1855 **Mr Speaker:** Next question.

Q302/2023
GHA restructuring –
Update

Clerk: Question 302/2023. The Hon. Ms M D Hassan Nahon.

1860 **Hon. Ms M D Hassan Nahon:** The Director General announced a new restructure as part of the GHA's Reset, Restart and Recover initiative. Following the new Medical Director and Deputy Medical Director appointments, have we got any updates on the restructuring of the organisation?

1865 **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 restructure of the organisation is ongoing. The consultation phase of how the organisation will be set up moving forward will concentrate on strengthening clinical focus across the diverse range of services it provides and tighter financial and managerial accountability.

1870 The above is being progressed by the current Director General and further updates will be provided when the GHA is in a position to do so.

1875 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister tell us whether it is true that the clinical nurse managers will be abolished, adding a layer of management while these individuals are effectively demoted after 10 years and more of service from some of them?

1880 **Hon. A J Isola:** Mr Speaker, no, sir. Obviously, as I have just said, the restructure of the organisation is ongoing. As and when we are in a position to be able to publish that strategy, which will include, by the way ... obviously when the new Director General is appointed and he has had an opportunity to have some input into the proposed strategy. So the answer to the hon. Lady's question is no.

1885 **Hon. Ms M D Hassan Nahon:** Mr Speaker, these consultations and discussions, are they being based on any particular model that the GHA might be following?

Hon. A J Isola: Mr Speaker, the only model being followed is what the experts are advising us should be happening at the Hospital.

1890 **Hon. Ms M D Hassan Nahon:** Mr Speaker, when the Minister says 'experts', can he give us any more details on who these experts might be?

Hon. A J Isola: The GHA senior management team, Mr Speaker.

Q300/2023

St Michael's Cave water delivery issue – Supplementary question

1895 **Mr Speaker:** Would the Hon. Minister be prepared to take a supplementary to Question 300 from the Hon. Damian Bossino? He has further information about the matter of delivery of water to St Michael's Cave.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Yes.

1900 **Mr Speaker:** Please proceed.

1905 **Hon. D J Bossino:** Mr Speaker, simply to tell him that I have fact checked what I related to him across the floor of the House a few minutes ago, and that the position is that (1) there are huge issues in relation to potable water, which we understand is an MoD responsibility; (2) AquaGib provides a bowser and takes it all the way up there to try to alleviate the issue – the individual who provided him with the answer should have been aware of that; and (3) Mr Cortes, presumably under the guise of a different responsibility, has had meetings with the business in the area, aware of the issue, and I understand that the issue is that the MoD piping is rather antiquated and the Government is doing what it can to resolve that issue.

1910 I would ask him, please, to confirm what I am telling him. As I said earlier, it is a huge embarrassment.

1915 **Hon. A J Isola:** Mr Speaker, I thank him for that. Clearly, I stand by what I said earlier, that I have not been aware of any of these issues, but if the hon. Member's contact person who is at the receiving end of that suffering writes to me or writes via the hon. Member, I would be very happy to take it up with MoD.

1920 The fact that AquaGib have been supporting by providing bowsers from time to time as a way of support should be welcomed and I am grateful to them for having done that, but they have no responsibility for that, so I would not expect them to have reported that to me. In any event, as far as they are concerned, in respect of the areas that they provide, which is the salt water, they have had no issues at all, and obviously the hon. Member has just confirmed that.

Thank you.

Mr Speaker: Next question.

Q303/2023
Cost of HRT to the consumer –
GHA policy

1925 **Clerk:** Question 303/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is the GHA looking to review its policy on HRT prescription medication costs to the consumer?

1930 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, the GHA does not have a HRT policy, but it has prescriber guidelines set out in the GHA formulary policy. There are no plans currently to review this.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I might have to declare a potential interest here, but on to the issue – in Gibraltar, it is capped, from my understanding, at £15 monthly for a series of three medications, which is the typical amount that is taken, two to three, and in the UK it is capped at £20 per year. So you can see the difference. Practically what we are paying monthly is what we would pay yearly in the UK. Considering that it is an essential treatment and that in the UK the government is cutting the cost of treatment – and we do often aspire to the UK system for so many of our of our policies, and in these departments especially – would the Minister be willing to take some advice or launch a consultation on this? Would he welcome any correspondence from me that might furnish him with more information to perhaps persuade him to consider this a viable new policy for the GHA and for our women in menopause?

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Hon. A J Isola: Mr Speaker, I am always happy to receive correspondence from the hon. Lady and whatever she sends will be considered and discussed with the senior management team at the GHA.

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Every prescription is clinically given. It is not that the prescriptions that everyone else gets are by choice and these are not. So I think the comparison, for me, becomes difficult, but I am very happy to consider whatever representations the hon. Lady makes and to look at them carefully.

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I would say that in the United Kingdom, from the information I have, the cost for two single prescriptions is currently £18.70, and that is just for two, so I do not understand where the 12-month cost of £20 comes from, but I am happy to look at it. I do not have enough detail in front of me to be able to have a discussion, so I am very happy to receive correspondence from the hon. Lady and look at it further.

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Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker. If I may – just a short comment, not a question – just thank the Minister. I will be writing to him because my information is that it is

capped at £20 per year and the disparity between that and the £15 per month in Gibraltar is quite stark. I thank him again and I will be writing to him to discuss this further.

Mr Speaker: Next question.

Q304/2023
Individuals with complex needs –
Continuity of care

1965 **Clerk:** Question 304/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How does the Health Minister justify the chopping and changing of carers to individuals with very complex needs who depend on the bond, consistency and familiarity that they build with their individual carers over time?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, the Care Agency ensures continuity of care through implementation of care plans and positive behaviour support plans that form the basis of how all staff should work with each individual. Core staff who have established a bond with the service user and the gradual introduction of new workers to build the same bond over a period of time allows for resilience in staff teams to ensure there is always cover in the event of an absence by team members. No dependency is developed on any one carer, as this may cause a negative impact on service users in the event that they no longer work for the Care Agency. Measures taken and changes implemented intend to ensure that effective and efficient care is delivered from the existing resources within the services.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the hon. Member for his answer. There are many individuals who tell stories of how many carers they get in the space of a month, six months or a year, and how that affects their quality of life. In fact, a couple asked me to put this question here in this House because they wanted to understand the answer to this. So could I ask the Minister what he would tell someone with disabilities who feels that they are not getting that consistency and they feel hard done by, lost or a little intimidated by the fact that they do not have the familiarity with a carer because they are going through so many in a short period of time? What would that individual need to do to persuade Government to perhaps change the way that person is receiving their care package?

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Hon. A J Isola: Mr Speaker, the Government does not design care packages or care plans; obviously the hon. Lady knows the Care Agency does, based on the expertise that they have available. What they are telling us is that it is far better to have a care plan for a service user that allows for continuity of care as opposed to dependency on any one carer, which will cause problems to the user if that carer then moves on to other employment and the service users become dependent on that single carer.

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We all want the same thing, which is the best possible care for the user. The question is how do you deliver that, and the view of the Care Agency is that having a proper care plan and having a proper positive behaviour support plan with a variety of people distributing that plan ensures that you get (1) continuity of care and (2) no dependency on any particular one carer, to avoid the precise problems of the cliff edge if one carer then moves on.

2005 I suspect there is no one answer fits all, but as a plan, that certainly seems, to me, to be logical, and from the meetings and discussions I have had with the representatives of the Care Agency and the senior management team, it seems to be working well for the vast majority of users of the service.

2010 **Mr Speaker:** Next question.

Q305/2023
e-Government portal –
Dates and times when offline, and reasons

Clerk: Question 305/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Please list the days in 2022 and 2023 that the e-Government portal has been offline, stating the reason for each of the times that the portal was down.

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, throughout 2022 and 2023 the gov.gi portal has suffered a total of 31 technical issues resulting in either portal downtime or limited availability of individual e-services. Some of these failures were rectified during the course of the same working day. ITLD server logs are wiped and rotated every three months due to their large size, and therefore it is not possible to detail the exact times that systems were offline. Steps are always being taken to minimise the likelihood of similar occurrences happening in the future.

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2025 I will now hand over a schedule to the hon. Member with the specific days.

Answer to Question 305/2023

Date	Issue	Reason
01/02/2022	Document digital signing service (DocuSign)- Server issues	DocuSign Server failure affecting Gov.gi Employment eServices.
07/02/2022	Database Server full - LPS change caused DB to fill up.	LPS Change caused Gov.gi database server to fill up and stop working
03/03/2022	Employment Services down - Issue with DocuSign server	DocuSign Server failure affecting Gov.gi Employment eServices.
16/06/2022	LPS Online services down	LPS RPO experienced server issues, resulting in service delivery issues.
29/06/2022	Boomi Flow maintenance	Essential maintenance works by Boomi on their platform used to run the Gov.gi
17/09/2022	Boomi Flow issue	Boomi Flow engine down globally.
20/09/2022	Dell Boomi Maintenance	Essential maintenance works on Dell Boomi Platform
05/10/22	Town Planning	Town planning services removed due to cyber security concerns
18/11/2022	Database connection issue	Connection problems between Gov.gi eServices and its database

20/11/2022	Database connection issue	Connection problems between Gov.gi eServices and its database
21/11/2022	Database Server issue	Database server issue. Services restored after application restart.
22/11/2022	Database Server issue	Database server issue. Services restored after application restart.
23/11/2022	Database Server issue	Database server issue. Services restored after application restart.
24/11/2022	ITLD Server issues	Unplanned downtime of Government Server Environment
25/11/2022	Database Server issue	Database server issue. Services restored after application restart.
26/11/2022	Database Server issue	Database server issue. Services restored after application restart.
27/11/2022	Database Server issue	Database server issue. Services restored after application restart.
28/11/2022	Database Server issue	Database server issue. Services restored after application restart.
29/11/2022	Database Server issue	Database server issue. Services restored after application restart.
07/12/2022	Government maintenance page issue	Maintenance page incorrectly being displayed.
08/12/2022	Government maintenance page issue	Maintenance page incorrectly being displayed.
09/12/2022	Government network maintenance works	Essential cybersecurity updates on Government internal facing
03/01/2023	Government maintenance page issue	Maintenance page incorrectly being displayed.
04/01/2023	Government maintenance page issue	Maintenance page incorrectly being displayed.
04/01/2023	Government Network issues	General Government wide network issues
09/01/2023	Government Essential server maintenance	Planned Government server maintenance
10/01/2023	Tax eservices down - Firewall changes made	Tax servers were taken down for maintenance
16/01/2023	Government network maintenance works	Essential cybersecurity updates on Government internal facing
23/01/2023	Portal login issues	Network change impacted delivery of eServices
24/01/2023	Portal login issues	Network change impacted delivery of eServices
31/01/2023	Registration errors - Firewall changes	Network change impacted delivery of eServices

Hon. Ms M D Hassan Nahon: Mr Speaker, from the list, which I thank the hon. Member for, I see 22 outages in the space of a year alone, in 2022. How would the Minister respond to this number of mishaps or outages after the amount of money that the e-Government portal has cost us? This is the equivalent of about two a month. Considering the price we have paid for this service, does he think it is okay that we have had so many of these, which obviously set back individuals and businesses who are trying to use the portal?

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2035 **Hon. A J Isola:** Mr Speaker, the first thing is when the amount of money being spent is referred to by the hon. Lady, I think you need to understand that the amount of money you spend has got nothing to do with the number of outages you have, or the fact that you have an outage at all. If I can give the hon. Lady some recent examples of Facebook having an outage, Amazon having an outage, British Airways having an outage, Sony having an outage, (**A Member:** WhatsApp.) British Airways again, WhatsApp, Twitter eight times in one day, Google Search, Amazon Web Services, WhatsApp – my hon. colleague has just referred to that – ASDA, the London Marathon website, 2040 TSB Bank, UK Quarantine Hotel booking site, the National Lottery website.

There is no relevance between the amount of money that you spend in providing any service and outages or hitches, because they happen. Unfortunately, in technology, we all know of banks that have had to stop all trade because of an outage in their systems. So the comparison the hon. Lady is seeking to draw, that you have spent an amount of money, therefore you should not have 2045 an outage, is for the birds. Frankly, if you look at the first tranche of companies I referred the hon. Lady to, you will notice that they all happen to be tech companies – Amazon, Google, WhatsApp, Facebook, Twitter. These are all the super-duper tech companies of the future. They have all had outages and they all spend millions of times more than we do in respect of what they invest in their technology.

2050 No outage should happen – with that comment I agree – and the fewer outages we have, the better for Government and for all of our service users. That is what ITLD is working to do, because obviously all of these outages are system outages, which we need to get better at. I am working closely with ITLD to ensure that we have the minimum number of outages possible. I know that they are putting in a huge amount of effort to ensure that these are happening less and less. So 2055 in February, for example, there were very few outages, if any at all, and in March zero; we are clearly getting better at what we do.

Some of these outages are simply because, as a result of a security patching, we have had to shut the system down, do the different updates, do the upgrades and then open them again. So many of these are not actually failures, they are opportunities for the team to ensure that we are 2060 fully up to date in respect of our security and other software that we need to provide.

So I think there is not the right analogy that the hon. Member has sought to draw, and I think it is a very unfair one to draw on the systems at all.

2065 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for his answer, but I remind him that my job is obviously to test Government and seek accountability for the way that things operate or do not operate in Gibraltar.

Can I just ask him, following on from that, whether he is satisfied generally with the quality and standard of the e-government portal at present and after a huge investment in this?

2070 **Hon. A J Isola:** Mr Speaker, I am never satisfied because I would have liked to have been far further forward than we are at this time, and that has been my position for a considerable period of time.

Hon. Members frown when we say the word COVID, but COVID was a two-year period during which the programme stopped and the entire workforce shifted to what we called CRS, the 2075 counter reduction services, so that we continued to operate during lockdown, and that happened very effectively and very successfully. And so yes, it is taking longer, but I think there is a two-year hole that we cannot run away from, in which we dealt with counter reduction services.

Would I like to be further forward? Absolutely. Would my colleagues in Cabinet prefer to be further forward? Absolutely. Would the Chief Minister wish I had finished? A hundred per cent, 2080 yes. But that is what we are working towards. We have to face the realities of what we have faced over the past 24 to 36 months, and I am looking forward to delivering more and more as we go forward in the future.

Questions for Written Answer

Clerk: Answers to Written Questions.

2085 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions submitted by the Hon. Mr Clinton numbered W9/2023 to W14/2023.

Mr Speaker, having made progress in dealing with the questions and it still being 6 p.m., I would propose that, seeking to avoid bringing hon. Members back tomorrow, we now adjourn until quarter past six and continue with the short motion that is on the Agenda and the Bills.

2090 There is one Bill that is on the Agenda, which is the Education Bill. We notice that Mr Reyes is not here. We are very happy to leave it to the next session when Mr Reyes is here, so that he can deal with the issue. It is not time sensitive for us now, it is time sensitive for July.

I move that the House should recess until 6.15.

2095 **Mr Speaker:** The House will now recess to 6.15.

The House recessed at 6 p.m. and resumed at 6.15 p.m.

Order of the Day

Standing Order 19 suspending to proceed with Government motion

Clerk: (ix) Order of the Day – Government motions. The Hon. the Chief Minister.

2100 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I hereby give notice, under Standing Order 59, to proceed with the suspension of Standing Order 19 in order to proceed with a Government motion.

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

GOVERNMENT MOTION

Code of Conduct for Members of Parliament – Motion carried

Clerk: The Hon. the Chief Minister.

2105 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House hereby formally RESOLVES to adopt as binding on all current and future members of it the Code of Conduct of Members of Parliament laid on the table by the Chief Minister on Wednesday and as attached hereto; and FURTHER RESOLVES to provide for a review of the said Code on an annual basis.

2110 I put this motion for the reasons that became apparent during the course of my laying on the table both this Code that I refer to in the motion and indeed the other code, the code on ministerial conduct, the Ministerial Code. I note the rules on relevance in debate, so I will not be referring to the Ministerial Code, because that is not the code that is before the House, it is the Code for Members. I said what I intended to say about the Code in my statement on laying these papers on the table.

2115 I would just note that the Code of Conduct for Members of Parliament is literally one page long. It contains six rules – the purpose of the Code, the scope of the Code, the duties of Members, the general principles of conduct, the rules of conduct and the rules relating to upholding the Code – and then attaches, almost as an annexe, the Seven Principles of Public Life, which are the same principles of public life which appear in the Ministerial Code.

2120 The Ministerial Code is a considerably longer document, but this is the document that is before the House, and for all of the reasons that I set out as I laid the paper on the table, and in answer to the questions for clarification that the hon. Members opposite asked me to deal with, I commend the terms of the motion to the House, so that in keeping with the request from hon. Members opposite, the Code now be adopted formally by resolution of the whole House.

2125 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

The Hon. the Leader of the Opposition.

2130 **Hon. K Azopardi:** Mr Speaker, we are going to support this motion. I just want to explain, very briefly, if I may, and I do so in these terms, because, first of all, I welcome the fact that the motion is here and that the Hon. Chief Minister has presented this motion after that exchange that we had yesterday in relation to the specific ratification of this and adoption by the House.

2135 I just extend my remarks in this way because there was an exchange with the Chair yesterday, where Mr Speaker invited both the Hon. Mr Clinton and the Chief Minister to make comment to you. I am aware that my friend Mr Clinton has delivered a letter to you, which presumably will then find its way to the Chief Minister, so that there is comment on that, and that requests a specific ruling. I just add, if I may, some of my comments, so that when there is a transcription of today's session it also has my comments as to why it is important for this procedure to be adopted, so that Mr Speaker can also consider my remarks in the context of whether or not Mr Speaker decides it is appropriate for there to be a ruling on this issue.

2140 As I said yesterday, the view that I took, and hence the comments that I made yesterday were influenced by considering the Parliament Act and also the constitutional position. Section 36 of the Constitution says:

The Legislature may prescribe the privileges, immunities and powers of the Parliament and its Members, but no such privileges, immunities or powers shall exceed those of the Commons House of Parliament of the United Kingdom or of the members thereof.

Section 39 of the Constitution says:

The Parliament may from time to time make, amend and revoke rules of procedure for the regulation and orderly conduct of its proceedings and the despatch of business, and for the passing, intituling and numbering of bills and for the presentation thereof to the Governor for assent.

2145 Both in terms of the letter of the Constitution and its spirit, it is clear that this House can regulate its procedure and the powers and interests, liabilities and privileges of Members of this House that will impact also on our duties. In doing so, the language of the Constitution very clearly says that the Parliament 'may from time to time make, amend and revoke' or indeed prescribe – it says the legislature may prescribe.

2150 I am influenced also by the fact that the very first line of Standing Orders says that they are
Standing Orders adopted by the House pursuant to section 39 of the Constitution, and therefore
it seems to me that there needs to be a moment of prescription, a moment that the legislature
makes and a decision needs to be taken. Whether it is done by resolution or by motion, I have no
2155 view on that – any of those procedures could be followed – but it is certainly my view that there
needs to be a moment of prescription and making. Indeed, the hon. Members, in their manifestos
both in 2015 and 2019 in relation to the Ministerial Code, had indicated that there would be
approval of a select committee. They did not go as far as to say that there would then be a moment
of prescription, but I would suggest that it is necessary. My hon. colleague Mr Clinton did also
make reference to that 1979 debate when this House did follow a moment of prescription and
making, and I would say that it is necessary for that reason.

2160 That deals with the formalism. I make those remarks because I consider that is important, and
I think it is also important from the point of view that ... We all agree on this, on both sides of the
House, that there should be a Code of Conduct for Members, that it should be adopted and that
there should be a moment when we debate these and, if necessary, we take positions on it.
Happily, I can confirm that as far as the Members of this House I speak for, we are going to vote
2165 in favour of this motion and that this will, therefore, be binding on those terms.

Mr Speaker, I simply repeat what I said yesterday in relation to the content itself. The Hon. the
Chief Minister indicated yesterday there were some differences between this Code and the 2015
version. It is not a long document, but it may be that it does require improvement. The Chief
Minister indicated yesterday it would be subject to an annual review. I welcome that. It is the first
2170 step. I would not say it is the most conclusive step. There may be work that needs to be done to
improve this Code, and certainly we would welcome engagement on that issue. It may be that we
need to be much more comprehensive in the effort to codify the rules and what affects Members
of this Parliament, but with those initial remarks, and subject to any other remarks that any
Member on this side of the House may want to make on this issue, I confirm our support for the
2175 motion.

Mr Speaker: The Hon. Marlene Hassan Nahon.

2180 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I also welcome the motion and I echo and stand by
the comments that have just been voiced by the Leader of the Opposition.

It is clear that honesty and ethical conduct are things that every public servant should aspire
to, so needless to say we should all be welcoming this motion and remember to keep reviewing it
and always consider it as a fluid document in order to keep maintaining standards.

I will be voting in favour of this motion.

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Mr Speaker: The Hon. Roy Clinton.

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

2190 First of all, I will, of course, echo the sentiments of the Leader of the Opposition and the hon.
Lady in welcoming that we have this motion before the House and we have the formal process for
adopting a Code of Conduct for Members of this House. But, if I may, I would have formed part of
the Select Committee on Parliamentary Reform, which would have had sight of the document that
was tabled yesterday, and we would have then presumably had a constructive discussion as to
the drafting, the content and the thinking behind some of the things that are in the document.

2195 The first point I want to make is that yes, there was a document produced in September 2015,
but certainly on the opposition benches, many of us who were elected on 26th November 2015
were not party to the drafting of the original document. It is a self-evident truth that there is quite
a significant difference. For example, in terms of the purpose of the Code, it is completely
different, the Code of Conduct tabled yesterday, to that which was in the 2015 original Code of
2200 Conduct.

I do note that the Deputy Chief Minister had a hand in updating and redrafting it to bring it into line with the latest UK parliamentary code of conduct for members, but if you obtained a copy of the UK guide – and the one I have is the one approved by the House of Commons on 12th December 2022, which I presume is the one the Deputy Chief Minister was working off – you will see it is a fairly chunky document. It is not four pages long, it is 51 pages long. The reason it is 51 pages long is because although the code of conduct is, in their case, again fairly brief, four or five pages long, there are 50-odd pages of guidance attached to it, interpreting the code of conduct. So there is quite an extensive set of rules and guidance to the rules as to the code of conduct. It is unfortunate that we have not taken the opportunity to include this in the Code of Conduct. I do not know why the Chief Minister is shaking his head, because it seems obvious that –

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(Hon. Chief Minister: Give way?) Well, I will finish and then you can reply to the whole thing. *(Interjection by Hon. D A Feetham)* Sorry, I missed that.

Hon. D A Feetham: It was an elegant way of saying no, absolutely. *(Laughter)*

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Hon. D J Bossino: He's entitled to.

Hon. Chief Minister: He was wondering why I was laughing. I asked whether he would give way so I could explain it to him. He has not given way, so he will just see me laughing without knowing why.

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Mr Speaker: Let us continue. The Hon. Roy Clinton was not prepared to give way to the Chief Minister; fine. So we move on.

Hon. R M Clinton: Thank you, Mr Speaker, this is a serious matter for this House.

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The guidance notes that would have been attached to the conduct of Members are quite extensive and in fact they combine in here the registration of Members' financial interests, which, as we all know and as we have been referred to, was first put together in 1979. We could have taken the opportunity to update that and include it in here, but alas, that has not been done.

I would draw the attention of the House to the fact that although we may take some comfort, again on a very cursory view it does look as if the Code of Conduct for Members of the Gibraltar Parliament that was tabled yesterday is pretty much a carbon copy of the UK guidelines; however ... This is only on a cursory view and perhaps the Deputy Chief Minister can explain it. I give him one example of what may be a slip of the pen, but then I will give him another example which is perhaps a little bit more serious.

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The slip of the pen appears to be on page 4 of our Code of Conduct under 'Leadership'. The first line says:

Holders of public office should exhibit these principles in their own behaviour.

The UK one says:

Holders of public office should exhibit these principles in their own behaviour and treat others with respect.

These should be carbon copies. I do not understand why those words have been omitted; it may be a simple clerical error. So again, this should be a carbon copy of the UK rules, but there are differences. We have not had time to go through in great depth as to the language. We can only get some general comfort that it does appear to be similar to the UK code.

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But the biggest issue I have identified so far is, of course, that the UK rules, which I presume the Deputy Chief Minister has been working off, assume that the guidance notes are attached. So, when it comes to the rules of conduct, on our page 5 at paragraph 11, which says 'The acceptance by a Member of a bribe ... is contrary to law of Parliament', it is identical to the UK one.

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Paragraph 13: 'Members must fulfil conscientiously the requirements of Parliament ...' That is fine. But the one that comes in between, our number 12, which is the UK's number 4, says – and I will read it out, just so you understand where I am coming from:

Members must conduct themselves properly and rigorously when lobbying for or against a particular point of view on any matter and should seek guidance from the Speaker or the Clerk when unsure.

2250 The equivalent paragraph in the UK rules of conduct says:

Members must rigorously follow the rules on lobbying set out in the Guide to the Rules.

When you look at the guide, which is attached, and you look at the rules on lobbying, they are all about professional lobbying and payment and other such matters, but that bears no relation, or there is no indication in our paragraph 12 on what should Members conduct themselves properly and rigorously when lobbying. It does not say what it means by 'lobbying' – it could even be arguing in a debate for or against a particular point of view; 'and should seek guidance from the Speaker or Clerk when unsure' – unsure of what?

2255 This is where we missed an opportunity just to tidy up the language in the Code of Conduct. Again, the Hon. the Leader of the Opposition has indicated we are fully in support of having these codes of conduct in place, but we have just missed an opportunity to get it 100% right. There are obviously gaps and areas which could have done with some tidying up, and it is a shame that the opportunity to set up a select committee, even if only for a day, to consider this was not taken, and it is a shame that we are not producing the best Code of Conduct that we could have done.

2260 I can take comfort from the fact that the idea would be to review this at least on an annual basis, if not more frequently, and we can perhaps address some of these issues sooner rather than later. Again, with the limited time we have had available to us to consider the Code of Conduct tabled yesterday and compare it to the UK code of conduct, which is a much more substantial document overall, that is as much as I can say with any certainty are the concerns that I have at the moment, but it may be that if we had more time to go through a line-by-line comparison, we may come up with other issues or other points. But again, we would want to approach this constructively, and we would have wished that we would have been engaged with constructively before it was tabled yesterday, so that we ended up with the best Code of Conduct for the House. At the end of the day, this is for us as Members of this House and it is in our collective interest to get it right.

2270 Thank you, Mr Speaker.

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Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the motion is a short motion and the Code is a short code, exactly like the United Kingdom code that we have adopted, so I am very pleased that the Hon. the Leader of the Opposition therefore welcomes the motion, that Mr Clinton welcomes the motion and that Ms Hassan Nahon welcomes the motion, although they then go on to say things which do not appear to confirm how welcoming they pretend to be.

2280 I am not going to deal with the issues that are raised about laying on the table or not laying on the table. I understand you have something from Mr Clinton that, which I am happy to look at.

2285 I moved the motion, as I said yesterday, to try to bring an element of unanimity to this particular issue, because I think it is important that we should be moving with unanimity on this. It should be clear that all sides are committed to the Code, as we have been since 2015 and they are only from today.

Mr Speaker, yesterday I said –

2290 **Hon. Ms M D Hassan Nahon:** That is not correct.

Hon. Chief Minister. Mr Speaker, the hon. Member is saying that it is not correct. I presented these Codes in 2015. Some of them were here, some of them were not. I said then that we would adhere to the Codes from then. I invited them yesterday, when I laid on the table the papers, to say that they would adhere to them even before we had the motion. They would not say that. Today, they say they are going to vote in favour of the motion, so in that case they would at least be adhering from today. That is important because yesterday I said there will be an annual review, we are happy to consider any proposed changes – and, indeed, if you wanted to make any proposals since 2015 you were entirely free to do so, and you have not. We engaged with the GSD in 2015. The GSD told us not to proceed because they wanted further consideration. There has been absolutely nothing since then.

The hon. Lady tells us that she stands by the comments of the Leader of the Opposition and that she hopes we will keep this under constant review as a fluid document. She is agreeing not with the Leader of the Opposition, she is agreeing with the Leader of the House, because that is what I said yesterday would be the case.

Mr Clinton says he would have formed part of the Select Committee on Parliamentary Reform and would, therefore, have been able to be consulted on the Code to be adopted in a constructive discussion on drafting etc. Well, why hasn't he addressed this issue before? Of all of us, he is the one who has plenty of time to be engaging in writing to you overnight on something like the laying of papers on the table, and yet in the 60 meetings we have had since 2015 he has not thought it necessary to read the Code that governs his membership of this House. He has not thought it relevant to read those six pages which were laid then. *(Interjection by Hon. R M Clinton)*

He suggests that there is a problem with carbon copying the UK, when in fact we use *Erskine May* already as an almost carbon copy of the UK rules to interpret what it is that we are doing. Well, why is it that he has not suggested any changes to the document that was before the House since 2015? And when we have put our own modern version, he has identified one issue. **(Hon. R M Clinton: Two.)** No, I will tell you why you have only identified one, although you think you have identified two. He has identified one issue, Mr Speaker: the inclusion of the words 'and treat others with respect', which were not in the draft that the Hon. the Deputy Chief Minister was looking for. I have no difficulty with the inclusion of those words and I am very pleased to include those words, and we should consider the Code, in my view, amended to include those words in the section on leadership, because if they had been removed in the UK version that we were looking at, they should not have been removed. They are worthwhile words to have. *(Interjection by Hon. Ms M D Hassan Nahon)*

Why is it that I say there is no other point that the hon. Gentleman has identified? Well, for a simple reason: we did not believe it was necessary to copy the guides into the pages we were going to put before the House. Why? Because the guidelines are much wider, there are many more areas of difference between Gibraltar and the United Kingdom, and instead of doing that – and this is what I would have said, the only point I would have made if he had allowed me to interrupt him whilst he spoke – we have added a new paragraph 26 – 'The interpretation of this Code of Conduct shall have regard, where relevant, to the The Code of Conduct of the House of Commons' – in order to impute all of the guidance which is given for the interpretation of the UK Code. It is a clause not dissimilar to the clause in our Rules which says in having regard to the interpretation of these Rules we shall look at the rules in the House of Commons and *Erskine May*. All of the guidance notes, which is what he has made such a meal of, are imputed into the interpretation under paragraph 26, and so there is no question of there being a need to reprint the guidance notes in order for them to apply, because we are already applying them by paragraph 26.

The Code in Gibraltar is as long or as short as you might like to describe the code in the UK. In the UK it is five pages; probably because of the print, here it is six. That is the code; we have taken the code. The guidance notes – just like in financial services, just like in any other matter – are for

interpretation, and we have imputed them in by paragraph 26. So they are in, and that is why the hon. Member has only identified one difference with the UK code, not two, because the other issue is there in paragraph 26.

2345 Mr Speaker, let's be frank: in 2015 when we published the parliamentary code as well as the Ministerial Code, we also did not publish the guidelines. Nobody from the GSD in the – I said 60 months; I am wrong – 86 months, at least, since we published the Code said, 'By the way, why haven't you published the guidelines?' We would have said, obviously, 'Because the guidelines are what interprets the code in the UK, and our interpretation of the code will be like the UK

2350 code – that is to say also with the guidelines. So, if I may say so with respect to the Hon. Mr Clinton, that is a complete non-point.

Finally, Mr Speaker, to say that in the short time they have had available they have only been able to identify these two things but they may identify more, I do not want to labour the 86-month point – they have had 86 months to consider this – but I would say that it is six pages. In fact, it is

2355 not six pages. Of the six pages, the first is the cover and the second is the index, which has six points on it, so we are talking about reading four pages. Of those four pages, on one page are the Seven Principles of Public Life –

Hon. R M Clinton: Which you got wrong.

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Hon. Chief Minister: Which we did not get wrong. Mr Clinton says, from a sedentary position, in his usual provocative and ungenerous style, which is not designed to bring about constructive debate, but just to poke and needle in a way that does not do this community any service other than to give him the pleasure of showing that he has needled a speaker ... The Seven Principles of

2365 Public Life, amended with that extra phrase or not, would also not require much consideration, so he is saying that in 24 hours, although he does not do a day job like we do, he has not had the time to consider three pages of text, but that with more time he might have made a better job than the drafters of the UK code.

I think we have brought this community on leaps and bounds in many ways, not least because

2370 by 2015 we had already adopted these Codes and we had made ourselves already voluntarily subject to them. Now we have made everyone subject to them, and going forward these can be amended and improved.

I do not believe that it is necessary for the Gibraltar Parliament of 15 people to have a Code that provides more codification of rules, as the Hon. the Leader of the Opposition has suggested,

2375 than the United Kingdom Parliament for 650 people, especially when we are already imputing the guidelines in the UK. The Leader of the Opposition, when he opened, said, 'I believe it may be necessary to provide more codification.' Well, I do not believe it is necessary to provide more codification. With this Code and with the guidance notes in the UK, which are imputed under paragraph 26, we have more than enough to ensure that the conduct of Members of Parliament

2380 is now – as, by the way, I believe it always has been on both sides of the House – in keeping with the Seven Principles of Public Life; that is that we are here to serve, we are here to do the best for our people and we are here to discharge our functions as public servants. That huge step forward should not be in any way affected or mired by the lack of generosity we have seen in respect of some of the interventions from the other side, although I do welcome the fact that this motion will, apparently, pass by unanimity and the Code will be adopted by unanimity.

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Mr Speaker: I now put the question in terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? The motion is carried.

BILLS

FIRST AND SECOND READING

**Admiralty Waters and Naval Base (Gibraltar) Bill 2022 –
First Reading approved**

2390 **Clerk:** Bills – First and Second Reading.

A Bill for an Act to designate Admiralty Waters and to regulate activities, operations and vessel movements in relation to such waters, and the approaches thereto; to designate an area as His Majesty's Naval Base Gibraltar; to provide for the appointment of a King's Harbour Master; and for matters connected thereto.

2395 The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to designate Admiralty Waters and to regulate activities, operations and vessel movements in relation to such waters, and the approaches thereto; to designate an area as His Majesty's Naval Base Gibraltar; to provide for the appointment of a King's Harbour Master; and for matters connected thereto be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to designate Admiralty Waters and to regulate activities, operations and vessel movements in relation to such waters, and the approaches thereto; to designate an area as His Majesty's Naval Base Gibraltar; to provide for the appointment of a King's Harbour Master; and for matters connected thereto be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Admiralty Waters and Naval Base (Gibraltar) Act 2022.

**Admiralty Waters and Naval Base (Gibraltar) Bill 2022 –
Second Reading approved**

2410 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move that the Bill for the Admiralty Waters and Naval Base (Gibraltar) Act 2022 be read a second time. Of course, when this Bill becomes an Act, it will be referred to as the 2023 Act, not 2022, but the Bill is very much a 2022 Bill.

2415 Presently, 'Admiralty Waters' are defined by an Order in Council, namely the Admiralty Waters (Gibraltar) Order 1972, and a set of regulations made thereunder. This Bill principally seeks to achieve two things, therefore: first of all, to transfer responsibility for legislating to this Parliament; and second, redefining the extent of Admiralty Waters.

2420 Under the 1972 Order, most of the waters within the Port of Gibraltar are stated to be Admiralty Waters. In the 50 years since that Order was made, much has changed on the ground. Indeed, a lot of the water has changed into ground. In practice, most of the Port is now de facto under civilian use and control. This Bill was proposed to the Government by the MoD itself, however, and is the product of engagement by lawyers and officials from both sides.

2425 Turning to the clauses of the Bill itself, clauses 1 and 2 provide for the title and commencement if approved by the House, and that the Act will come into operation when the 1972 Order ceases to have effect. This ensures that there is a seamless transition from one regime to the next.

2430 Clause 3 provides for the interpretation of the Act. Notably, there is a reference to the Naval Base, and this is demarcated in the schedule as the area in the vicinity of the tower. The sole purpose of the definition is to provide for an element of control by the King's Harbour Master (KHM) of activities undertaken on that area of land that may impact on Admiralty Waters. In terms of having a mental picture of what area will remain Admiralty Waters, if people think of the boom that is brought across from one end of the South Mole to the tower, that is more or less the area, but with additional areas in order to provide for turning circles and openings to remain.

2435 Clause 4 confers a power for the Minister with responsibility for the Port to vary the limits of Admiralty Waters and the Naval Base, with this power being exercisable with the consent of the Governor.

2440 Clause 5 confers control over Admiralty Waters upon the senior officer, which is defined in clause 3, whilst responsibility vests in the senior officer controls to be exercised by the KHM.

2440 The KHM is appointed by the senior officer under clause 6.

2440 Clauses 7 to 9 provide for the exercise of controls in Admiralty Waters by the KHM, including by issuing permits and directions.

2445 Clause 10 confers a duty on the Captain of the Port to ensure that the approaches to Admiralty Waters are kept clear from wrecks or obstructions, and, where such an obstruction occurs, for the Captain to keep the KHM informed.

2445 Clauses 11 and 12 make further provisions regarding navigation in Admiralty Waters.

2445 The penal provisions for breaches are set out in clauses 13 and 14, and they provide for recovery of sums in the Supreme Court where appropriate.

2450 Clause 15 is a regulation-making power. Should Parliament approve the Bill, regulations that are equivalent to those made under the 1972 Order in Council will be made on the date of commencement.

2450 Non-military vessels will access Admiralty Waters, not least those going to or from dry docks. Clause 16 ensures that such vessels continue to be governed by the provisions of the Port Act, save where there is an inconsistency with the provisions of this Act.

2455 Consequential amendments to other legislation are set out in clause 17.

2455 The Schedule sets out the co-ordinates of Admiralty Waters. These, and the extent of the Naval Base, are set out in the extract from the relevant Admiralty chart.

2460 Mr Speaker, hon. Members will have heard me say that the power of the Minister with responsibility for the Port is exercisable only with the consent of the Governor. That should not be regarded as unusual, because dealing with Admiralty Waters we are dealing with a matter that relates to defence and security, and our Constitution and Parliament Act already provides that a Bill cannot be moved in respect of those matters without the consent of the Governor. We are still in that same space here, but this is a huge bringing to this Parliament of a power that was previously outside it under the old Constitution and under the new Constitution, and given the new conventions in respect of Orders in Council in respect of Gibraltar it is right not only that no new Orders in Council should be made in respect of Gibraltar, other than with the consent of the people of Gibraltar expressed through their Government, but also that where there are Orders in Council still in place and those can be repatriated to Acts of this Parliament, we should do so where appropriate.

2470 Given that we are tidying up the extent of Admiralty Waters, this is the right moment to do so in respect of this matter, and I commend the Bill to the House.

2475 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Elliott Phillips.

Hon. E J Phillips: Mr Speaker, we thank the hon. Gentleman, the Chief Minister, for his explanation of the Bill. It will receive the Opposition's full support, although we have just two points for clarification. The first is, insofar as the schedule that the Chief Minister has referred to and the explanation that he has given, is it right that Admiralty Waters as defined and the limits

2480 will now be reduced? I am in no way criticising that, I am just saying is it a fact that the Admiralty Waters will now reduce from the previous schedule contained in the Order in Council from 1972? That is the first point.

2485 The second point: just in relation to recovery of sums and because of the complexity around some of these vessels and the recovery of wrecks, I note that the Chief Minister refers to the small claims procedure, which is generally easier to deal with because, of course, the Registrar of the Supreme Court also doubles up as the Admiralty Marshal. Is there a mechanism to allow for cases of complexity and high value – for instance, in cases of wrecks – to be transferred to the Supreme Court? I do not think there is a mechanism within this amending piece of legislation for that to happen so that it does not take up too much of the time of the small claims jurisdiction. I just
2490 thought that we may want to consider a transfer of more complex cases and more high-value wrecks in this particular matter to go to the Supreme Court directly, but that is just an observation about this particular mechanism.

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits
2495 of the Bill? The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, I only rise to add to my hon. and learned colleague to my right – although viewed from that side, of course, he is to my left, probably, and ideologically so. *(Laughter)* He has already confirmed that we will vote in favour of this Bill, but I add this because
2500 it is an important issue on the general principles. This is an important constitutional moment for Gibraltar where we legislate in relation to Admiralty Waters, and it is done by Act of this House to give it legitimacy, so that we decide on behalf of the people we represent, the people of Gibraltar, what is done within our waters by the Admiralty, and it is not done, as before, without reference to this House. That is an important issue for us to put on the record which I share with the Chief
2505 Minister. I think it is an important constitutional moment that we legislate specifically to give permission for these things to happen within our waters.

Mr Speaker: The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, I am grateful for hon. Members indicating they will be supporting this Bill, not least for the reasons that I have indicated and the Leader of the Opposition has agreed with, which I think are fundamentally important, although, if I may say so, we are not here legislating for *what* is going to be done in our waters, we are legislating for *where* things are going to be done in our waters, but the where and the what are almost interchangeable because
2515 the ‘whats’ can now only be done in the ‘wheres’ that we permit.

It is right that that is set out more clearly in legislation in the context of Admiralty Waters now under this amending legislation, this legislation which will take what is in the Order in Council into the Act of this Parliament, because that is the nature of the relationship with the United Kingdom. The United Kingdom is sovereign in Gibraltar through the free will of the people of Gibraltar. That
2520 is how the people of the United Kingdom would want it to be, and it is how the people of Gibraltar want it to be. It goes to the core of the nature of the relationship, which is misinterpreted by others to be colonial in nature. If it were colonial in nature, we would be *tolerating* the sovereignty of the United Kingdom in Gibraltar, and we are not tolerating it, we are very much supportive of it, and so this is an illustration, in the context of Admiralty Waters, of the nature of that
2525 relationship.

Therefore, Admiralty Waters are considerably reduced from the 1972 provision, which was, as I said in my opening statement, almost the whole of the area of the Port, and indeed there are funny stories that the Hon. the Father of the House tells of why Europa Point is designed like a semi-circle and where the ammunition barges used to be, where the discharge of ammunition
2530 used to be, the turning circles and all the rest of it. All of those issues involved Admiralty Waters and difficult negotiations – led by Michael Feetham as a Minister – with the MoD on how to be

able to reach an *entente cordiale* as to reclamations etc. So that was the whole extent of Admiralty Waters in those days, and it is now reduced to what the MoD needs. If the MoD needed more, we would have been happy to consider more, but what the MoD needed is now reflected in what is set out in the Schedule to this Bill.

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Under section 14, the hon. Gentleman is right that claims are sent to the small claims procedure of the Supreme Court, but his point that larger claims would then be sent directly to the Supreme Court I think is dealt with by the last phrase of that section, which says 'notwithstanding that the amount claimed exceeds £10,000'. So, even if the claim is for £10 million, it can still go through the small claims procedure in the Supreme Court. You are still in the Supreme Court, which means you still have the inherent jurisdiction, you have all the rules and powers of the Supreme Court available to you, but you do not have the costs of a full-blown Supreme Court action, so to an extent I think this is a more helpful way of dealing with things.

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Mr Speaker, that is all I have to say in dealing with the points that hon. Members have made, other than that given the confusion that seems to be arising between what is to his left and to his right, I can tell the hon. Gentleman that we have a very good view of what is happening and we are quite happy to tell him who is to his left and who is to his right, even though it might seem the opposite to him from where he is sitting.

2545

Mr Speaker: I now put the question, which is that a Bill for an Act to designate Admiralty Waters and to regulate activities, operations and vessel movements in relation to such waters, and the approaches thereto; to designate an area as His Majesty's Naval Base Gibraltar; to provide for the appointment of a King's Harbour Master; and for matters connected thereto be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Clerk: The Admiralty Waters and Naval Base (Gibraltar) Act 2022.

**Admiralty Waters and Naval Base (Gibraltar) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Immigration, Asylum and Refugee (Amendment) Bill 2022 –
First Reading approved**

Clerk: A Bill for an Act to amend the Immigration, Asylum and Refugee Act to allow for the issuing of a permit of residence for a period of time not exceeding 12 months to persons enrolled at the University of Gibraltar and expand on what would constitute comprehensive sickness cover in relation to students.

2565

The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Immigration, Asylum and Refugee Act to allow for the issuing of a permit of residence for a period of time not exceeding 12 months to persons enrolled at the University of

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Gibraltar and expand on what would constitute comprehensive sickness cover in relation to students be read a first time.

2575 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Immigration, Asylum and Refugee Act to allow for the issuing of a permit of residence for a period of time not exceeding 12 months to persons enrolled at the University of Gibraltar and expand on what would constitute comprehensive sickness cover in relation to students be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

2580 **Clerk:** The Immigration, Asylum and Refugee (Amendment) Act 2022.

**Immigration, Asylum and Refugee (Amendment) Bill 2022 –
Second Reading approved**

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill now be read a second time.

2585 This Bill works in tandem with the amendments that were made to the Medical Group Practice Scheme Act as part of the changes that would allow a student enrolled in a full-time academic course at the University of Gibraltar to register on a medical group practice scheme. The nature of this Bill is to aid the administrative side of this initiative, and this is illustrated with the introduction of a new permit of residence not exceeding 12 months available only to those
2590 enrolled at the University of Gibraltar on a full-time academic course. This will streamline the procedure for all parties involved in the administration of the process here in Gibraltar.

In addition to the above change, a further change has been made to ensure that our current commitments under Part 4 of the Immigration, Asylum and Refugee Act are maintained whilst negotiations on the future relationship between Gibraltar and the European Union are ongoing.

2595 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.

2600 **Hon. K Azopardi:** Mr Speaker, as this is working in tandem with the other Bill, I cannot recall if this information was given at the time, but is there an assessment of how many people would fall within the remit of this? And in terms of their eligibility in the group practice scheme, are they then making a contribution to the scheme in any particular way, as part of the fees or something? Is that how it is being done?

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Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, yes, in order to qualify, the previous Act – the Bill that we passed last time in relation to this – specified that they had to be fully paid up and also make a contribution to the GPMS Scheme in order to be able to qualify for this.

2610 In terms of who it is, the previous piece of legislation we passed excluded any members of the individual student's family, so no dependents were allowed; it was only the student himself. So it is only the individual who is coming to do a full-time course at the University who contributes to the GPMS that would qualify, and that is what this legislation seeks to do from an immigration perspective.

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Mr Speaker: The Hon. the Chief Minister.

2620 **Hon. Chief Minister:** Mr Speaker, I have nothing to add. I am grateful to the hon. Gentleman for indicating support from the other side and to my ministerial colleague Mr Isola for the clarification sought by the Leader of the Opposition.

2625 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Immigration, Asylum and Refugee Act to allow for the issuing of a permit of residence for a period of time not exceeding 12 months to persons enrolled at the University of Gibraltar and expand on what would constitute comprehensive sickness cover in relation to students be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Immigration, Asylum and Refugee (Amendment) Act 2022.

**Immigration, Asylum and Refugee (Amendment) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

2630 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill be taken today, if all hon. Members agree.

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

**Gibraltar National Park Bill 2021 –
First Reading approved**

2635 **Clerk:** A Bill for an Act to make provision for the Gibraltar National Park and the establishment of a Gibraltar National Park Coordination Board; and for connected purposes.
The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

2640 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision for the Gibraltar National Park and the establishment of a Gibraltar National Park Coordination Board; and for connected purposes be read a first time.

2645 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the Gibraltar National Park and the establishment of a Gibraltar National Park Coordination Board; and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Gibraltar National Park Act 2021.

**Gibraltar National Park Bill 2021 –
Second Reading approved**

2650 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

We are incredibly fortunate in Gibraltar to have a breadth of natural, historical and cultural heritage to enjoy. Embedded in the concept of a green Gibraltar is sustainability, that this heritage should be preserved and protected for current generations and also future generations. This Bill delivers this and more.

2655 This Bill designates certain areas in Gibraltar as making up the Gibraltar National Park. It also establishes a new body, to be known as the Gibraltar National Park Coordination Board, which will ensure the enhancement and promotion nationally and internationally of the natural beauty, wildlife and cultural heritage of the areas designated as constituting the Gibraltar National Park. The Board will also be responsible for promoting opportunities for the understanding and enjoyment by members of the public of the special qualities that the areas in the National Park have to offer. It will serve to ensure better understanding of Gibraltar's heritage in its widest sense, both within and outside Gibraltar, as well as, importantly, ensuring co-ordination between the different entities responsible for the different constituent parts of the National Park.

2660 National parks have a huge reputation on the international scene, and this initiative will allow the involvement of Gibraltar in relevant international organisations and partnerships, once again promoting the status of Gibraltar on a world scale.

2665 The drafting of this Bill has been largely bespoke, given that Gibraltar's geography differs considerably from any other territory's. However, the concept and certain provisions of the Bill have been based on certain acts of the United Kingdom and Scottish Parliaments, namely the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000, the Countryside (Scotland) Act 1967 and the Land Reform (Scotland) Act 2003. Like the Bill, those Acts aim to ensure that the natural landscape is made available to the general public for their enjoyment by giving them a special status.

2670 The Bill is divided into four Parts. Part 1 contains the definitions used in the Bill. Two of the most important terms defined here are 'cultural heritage' and 'natural heritage'. These terms bring together all of Gibraltar's rich heritage, which the Bill safeguards for the enjoyment of the public.

2675 Part 2 of the Bill creates a National Parks Coordination Board. The Coordination Board will be made up of members who, as a collective, will have knowledge and experience in environmental matters and in the cultural and natural heritage of Gibraltar. This experience will be vital for the Board to successfully exercise its functions. The Coordination Board will report annually to the Minister for the Environment and the report will be laid before Parliament, ensuring accountability and transparency.

2680 Part 3 of the Bill creates the Gibraltar National Park. This comprises areas which are contained in the Schedule or in future are recommended for their natural beauty, biodiversity and natural or cultural heritage or the opportunities they afford for open-air recreation.

2685 The Schedule lists those areas which form part of the National Park, including areas of environmental importance such as the Nature Reserve, historically significant areas such as Gorham's Cave, the Trafalgar Cemetery and Moorish Castle, and areas of recreational and cultural enjoyment such as the Garrison Library, the Gibraltar National Museum, the Commonwealth Park and the Gibraltar Botanic Gardens, to name a few. The Gibraltar National Trails created under the Gibraltar National Trails Act 2021 also fall within the Gibraltar National Park, achieving our objective of expanding on areas which are to be enjoyed by the public as a whole. The area will be demarcated on plans which will be displayed on the Government's geographical information systems.

2695 The final Part of the Bill makes provision for secondary legislation.

2700 Mr Speaker, in my letter to you, dated 23rd November 2022, I gave notice of a number of amendments for consideration at Committee Stage. These have arisen following feedback on the Bill from stakeholders who pointed out that the Bill, in ways, duplicated the functions of other bodies such as are set out in the Heritage and Antiquities Act, the Nature Protection Act and the Town Planning Act. The amendments remove these regulatory powers that are best held elsewhere and ensure that the Coordination Board deals with co-operation, enhancement and promotion as its key roles.

2705 In my letter to you dated 18th January this year, I gave notice of further amendments which followed discussion with the Hon. Damon Bossino, to whom I am most grateful for the constructive manner in which he has raised them. They have served to clarify ambiguities and make the Bill more user friendly. Further amendments correct repetition and update references to Commonwealth and Campion Parks to reflect the Bill that I took at a recent meeting of this House.

2710 This Bill will ensure that the gems in Gibraltar's heritage are properly enjoyed by the people of Gibraltar of current and future generations and, most importantly, are better known and understood by the rest of the world.

I commend this Bill to the House.

2715 **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.

2720 **Hon. D J Bossino:** Mr Speaker, I acknowledge the comments that he has made in relation to me. Let me just add that I also welcome the constructive approach that he himself has adopted. We have spent quite a bit of time in terms of improving the legislation, and that has resulted, let me tell him, in a slight shift on this side of the House. We started off from a position of deep scepticism as to whether the things that he has said in terms of the principles and what he wants to achieve are going to be achieved with the legislation as presented in this green paper, and there is a slight shift from a negative no vote on our side to one of likely abstention because we still have ... We have not become ardent believers of the things that he has said he wants to achieve as a result of the introduction of this Bill, but because there has been, I think, a significant and considerable improvement from the position as it was when it was first presented to the House, we are willing to adopt a position, in effect, of suck it and see whether the things he says are going to come to fruition as a result of the introduction of this Bill and into an Act as part of our statute book will happen.

2730 We are now at the end of the lifetime of this Parliament. On any possible analysis we are likely to have a general election before the end of this calendar year, and it is possible, should the complexion of the Government change after that as a result of the expression of the will of the electorate, that we take a different view and approach in a different direction.

2735 Mr Speaker, a lot of the points that we discussed have been reflected in the amendments he will be introducing at Committee Stage. I have had an opportunity of reading the letter, in particular the last letter of 18th January 2023, which he kindly sent to me via WhatsApp the other day. A lot of the points that were raised he has accepted and he has volunteered alternative wording which I am much happier with, in terms of clarification. But can I ask him, in terms of those just two or three pockets of areas which have not been amended? He has explained to me via email why he is not doing so, and that is fair enough, but I think it is important, as I have said on previous occasions, that that is somehow recorded in *Hansard*. I would like to take him to it, and then, when he replies, I will give him an opportunity to state it for the record.

2740 In relation to clause 4, where, if he recalls, I raised the distinction that is made in clause 4(1) and 4(2)(a), where there is a constant cross-referencing to the statutory definition of 'Gibraltar National Park', but then in terms of clause 4(2)(c), when it talks about the promotion and the exhibiting of the 'natural and cultural heritage assets', it talks about the wider Gibraltar. I would like him to explain why that distinction. In other words, why isn't it restrictive in nature and

restricted to the Gibraltar National Park as defined, and is actually wider and includes Gibraltar?
2750 He has explained that by email briefly, but I would simply flag it for him, so it gives him an opportunity to state it across the floor of the House for the reasons I have alluded to earlier.

In relation to clause 5(1), which talks about ... I made the point about the Minister being given wide discretion on appointments and I asked whether there should not be a legislative imperative that the appointees to the Board include pertinent NGOs. His position was that his intention is to mirror the composition of the National Trails Board, and he said that that will be reflected in regulations – if he could perhaps expand on that a bit further.
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And finally, in relation to clause 5(5), where the issue that I had related to a point of drafting and one which I think, as currently drafted – and he is sticking to that wording – I felt it was not sufficiently clear on the face of the wording as presented in the Bill. But as I understand it, what this is intended to do is to, in effect, invite those interested parties to meetings of the Board who are not officially appointees on an ad hoc basis. I think that is the position – he is nodding his head – but I would again give him an opportunity to state that for the record.
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Other than that, Mr Speaker, I have no further contributions to make.

Mr Speaker: Does any other hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Roy Clinton.
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Hon. R M Clinton: Thank you, Mr Speaker.

The Hon. Minister will know that I hold heritage and culture quite close to my heart, and we have worked constructively in the past, as I know my colleague has worked with him on the Heritage and Antiquities Act, and I think we worked quite well on that. In normal circumstances, I usually support everything in this respect, in terms of anything to do with heritage that the Minister does, but I must confess that in this case, in respect of this particular Bill, I really am struggling to understand what this Bill will do that other Bills do not already do. There is already legislation on our statute book that covers, for example, heritage. There is legislation on parks, there is legislation on the marine environment, there is legislation on lots of things – nature trails. There is the Museum Act, there is the Garrison Library Trust Act and there are other Acts. I am not sure what this Bill actually is adding in terms of functionality.
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The Minister is the Minister for Heritage and Culture. If there was any co-ordination to be done, he does not need an advisory board; he has an entire Department at his disposal and he has access to all the different people on all the other entities that are encapsulated, for example, in the Heritage and Antiquities Act or the National Museum or the Garrison Library Trust, which have their own boards. These are not free-standing entities of just one or two people; they actually have their own governing bodies. This Act seems, to an extent, possibly to usurp some of those powers or functions. I give him one example: the ability to charge fees; if they decided that one of the bodies within the designated schedule – for example, the National Museum or the Garrison Library – should charge admission fees. Why is that even in there, if it is meant to be just a co-ordinating body?
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It may be that the use of the word ‘park’ is a misnomer in this Bill. Maybe it is a deep-seated psychological thing for the Minister where everything has to be a park. Maybe it would read better if it were called Gibraltar National Trust or Gibraltar National Heritage, because I just cannot see how a library full of books can be called a park. He is nodding. He thinks it can be. I know there are such things as industrial parks, but I have never heard of a library being described as a park or a museum described as a park. But he will have us describe it as a park. As I said, it may be some deep-seated, subconscious thing with the Minister where everything has to be a park. I do apologise to the Minister. He knows I would normally support him on this, but this Bill frankly just does not do it for me. I do not see what value this adds to anything.
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The list of items on the Schedule is eclectic. He has the Trafalgar Cemetery, the city walls – which were already protected – then the Moorish Castle, then he has underwater marine, then he has the entire Nature Reserve, then the National Museum, then the Garrison Library and then
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a whole lot of other parks. It is like spot the difference. I do not understand what the Garrison Library is doing on this list, or even the National Museum. It may make sense in his mind, but I have yet to be convinced.

2805 As to his list, Mr Speaker, how was it devised? Why aren't the Northern Defences on there? And what about the artistic heritage? Why isn't the City Hall Art Gallery, the Mario Finlayson Art Gallery ...? Why isn't that on the schedule, if he is so concerned about our cultural heritage? He is fixated on parks. I can understand that. Why aren't the Great Siege Tunnels in there? Why aren't the other tunnels in there? We could go on forever.

2810 The reason we already have legislation that covers most of this is because we know it needs protection, enhancement and promotion, but that legislation already exists and I cannot see where the gaps are that this will fill. I know, Mr Speaker, he is dying to ... I do not think he is ... No, let me finish.

2815 On the Coordination Board's membership, if you look at the Heritage and Antiquities Act, the membership is actually designated, and in a very sensible way. You have specific persons from specific bodies who sit on it. This one is just completely open ended. He can appoint ... It says in the Bill it shall have regard to the desirability, but the Bill does not actually specify who should be on this Coordination Board.

2820 Also, I fear to suggest they may even be slightly overlapping with tourism in terms of promoting and exhibiting cultural, geographic, historic ... within Gibraltar and encouraging ... and what other things should be done etc. It may be overlapping with the Tourist Board, even.

2825 Unless he can actually give us a real, rational explanation as to what this piece of legislation is trying to do, we remain unconvinced. I am really sorry to say this because the Minister knows that I always support anything in heritage that I think is positive for Gibraltar, but this is just a piece of legislation for the sake of legislation and adds no value. For that reason, as my hon. Friend has already espoused – who is the shadow for Heritage; I am only standing up as I have a special interest in heritage, and that is well known to the Minister – (*Interjection*) Well, maybe I will carry on talking. I quite enjoy being up here! (*Laughter and interjection*) I can feel the grass growing underneath my feet! Unless the Minister can come up with some rational explanation as to why Gibraltar needs this legislation and what value it will add to the protection of our cultural assets, 2830 I will, of course, be abstaining with my colleagues.

Mr Speaker: The Hon. Marlene Hassan Nahon.

2835 **Hon. Ms M D Hassan Nahon:** While the general objective of this Bill, Mr Speaker, is commendable, I just have an issue with the fact that under 'Constitution of Coordination Board', in subclause 5(1):

Subject to subsection (2) the Coordination Board consists of the Minister, who is the chairperson, and at least 3 but no more than 7 other members as the Minister may appoint, of whom one may be appointed to be deputy chairperson.

2840 Why does this Board have to be appointed directly by a Minister? Why not set up a system that does not politicise, or at least has a non-partisan presence? What is essentially the preservation of our natural resources and our wildlife? Why can't there be a process of consultation with academics and civil society, who will most certainly be in a better position to make this decision than a Minister? Perhaps not right now, because we can all agree that we have one who is quite qualified in this field, but it might not always be the case. We are tired of seeing Ministers with dubious qualifications – like I said, it does not appear now – running government departments, and the people of Gibraltar are tired of seeing supposedly independent entities and institutions 2845 that are supposed to work for the benefit of the wider community being politically infiltrated and thoroughly manipulated, on many occasions for partisan goals.

I think this way of operating could be much improved, Mr Speaker. That is my tuppence-worth. Thank you.

2850 **Mr Speaker:** The Hon. Minister.

Hon. Prof. J E Cortes: Mr Speaker, I will thank the hon. Lady. I thought I would also thank the Members of the official Opposition, but if they are going to abstain anyway, I do not know whether I should really bother to reply, although I think they more than deserve a reply because ... I will get to them in a minute, but first of all I will address the point made by the hon. Lady.

2855 There are many boards which are chaired by Ministers in a lot of our legislation. This includes, for example, the Heritage and Antiquities Act, which I chair. I chair, also, the Garrison Library Trust and others. So we are not departing from established practice. I think on this occasion, as I think you will see when I reply to the other points made, it does need a certain amount of steer by somebody whose vision this has been – I will use the word ‘vision’ again in another context later – but I do assure the hon. Lady that this Board will include academics and representatives of civil society, indeed as the National Trails Board already does.

2860 In reply to the points made by the Hon. Mr Bossino and the Hon. Mr Clinton – I would not have been so kind to Mr Bossino if I had thought that he was going to be so relatively unkind to me – they have missed the point completely and I think they have shown an incredible lack of vision and understanding.

The Gibraltar National Park is modelled on the UK national park model. We are not talking about Yellowstone National Park or the Galapagos Islands, which are wilderness parks. We are talking about the UK model of national parks and, indeed, the model which is now being pursued by cities, including London, which will shortly, in all likelihood, be declared a national park city in which the park embraces not just natural features but monuments and stately homes, where I am sure, just as in the Garrison Library, there are also books which are part of the national park. Therefore, the word ‘park’ is used very broadly because it encompasses things that people will appreciate and enjoy, and that is a very important point.

2870 Another point that I think has been made in both the presentations is this lack of understanding as to how this comes about and how it will be constituted. NGOs have been consulted on this from the very start and support it, as have the different entities that will come in to form the Gibraltar National Park – the Garrison Library, the Museum, the Botanic Gardens. All these entities already exist, they have their own existence, but one thing that is lacking is co-ordination between all of them so that they get the right messages out consistently and so that they add value to each other in promoting Gibraltar as a whole. Why should it be restricted to just what is found within these particularly specified areas if they can use the huge profile that they are going to get to sell Gibraltar as a whole, as a destination? This is why it is particularly disturbing that the hon. Member who represents tourism should not see the value of this.

2885 I said in my speech Gibraltar will have a national park which can now be sold out there as a national park consistent with the kind of national park that I am talking about and which can join international organisations, international programmes, and maybe even attract funding because it is a national park. I reassure the Hon. Mr Clinton that there is no problem at all that there is an overlap with tourism. The Hon. Minister for Tourism, my hon. Friend Minister Daryanani, and the CEO of the Gibraltar Tourist Board have actually met and had a presentation even at the stages that we were drafting it. So there is going to be clearly an overlap with tourism because this is a huge marketing tool for Gibraltar. There is a world out there that googles ‘national parks Europe’. This will spring up and all the different things about Gibraltar – not just within these sites, but the whole of Gibraltar – will come up and people will be interested and will want to visit. It is a huge and very inexpensive marketing strategy, and I just cannot understand why the hon. Members opposite have failed to see that point.

2890 There were three specific points that were raised by Mr Bossino. I explained already the wider Gibraltar. I explained also that there are parallels in the National Trails Board and that that will

2900 have representation from NGOs. On the third point, the people who will be attending meetings,
even if they are not officially part of the board, are those people who actually run the different
constituent parts of it. So if the Board is discussing how to promote different things about
Gibraltar, we may want to call a representative from the Garrison Library or a representative from
the Museum so that there would be a general discussion. In the past, we have been criticised, and
2905 not just by the Opposition, that government departments do not talk to each other, that different
organisations do not talk to each other. This is the ideal body to make them talk to each other, to
co-ordinate, to get added value and then to put it out there and promote it.

So this is huge. It is much bigger than they can see. I believe the Opposition abstained when
we created Commonwealth Park and when we created legislation to support the formation of the
Botanic Garden. They were wrong then; they did not have the vision. I ask them to reconsider
2910 because Gibraltar National Park, certainly if we co-ordinate it and if we go through with it in the
way that I have already discussed with the NGOs and with the constituent members, will be hugely
significant in promoting Gibraltar and its image with all its assets out there in the wider world,
which Gibraltar sorely needs now, probably more than ever.

2915 Mr Speaker, with that, I commend this Bill to the House.

Mr Speaker: I now put the question, which is that a Bill for an Act to make provision for the
Gibraltar National Park and the establishment of a Gibraltar National Park Coordination Board;
and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those
2920 against? Carried.

Clerk: The Gibraltar National Park Act 2021.

**Gibraltar National Park Bill 2021 –
Committee Stage and Third Reading to be taken at this sitting**

**Minister for the 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
2925 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.)

**Crimes and Miscellaneous Provisions (Amendment) Bill 2022 –
First Reading approved**

Clerk: A Bill for an Act to provide for the revival of the common law offence of conspiracy to
defraud; to amend the Crimes Act 2011, the Legal Services Act 2017 and for connected purposes.
2930 The Hon. the Minister for Justice, Equality, Public Standards and Regulations.

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J
Sacramento):** Mr Speaker, I have the honour to move that a Bill for an Act to provide for the revival
of the common law offence of conspiracy to defraud; to amend the Crimes Act 2011, the Legal
2935 Services Act 2017 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 provide for the revival of
the common law offence of conspiracy to defraud; to amend the Crimes Act 2011, the Legal

2940 Services Act 2017 and for connected purposes be read a first time. Those in favour? (**Members:**
Aye.) Those against? Carried.

Clerk: The Crimes and Miscellaneous Provisions (Amendment) Act 2022.

**Crimes and Miscellaneous Provisions (Amendment) 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 Crimes and
2945 Miscellaneous Provisions (Amendment) Act 2022 be read a second time.

This Bill addresses some errors in the Crimes Act 2011, which is a very substantial piece of
legislation, and it is intended to be somewhat of a clean-up as these issues have arisen.

2950 Clause 3 addresses a question in relation to the continued existence or otherwise of the
offence of common law conspiracy to defraud on the basis of potential ambiguity over the
provisions of section 35 of the Crimes Act 2011, and on that basis this Bill clarifies that the common
law offence of conspiracy to defraud continues to have effect. It may assist if I explain that the
provisions of section 35 of the Crimes Act 2011 closely mirror section 5 of the English Criminal Law
Act 1977. In England, section 5 abolished the common law offence of conspiracy at common law
but saved the offence so far as it relates to conspiracy to defraud. In contrast, our own section 35
2955 does not contain the saving provision. Instead, there is a section 34 which refers to an offence of
conspiracy to defraud, and there is therefore an argument that a statutory offence of conspiracy
to defraud was created. However, in order to make it absolutely clear that the common law
offence of conspiracy to defraud is to continue to exist, this Bill recognises the possibility that the
common law offence was abolished by section 35 in 2011 and expressly provides that the offence
2960 continued to have effect as if it had not been abolished. Clause 3(2) makes it clear that a person
may not be prosecuted for the common law offence of conspiracy to defraud in respect of conduct
occurring after the abolition and before the revival. Clauses 34 and 35 of the Crimes Act 2011 are
amended to reflect this provision.

2965 Clause 4 replaces section 209 of the Crimes Act. This relates to sexual offences committed
outside of Gibraltar. Subsection (1) of the current section 298 makes it an offence in Gibraltar to
commit certain acts overseas against a child. The act must amount to a sexual offence listed in
Part A of Schedule 2 and must also amount to an offence in the country where it was committed.
The exact description of the offence does not need to be the same in both countries. For example,
2970 the provisions could apply to someone who raped a child in another country, although that
offence was described differently under the law of that country. However, there is no provision
requiring that there be a link between the person being prosecuted with Gibraltar. This
amendment corrects that position and it also updates the law to strengthen it. It makes an offence
for a Gibraltar resident or Gibraltarian national to commit an act outside Gibraltar which would
constitute a relevant sexual offence if done in Gibraltar. For Gibraltarians, there is no requirement
2975 that the act committed must also have been illegal in the country where it took place. However,
this requirement remains for the prosecution of Gibraltar residents under the new section 298(2)
and those who become Gibraltar residents or Gibraltarians under the new section 298(3) and (4).
Where a person becomes a Gibraltarian or Gibraltar resident after having committed a relevant
sex offence in a country outside of Gibraltar, such a person must also be a Gibraltarian or resident
2980 at the time the proceedings were brought. The new sections 298(5) to (8) replicate provisions in
the current section 298. They provide rules relating to how the prosecution can prove that the
offence was an offence in the country in which it was committed.

2985 Clause 5 addresses a minor omission. When the Legal Services (Amendment) Act 2022 amended section 6 of the Legal Services Act 2017, reference to part 5 of the register – and this relates to in-house lawyers – was inadvertently omitted after section 6(3)(e).

Mr Speaker, I commend the Bill to the House.

2990 **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 will be supporting the Bill.

The hon. Lady and I have spoken. She explained the rationale behind this before she stood and delivered her speech, in relation to which I am very grateful.

2995 I was originally responsible for steering the Crimes Bill, as it then was, through Parliament. At the time, it was the largest, I think, Bill in the – Does the Hon. the Chief Minister want me to give way? I am quite prepared. I feel in a generous spirit. Do you want me to give way?

3000 **Chief Minister (Hon. F R Picardo):** Mr Speaker, just to say that we have heard that speech before, and if he wants, we can just press play on what a magnificent Act it was, how it took so much of his time and all the rest of it. No problem, it is already in *Hansard*.

Hon. D A Feetham: Well, I am very grateful for his compliment. He should compliment Members of this side of the House more often. (*Interjection by Hon. Chief Minister*) Right.

3005 Mr Speaker, I was responsible, as I said, for the Crimes Bill. At the time, it was the largest piece of legislation on our statute books. It came, as well, with a sister Bill, which was the Criminal Procedure and Evidence Bill, which was also, in itself, a huge piece of legislation. It is impossible to introduce legislation of that kind without perhaps having mistakes in them, and I accept that. Even if they did not contain mistakes, any Bill that is brought to this House in order to improve those pieces of legislation in the light of the experience within the courts etc. would obviously receive support from this side of the House.

3010 I just want to say a few words on section 298. Section 298 has been subject to comments from the courts – the former section 298, I mean – in relation to its adequacy in the context of a prosecution that was actually brought. I think it is important that the Government has brought this amendment because section 298 is designed to deal with a situation – amongst other things, but when we brought the Bill to the House, this is what we had in mind – where somebody in Gibraltar visits another jurisdiction in order to take advantage of children and have sexual intercourse with children, for example. This allows those people to be prosecuted in this jurisdiction, which is a phenomenally important piece of legislation, and for all those reasons, and despite the ungenerous interruptions from the other side, the Opposition is going to be supporting the Bill.

Mr Speaker: The Hon. Minister.

3025 **Hon. Miss S J Sacramento:** Mr Speaker, I am very grateful for the hon. Gentleman's intervention. As he explained, we had a conversation on this and I am grateful for him agreeing. The hon. Gentleman has in the past referred to the Crimes Act and the related Criminal Procedure and Evidence Act as seminal pieces of legislation. They are, indeed, very substantial pieces of legislation. The Crimes Act ... anyone who picks it up knows it is this thick; it is over 500 pages long.

3030 As I said when I started my intervention, issues have arisen and this proposed Bill is to clean up some gaps and tighten some things that have now come to light. The hon. Gentleman is right: when it comes to the sexual offences provisions outside of the jurisdiction, this arose as a result of a matter in the Supreme Court. It was, therefore, brought to our attention in those circumstances, and it is only the right thing to do to enhance and strengthen that legislation so that there is no risk of any gaps in the future.

3035 I commend this Bill to the House.

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for the revival of the common law offence of conspiracy to defraud; to amend the Crimes Act 2011, the Legal Services Act 2017 and for connected purposes be read a second time. Those in favour? (**Members:** 3040 Aye.) Those against? Carried.

Clerk: The Crimes and Miscellaneous Provisions (Amendment) Act 2022.

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

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken 3045 today, if all hon. Members agree.

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

COMMITTEE STAGE AND THIRD READING

Clerk: Committee Stage and Third Reading. The Hon. the Chief Minister. 3050

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 Bill clause by clause: the Admiralty Waters and Naval Base (Gibraltar) Bill 2022, the Immigration, Asylum and Refugee (Amendment) Bill 2022, the Gibraltar National Park Bill 2021 and the Crimes and Miscellaneous Provisions 3055 (Amendment) Bill 2022.

In Committee of the whole House

**Admiralty Waters and Naval Base (Gibraltar) Bill 2022 –
Clauses considered and approved**

Clerk: A Bill for an Act to designate Admiralty Waters and to regulate activities, operations and vessel movements in relation to such waters, and the approaches thereto; to designate an area as His Majesty's Naval Base Gibraltar; to provide for the appointment of a King's Harbour Master; and for matters connected thereto. 3060

Clauses 1 to 17.

Mr Chairman: Clauses 1 to 17 stand part of the Bill.

Clerk: The Schedule.

3065 **Mr Chairman:** The Schedule stands part of the Bill.

Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Immigration, Asylum and Refugee (Amendment) Bill 2022 –
Clauses considered and approved**

3070 **Clerk:** A Bill for an Act to amend the Immigration, Asylum and Refugee Act to allow for the issuing of a permit of residence for a period of time not exceeding 12 months to persons enrolled at the University of Gibraltar and expand on what would constitute comprehensive sickness cover in relation to students.

Clauses 1 to 3.

3075 **Mr Chairman:** Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

3080 **Mr Chairman:** The long title stands part of the Bill.

**Gibraltar National Park Bill 2021 –
Clauses considered and approved with amendments**

Clerk: A Bill for an Act to make provision for the Gibraltar National Park and the establishment of a Gibraltar National Park Coordination Board; and for connected purposes.

3085 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Chairman, just to formally, in this part of the proceedings, bring notice to the House of my letters of 23rd November 2022 and 18th January 2023, which amend the original Bill.

3090 **Mr Chairman:** Are the official Opposition and the lady content with the amendments circulated on 19th January 2023 and 23rd November 2022? Content, yes?

Clerk: Clauses 1 to 3.

Mr Chairman: Clauses 1 to 3 stand part of the Bill.

3095 **Clerk:** Clauses 4 to 6.

Mr Chairman: Clauses 4 to 6 stand part of the Bill.

Clerk: Clauses 7 to 9.

3100 **Mr Chairman:** Clauses 7 to 9 stand part of the Bill.

Clerk: Clause 10.

3105 **Mr Chairman:** I think clause 10 has been amended, and that should read clause 9. Clause 9 as amended stands part of the Bill.

Clerk: The Schedule.

3110 **Mr Chairman:** The Schedule, again as amended, stands part of the Bill.

Clerk: The long title.

Mr Chairman: The long title, as amended, stands part of the Bill.

**Crimes and Miscellaneous Provisions (Amendment) Bill 2022 –
Clauses considered and approved with amendments**

3115 **Clerk:** A Bill for an Act to provide for the revival of the common law offence of conspiracy to defraud; to amend the Crimes Act 2011, the Legal Services Act 2017 and for connected purposes.

Mr Chairman: There are amendments which were circulated by the Hon. Minister on 16th March. Are the hon. Members of the official Opposition and the lady content? Right.

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Clerk: Clauses 1 to 5.

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

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Clerk: The long title.

Mr Chairman: The long title stands part of the Bill.

**Admiralty Waters and Naval Base (Gibraltar) Bill 2022;
Immigration, Asylum and Refugee (Amendment) Bill 2022; Gibraltar National Park Bill 2021;
Crimes and Miscellaneous Provisions (Amendment) Bill 2022 –
Third Reading approved: Bills passed**

Clerk: The Hon. the Chief Minister.

3130 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Admiralty Waters and Naval Base (Gibraltar) Bill 2022, the Immigration, Asylum and Refugee (Amendment) Bill 2022, the Gibraltar National Park Bill 2021 and the Crimes and Miscellaneous Provisions (Amendment) Bill 2022 have been considered in Committee and agreed to with some 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, which is that the Admiralty Waters and Naval Base (Gibraltar) Bill 2022, the Immigration, Asylum and Refugee (Amendment) Bill 2022, the Gibraltar National Park Bill 2021 as amended and the Crimes and Miscellaneous Provisions (Amendment) Bill 2022 as amended be read a third time and passed.

3140 Those in favour of the Admiralty Waters and Naval Base (Gibraltar) Bill 2022? (**Members:** Aye.) Those against? Carried.

Those in favour of the Immigration, Asylum and Refugee (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

3145 Those in favour of the Gibraltar National Park Bill 2021? (**Some Members:** Aye.) The official Opposition is abstaining and the hon. Lady is voting in favour. Therefore, the Bill is carried.

Those in favour of the Crimes and Miscellaneous Provisions (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

**Procedural –
Circulation of Estimates of Expenditure to Members**

Chief Minister (Hon. F R Picardo): Mr Speaker, I am grateful to Members for the Bills that they have supported, and disappointed in respect of their abstentions but not surprised.

3150 I now have the honour to move that the House should adjourn. Given that this is the adjournment before we get to the Easter break and the end of the financial year, there is a formula of words that I know you will have to share with us. Before I do that, I would just say that I look forward to coming back to the House in May. By then, spring will have sprung and I do hope that other things will also have come to a new life.

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Mr Speaker: Before I propose the adjournment, as hon. Members are aware, it is a requirement under section 69(1) of the Constitution that the Estimates of Expenditure for the next financial year be circulated to hon. Members on a confidential basis not later than 30th April. Since the House is now not scheduled to meet until May, I am proposing that the provisions of the Constitution will be deemed to have been met if the estimates are circulated to all hon. Members before the end of April. This is what we have been doing for the last few years, so I propose that it should be the case again this year. Is that agreed?

3160

Members: Aye.

Adjournment

3165 **Chief Minister (Hon. F R Picardo):** I move that the House should now adjourn, Mr Speaker, *sine die*.

Mr Speaker: I now propose the question, which is that this House do now adjourn *sine die*.

3170 I now put the question, which is that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn *sine die*.

The House adjourned at 7.58 p.m.