



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 2.30 p.m. – 4.35 p.m.**

**Gibraltar, Friday, 26th May 2023**

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# The Gibraltar Parliament

*The Parliament met at 2.30 p.m.*

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

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

## **Standing Order 7(1) suspended**

**Clerk:** Meeting of Parliament, Friday, 26th May 2023.  
Suspension of Standing Orders. The Hon. the Chief Minister.

5 **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.

10 **Mr Speaker:** I think we have something that we need to say beforehand – am I right, Mr Clerk? – because we are suspending Standing Orders.

**Hon. Chief Minister:** I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with government motions. Is that the one?

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

## **Standing Order 19 suspended to proceed with Government motion**

**Clerk:** Government motion. The Hon. the Chief Minister.

20 **Hon. Chief Minister:** Mr Speaker, I hereby give notice, under the 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**

### **Mayor and Deputy Mayor of Gibraltar – Carmen Gomez and Nicholas Guerrero appointed**

**Clerk:** The Hon. the Chief Minister.

25 **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 APPOINTS Ms Carmen Gomez GMD to be Mayor of Gibraltar and Mr Nicholas Guerrero to be Deputy Mayor of Gibraltar as from Thursday 6th June 2023.*

Mr Speaker, it was my pleasure to move a motion on the appointment of Christian Santos as Mayor, which recorded the appointment of Ms Carmen Gomez as Deputy Mayor and therefore she was clearly indicated as being the choice to be Mayor as from this year.

30 It has been an absolute delight to see how Christian Santos has discharged the functions of the mayoralty. I think he deserves the recognition and thanks of the whole House and, indeed, of the whole of the community for the job that he has done. He has done it in a manner which has been inclusive, in a manner which has been diverse, but in particular he has done it with a flair and with a gusto that I think everybody has enjoyed seeing. He has brought the best of him to the mayoralty and I think he has done a job which will be hard to follow.

35 If you are going to follow Christian Santos, you need a character as big and with achievements even greater on the world stage, and who better than Carmen Gomez, therefore, to follow Christian Santos, a woman who has held rapt in her performance audiences on the West End in London with shows which she has held on her own as Carmen Miranda, to give but one example of a long and illustrious career in show business, done both in Gibraltar and at the top, outside of  
40 Gibraltar, in the international sphere, in the most demanding of theatrelands, which is London's Theatreland. So I am delighted to see that we are going to now bestow the mayoralty and the obligations and responsibilities of the mayoralty, the honours and privileges of it, upon Carmen Gomez. I think that she is somebody who will represent, as mayors are called upon to do, all of Gibraltar civic society without partisan distinction, not in a political role as mayors discharge in  
45 other countries, but in a civic and municipal role and standing in the shoes of Gibraltarians as illustrious ... and there could be no more illustrious Gibraltarian than Joshua Hassan, for example, and William Serfaty and all those who came after. I think Gibraltar has been extraordinarily well served by its current Mayor, Christian Santos, and can look forward to being equally extraordinarily well served by its next Mayor, Carmen Gomez. That ceremony of handover I  
50 understand will take place on 6th June. It will be bittersweet as we say goodbye to Christian, but sweet as we say hello to Carmen.

In the process of determining who to add to this motion as a Deputy Mayor, the Government has had to consider very carefully what are the qualities that we would look for in our future Mayor post Carmen Gomez. In doing so, we have learnt a little from what Christian Santos has  
55 been able to do with the mayoralty and how he has used it, beyond the things I have already said, to reach out to those who come to visit Gibraltar, to show them the jewel that is City Hall. In most places, City Hall is a place which attracts tourism. In Gibraltar, it had not been, even though we had the vision to move government departments out of it and add our National Gallery to the ground floor. But Christian thought that it required a little more, and he very astutely was able to  
60 bring cruise ship visitors and other tourists to Gibraltar to City Hall, and in that way also raise some funds which helped to ensure that the Mayor had even greater autonomy in the discharge of his functions, not needing to have extreme regard to what his budget was in the Book. He had a little float there to do a little more.

There is a strand that will run through three mayors in Gibraltar, and that will be the stage,  
65 because if there is one thing that I will always remember about the first time that I saw Nicky Guerrero, it is that it was on the stage at Ince's Hall giving a performance that I thought was worth being seen by an audience beyond the 30,000 Gibraltarians. Indeed, I seem to recall that it was in a play called *Art* with the now Minister for the Environment that I saw Nicky Guerrero, Peter Canessa and John Cortes. So from Christian Santos, the architect of GAMPA, to Carmen Gomez –  
70 Carmen Miranda herself – now to the art that Nicholas Guerrero will bring to the mayoralty, there is a strand which I think will serve us well, because when the Mayor takes to give a speech, he or she must do it in a way that represents the people of Gibraltar, and what better training than the stage for that purpose if there has not been other professional training?

75 And of course, as I was alluding to before, the touristic element. Nicholas Guerrero has been  
the head of the Tourist Board for many years, and in that sense I think he brings the ability to  
continue the work that Christian has done in reaching out to tourism, but he has done even more.  
Since he retired as CEO of the Tourist Board he has held the post of Director of Events and  
Partnerships on the board of MedCruise, the Association of Mediterranean Cruise Ports, so  
80 extraordinarily well connected in that world now, having represented already Gibraltar at all  
MedCruise and Seatrade events, including Seatrade Global in Miami for the last quarter century.  
So he is a person who is widely known and he is respected in the cruise, airline and tourism  
industry at all levels, as well as being a thespian and a highly regarded former civil servant who  
was Controlling Officer, with all the responsibilities that that entailed, for the Tourist Board.

85 I have absolutely no doubt that we have been magnificently served by our current Mayor,  
Christian Santos, that we will be extraordinarily well served by our incoming Mayor, Carmen  
Gomez, and that the House should support the appointment of Nicholas Guerrero as Deputy  
Mayor and, therefore, Mayor after Carmen Gomez, because all of them bring many different  
qualities but one key strand remains, and that is that they have all performed and will perform for  
Gibraltar as Mayor in that role.

90 I commend the motion to the House. I am reminded that I should confirm that I consulted with  
the Leader of the Opposition before I put forward the name of Nicholas Guerrero in the motion.

**Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the  
Chief Minister.

95 The Hon. Edwin Reyes.

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

100 It was in 2021 that this House unanimously supported a government motion presented by the  
Hon. the Chief Minister appointing Mr Christian Santos as Mayor of Gibraltar and he further added  
that Carmen Gomez be appointed as Deputy Mayor with a view to her taking over the role after  
Christian. It is with the greatest of pleasure the GSD Opposition will today confirm that it continues  
to support the appointment of Carmen Gomez to take over as Mayor from Christian Santos.

105 At this stage I would like to take the opportunity to thank Christian for his exemplary service  
as Mayor over the last two years. Christian has certainly discharged the required mayoral duties  
to the best of his abilities. I am sure we can all agree that Christian has carried out a wide-ranging  
series of events and public duties with his fantastic personal style and decorum and this ultimately  
has promoted and benefited Gibraltar and its community as a whole. At a personal level, I thank  
Christian for his friendship and companionship at several events we have both had to attend in  
our official capacities; he certainly is an entertaining character.

110 Now, Mr Speaker, referring specifically to Carmen Gomez, the Opposition notes her personal  
background and experiences and we sincerely hope these will serve her in the discharge of her  
duties. As already highlighted by past contributions to motions in respect of the appointment of  
Mayors, it is important that the mayoralty continues to be open to both young and those no longer  
so young people, so that our City Hall and our civic representative, namely the Mayor, is somebody  
115 whom Gibraltarians consider approachable. With Christian Santos we achieved this by his being a  
younger man and, indeed, someone who was already very actively involved in the teaching of  
young people and involving them in the performing arts. Our City Hall will certainly be a  
prestigious place of entertainment in the future, simply based upon the immense professional  
experiences that Carmen Gomez will bring with her and which will become a visible display of our  
120 wide-ranging cultural and artistic talents.

The ever-beautiful Carmen Gomez was crowned Miss Gibraltar in 1970 when she was only 21  
years of age. After her reign as Miss Gibraltar, Carmen ventured to London in order to pursue an  
acting career. Whilst in London she performed in various West End productions and had an  
opportunity to work with Andrew Lloyd Webber. Carmen started her acting career with a part in  
125 *Buddy Holly* but, unfortunately, that show wrapped up in London to return to Broadway. However,

she persevered with her acting career and went on to feature in the science-fiction popular series *Doctor Who*. Other notable performances were playing the part of Férula in a theatre production of Isabel Allende's *The House of Spirits* and she also ran her own dazzling West End production of *Carmen Miranda*, of which the Chief Minister has just reminded us. Although it is somewhat sad that Carmen no longer performs in the prestigious West End, it is of great benefit to Gibraltar that she has resettled in her native land. During her tenure as Deputy Mayor, Carmen has shown her passionate commitment to her beloved Gibraltar and we now look forward to supporting her in the fulfilment of her mayoral duties.

We equally welcome the appointment of Nicholas – or Nicky, as he is known to many – Guerrero as Deputy Mayor, thereby, we presume, set to succeed Carmen as Mayor upon completion of her tenure. Nicky has a natural amicable character and anyone engaging in conversation with him will soon realise that he is very knowledgeable on a wide range of subjects. Having grown up in a military family, Nicky will need no coaching on procedures and how we do things following the British traditions on formal occasions. As one example of his personal hobbies and pastimes, Nicky has been involved in various productions through participation in amateur dramatics, so that puts him on a great start with Carmen Gomez, our incoming Mayor. Indeed, I suspect they will engage in many private conversations in respect of the entertainment and, more specifically, the acting world.

It is an established tradition that when military units that hold the Freedom of the City of Gibraltar exercise their right to parade through the city with bayonets fixed and colours flying, it is the Mayor who takes the salute on behalf of the citizens of Gibraltar at the Main Street entrance to this prestigious parliamentary building. Those of us who have had the privilege to form part of a contingent marching up Main Street exercising such rights well know that the highlight of the march past is the salute given to the people of Gibraltar, through the Mayor, just outside the Parliament building. Mr Speaker, please allow me to repeat the words I said in Parliament two years ago when we unanimously supported the appointment of Carmen Gomez as Deputy Mayor:

It does not take much imagination to foresee the delight which will be experienced in the future by military personnel when they follow the words of command 'Eyes right' and their eyes immediately feast upon such beauty as that radiated by the delightful Carmen Gomez.

With those words, and before I get into any trouble, I have the privilege and pleasure to once again confirm that the GSD Opposition will be supporting the Government's motion as laid before this House by the Hon. the Chief Minister.

Finally, thank you, once again, Christian Santos, for your service to Gibraltar, and we wish all the best to both Carmen Gomez and Nicky Guerrero for the future in the fulfilment of their mayoral duties.

**Mr Speaker:** The Hon. Gilbert Licudi.

**Hon. G H Licudi:** Mr Speaker, it gives me great pleasure to rise to endorse the motion that is currently before the House: the appointment of Carmen Gomez as Mayor of Gibraltar and the appointment of Nicky Guerrero as Deputy Mayor.

I also clearly endorse and ratify the words of the Hon. the Chief Minister and the Hon. Mr Reyes on behalf of the Opposition in respect of the three persons that have been mentioned today. Clearly, Christian Santos has done an excellent job as Mayor for Gibraltar. He has lived up to all expectations and we really have to take our hats off to him.

I have known Carmen Gomez for many years and equally I am satisfied and absolutely sure that, again, she will rise up to expectations and she will give it her all and be an excellent Mayor for Gibraltar.

I want to say something about Nicky Guerrero, because Nicky was head of department and CEO of the Gibraltar Tourist Board whilst I was Minister for Tourism, and therefore I had a very

close working relationship with him during my time in that particular position. Nicky was always very diligent, very hardworking and always determined to get things right. He was an excellent ambassador for Gibraltar, an excellent head of department. We travelled widely to numerous conferences and meetings. I have seen him engage with many delegates and many participants in meetings and conferences, giving speeches. His knowledge of Gibraltar, of its people, of its product, of its heritage and its history was absolutely second to none. He could spend hours and hours just speaking to people about why Gibraltar was right for them and selling Gibraltar very well indeed. In all the conferences and meetings – he would often prepare notes for me, and briefings – I always had the fullest information possible in order to be able to conduct meetings about every aspect of Gibraltar as a tourism product. The Chief Minister has mentioned the recent appointment following his retirement as director of MedCruise. His involvement with MedCruise goes back many years and that was, no doubt, a recognition of the high regard that Nicky was held in, in the cruising industry generally and in the Mediterranean cruising industry in particular, and it was a very well deserved appointment.

So I have no hesitation whatsoever in voting for the motion today in respect of not just the two candidates, but also endorsing the work that Christian Santos has done for Gibraltar.

Thank you.

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

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Thank you, Mr Speaker. I rise as Minister responsible for providing support to the mayoralty, to endorse all the words that have been said here.

Christian and I have kept in very close contact. We have had a formal meeting every other Wednesday morning to discuss how I can support his work or my Ministry can support it. Obviously we have spoken about other things as well, including his work within GAMP and the wider performing arts, and together we worked very closely on the restoration of the City Hall, which is ongoing, and as the Chief Minister has said, it has given a new life and a new meaning to the City Hall. Christian did a lot more behind the scenes than people are aware of, supporting particularly young people, and I want to recognise that as well.

I am clearly very much looking forward to the tenure of Carmen Gomez, who will bring her own very special brand to the mayoralty, and obviously very much looking forward to renewing contact with Nicky Guerrero, who I worked with even before I was in this House. As the Hon. Chief Minister has reminded me, we took part in that performance of *Art* with Peter Canessa, Nicky and myself. It was a memorable occasion for us. When you tread the boards with someone, there is a relationship that lasts forever.

Very pleased to endorse all the words that have been said. Thank you, Christian; and congratulations, and looking forward to the work that Carmen and Nicky will bring to their roles.

**Mr Speaker:** If no other hon. Member wishes to speak, I will call on the mover to reply.

**Hon. Chief Minister:** Mr Speaker, I am very grateful to all hon. Members for the words they have shared with us about the current Mayor, the incoming Mayor and the Deputy Mayor. Can I say that it is always a pleasure to see the House move by unanimity, in particular on appointments such as this, because the Mayor, in the end, represents us all and represents all of Gibraltar. None of them have been appointed because of how they look, although of course I would fully endorse the things that have been said by Mr Reyes.

I commend the motion to the House.

**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? Carried.

## Order of the Day

### BILLS

#### FIRST AND SECOND READING

##### **Damages (Amendment) Bill 2023 – First Reading approved**

225 **Clerk:** (ix) Bills – First and Second Reading.

A Bill for an Act to amend the Damages Act 2019. The Hon. the Minister for Digital, Financial Services, Health Authority and Public Services.

230 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**  
Mr Speaker, I have the honour to move that a Bill for an Act to amend the Damages Act 2019 be read a first time.

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Damages Act 2019 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

235

**Clerk:** The Damages (Amendment) Act 2023.

##### **Damages (Amendment) Bill 2023 – Second Reading approved**

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**  
Mr Speaker, I have the honour to move that the Bill for an Act to amend the Damages Act be read a second time.

240 The Bill is based on sections 2, 2A and 2B of the United Kingdom's Damages Act 1996. These sections were introduced in the UK by the Court Act 2003 following a consultation carried out by the Lord Chancellor's department. The results of the consultation were that a clear majority of responses agreed that the courts should have the power to order periodical payments without the consent of the parties in certain circumstances. The majority also supported some form of  
245 variation of the periodical payments order. While most damages awards take the form of a lump sum payment, periodical payments are considered a much better and fairer way of compensating those that face long-term loss and care needs. Periodical payments generally have a number of potential advantages over lump sums. Periodical payments should also avoid the need for argument about life expectancy during the litigation, which may be stressful for the claimant.  
250 There will be greater security for the claimants, who will be able to plan for the future without the anxiety of the lump sum award.

The Bill amends the Damages Act 2019 by introducing two new sections. The new section 5 would enable a court awarding damages for future pecuniary loss in respect of personal injury in order that the damages are wholly or partly to take the form of periodical payments. It also  
255 requires the court to consider whether to make that order. In order to ensure the secure continuity of the payment, we have limited the power to order periodical payments to where the paying party is the Government, the Gibraltar Health Authority or the Care Agency only. To ensure that the real value of periodical payments is preserved over the whole period for which they are payable, section 5 provides that periodical payments orders will be treated as linked in the



260 payments to the Retail Price Index. However, it also provides the courts power to make different provision where the circumstances make it appropriate.

The new section 6 introduced by the Bill provides the Minister with responsibility for justice with the power, by order, to enable a court which has made an order for periodical payments to vary the order in specified circumstances. The ability to vary payments in these limited  
265 circumstances is necessary to realise fully the potential benefits of these periodical payments. In the UK, the Damages (Variation of Periodical Payments) Order 2005 sets out the terms under which the court may make a variation order. It is currently only permissible where there is a chance that the claimant will develop some serious disease or suffer some serious deterioration or enjoy some significant improvement in his physical or mental condition. We will be making  
270 similar provision in due course.

Mr Speaker, I commend this Bill to the House.

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

275

**Hon. K Azopardi:** Mr Speaker, we will support this Bill, but I ask the hon. Member for some clarification, first of all, as to ... I know we have had a private discussion, but for the record I think it is important to understand why this Bill is being brought. Is there any pending case where this issue has been raised, which has motivated the interest? Or is this of generic interest brought by  
280 members of the Bar who have raised this issue with the Government?

In any event, as the Minister has said, this statutory basis to make periodical payments on personal injury cases has been in place in the United Kingdom for some time, so we favour the inclusion of a statutory scheme.

What I will ask perhaps the Minister to look at more precisely, if I may, will be the suggested  
285 section 5(3), which presently reads:

A court may not make an order for periodical payments unless the paying party is the Government, the Gibraltar Health Authority or the Care Agency.

As the Minister says, this scheme will allow the courts to consider – it is not mandatory, it gives the power to the court to consider – whether or not to make a periodical payment, so the court has discretion to do so. We understand that the restriction in section 5(3) will make it clear that the court cannot make a periodical payment unless, of course, the paying party is the Government,  
290 the Health Authority or the Care Agency. We have to look at the intention behind that section from the perspective, presumably, of the claimant in the personal injury litigation – in other words, the injured party.

The purpose behind this section would be to ensure that there is security for payment, so we understand the rationale of ensuring that if you are not going to order a lump sum and it is going  
295 to be periodical – in other words, a staged payment – the court wants to make sure that the injured party is going to receive payment. You are more likely to receive payment when it is the Government, the Health Authority or the Care Agency. That is analogous to a provision in the UK scheme and I have no difficulty with that. The issue that I raised with the Minister to consider is that it is perhaps unduly restrictive, because my understanding of the UK scheme is that it is not  
300 simply restricted to the ability to make periodical payments if it is a government or NHS entity, for example, that it is also extended to regulated insurers because a lot of the litigation will involve insurance companies behind parties where rights will have been subrogated. It seems to me that the court could have the comfort that if you do have a regulated insurer standing behind the party, there will be security and a guarantee for those payments, and it may be that the Government  
305 wants to, at Committee Stage, consider inserting an amendment to that section that allows that flexibility on the same basis. Subject to that, we will support the Bill.

**Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits of the Bill? I will ask the mover of the Bill to respond.

310

**Hon. A J Isola:** Mr Speaker, I am grateful to the hon. Members for their support in the passage of this Bill through Parliament.

There are two points that the Hon. the Leader of the Opposition has raised. The first is in respect of why now. The issue has been raised by lawyers acting on behalf of Government, who have advised that a periodical payments order can be made with consent but not otherwise, and consequently it is preferable to give the court the ability, should they deem it fit, to make such an award for the reasons that I have articulated in my opening address, which we believe can be of benefit and of protection to claimants moving forward, where there is security of payment, be it through section 5(3), which we will come to now, limiting this to the GHA, the Government or the Care Agency.

320

In respect of section 5(3), as I have just mentioned, in the event that a claimant wishes to agree to a periodical payment order where it is an insurer that is the defendant, then that can happen. At this stage, on the advice that we have, the risk of an insurer becoming insolvent with a long-term life expectancy of a claimant where a periodical payment is going to be made, the risk does not merit consideration at this stage of considering extending this any further. There could be alternatives where payments into court could be made and the payment is made annually but the amount is secure, a lump sum amount is secure. But the reason for the periodical payments order is because of the variance of that lump sum, and it is the ability of the court to determine on a more frequent basis what the needs of the claimant are at any particular time without going into some of the areas that I have touched on – life expectancy, seriousness, recovery. That is the benefit of this. But if there is a regulated insurer which becomes insolvent – and they do – I think the risk on the claimant is something that we should not at this stage contemplate.

325

330

I am very happy, post the passage of this Bill, to engage with the hon. Member and with our legal advisers to determine whether we should give further consideration to that and to leave the matter open pending those discussions, but at this stage I think the safest thing to do for the benefit of claimants before the courts is to limit the risk of the defendants being the GHA, the Government and the Care Agency, where they will have security of those payments.

335

I am obliged, Mr Speaker.

340

**Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Damages Act 2019 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

**Clerk:** The Damages (Amendment) Act 2023.

**Damages (Amendment) Bill 2023 –  
Committee Stage and Third Reading to be taken at this sitting**

**Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

345

**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**

**Damages (Amendment) Bill 2023 –  
Clauses considered and approved**

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause, namely the Damages (Amendment) Bill 2023.

*In Committee of the whole House*

355 **Clerk:** A Bill for an act to amend the Damages Act 2019. Clauses 1 to 4.

**Mr Chairman:** Clauses 1 to 4 stand part of the Bill.

**Clerk:** The long title.

360

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

**Damages (Amendment) Bill 2023 –  
Third Reading approved: Bill passed**

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

365 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Damages (Amendment) Bill 2023 has been considered in Committee and agreed to without amendments. I now move that it be read a third time and passed.

**Mr Speaker:** I now put the question, which is that the Damages (Amendment) Bill 2023 be read a third time and passed. Those in favour of the Damages (Amendment) Bill 2023? (**Members:** Aye.)  
370 Those against? Carried.

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

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

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

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

## Questions for Oral Answer

### ENVIRONMENT, SUSTAINABILITY, CLIMATE CHANGE AND EDUCATION

Q378 and 381/2023

**Bishop Fitzgerald and Governor's Meadow Schools –  
Camp Bay public toilets –  
Supplementary information**

380 **Mr Speaker:** The Hon. John Cortes has some information in relation to two questions that were answered partly. Those were Questions 378 and 381 in respect of questions posed by the Hon. Edwin Reyes and the Hon. Mr Phillips.

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Thank you, Mr Speaker. I have some information in relation to those two questions.

385 In relation to Question 378, I was asked about the difference between the £21.2 million figure mentioned in the press release of 13th October 2021 in relation to the new schools, which were the subject of the question, and the fact that I had given a figure of £29.2 million. This was, in fact, also covered in that press release. Part of it reads:

The cost of construction of the schools is estimated at £29.2 million. The Government will therefore be liable to pay the difference between the agreed premium of the plot and the cost of the schools.

So that is on public record and I confirm that is the case.

390 In relation to the other question – unless there are any more questions on that one, Mr Speaker?

**Mr Speaker:** This was a point of clarifying. We are not going to be allowing supplementaries. We now move to Question 381.

395 **Hon. Prof. J E Cortes:** In relation to Question 381, I was asked about the toilets and how many toilets had been provided. The answer is two gents' toilets plus three urinals and four ladies' toilets, so a total of nine facilities, if you want to call them that.

400 **Mr Speaker:** Would you like to pose a supplementary on that one?

**Hon. E J Phillips:** Mr Speaker, I do not have a supplementary on that particular question, but I do in relation to Question 382, because obviously what happened was the Minister came to the end of his answer and I have got supplementaries on it. *(Interjection by Hon. Prof. J E Cortes)* Yes, that is fine.

405 **Mr Speaker:** Right, okay.

**Q382 and Q385-88/2023**  
**Planning permission granted by DPC – Abandoned and neglected buildings –**  
**Regeneration of Old Town – Social Security building –**  
**Conservation and enhancement of heritage –**  
**Supplementary questions**

**Mr Speaker:** We left it yesterday where the Minister had answered a number of grouped-together questions ranging from, I think, Question 382 to Question 388. What is required now is if any Members have any supplementaries.

**Hon. E J Phillips:** Two – hopefully – supplementaries on Question 382. Just a question in relation to the cycle lane provision that he had referred to insofar as the environmental planning gain that we are able to get from selling plots of our land and developers developing for the benefit of their commercial gains. I just wonder, because the Active Travel Strategy that is being deployed by the Government, and which we have been shown and the public have now had an opportunity to see, has a very well-defined cycle pathway, if I can characterise it as that, how does that plan –? The Minister might be able to liaise with the other Minister in relation to this point, but I would have thought that the planning process that allows for provision of cycle lanes has to in some way ... There must be some interplay between that and the Active Travel Strategy. I just want to know how that works, because clearly in cases where the Minister for Transport set out the Government's policy in respect of cycle lanes ... How does this work insofar as development and planning is concerned?

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the Minister for Transport and I, and in fact my colleagues the Hon. Mr Linares and the Deputy Chief Minister – the four of us are the ones who tend to sit at the DPC – are in close communication at all times. There is a regular and increasing request by the DPC for the provision of cycle lanes, which obviously would need to have an input from the Ministry of Transport as to their deployment and so on.

I can give an active example, which is the two new schools on Europort Queensway, where we have worked together to improve and amend the designs in order to include the provision of a cycle lane. That is the way that we work together. I do not know whether my hon. Friend wants to add any more, but I think that summarises an example where it is working.

**Minister for Transport (Hon. P J Balban):** Mr Speaker, if I can be of assistance as well, what normally happens is, as you rightly say, the Travel Strategy Cycling Strategy has its well-defined routes, so we will make sure, if there are any developments in the future, that these developments respect these routes that are being planned, so we do not have a situation whereby perhaps there is an error made and maybe the footprint is different, which then does not allow the bicycling to take place. So it is the liaison between us in all developments to ensure that what we want to do together as a Government is seen through.

As the Minister has rightly said, when it comes to the school, the schools and certain buildings have certain needs and we have to fine tune the needs of both the building – in this case the school – and the need to provide that infrastructure which is important for us to succeed in our aims. So there is a bit of tweaking on occasion to make sure that we can marry both concepts, and that could mean slight deviations on the widths of certain features like bicycle lanes or the positioning of trees, just to make sure that everything is working together and that we can all achieve our targets at the same time.

**Hon. E J Phillips:** I am grateful for that answer because on the face of what we have just exchanged there is, on the one hand, a well-defined, as he has confirmed, Active Travel Strategy that has cycle lanes that the public will now be shown and have seen, cycle lanes that will direct

455 traffic around certain areas of Gibraltar, but clearly there is going to be further development in  
Gibraltar, and if there is planning gain in respect of building new cycle lanes and the obligation is  
on the developer to build it, it has to fit within the Transport Strategy that you have announced.  
Therefore, I think what I am trying to suggest here is that that plan, by its very nature and given  
the imposition potentially of planning issues, may well have to be more flexible than originally  
envisaged by the Hon. Minister.

460 **Hon. P J Balban:** Mr Speaker, that was the whole reason why this plan went to the DPC. It went  
to the DPC so that the members of the DPC could see what we were doing. The intention is that  
that document will sit within the DPC, so any future developments and developers will be able to  
see that plan, see what we want to do collectively as a Government, and then ensure that these  
465 targets are met. This is why we have worked in that way.

**Hon. E J Phillips:** I have one question that relates to the Minister for the Environment. Just in  
relation to additional public benefits, towards the end of his answer he referred to the additional  
public benefits of the planning process related to avoiding or minimising overlooking other  
470 properties' encroachment into public spaces. I thought, with respect, that was quite a limited view  
of planning gain.

My understanding of planning gain is that when a government or a nation sells to a developer  
a plot of land, the price of that is not only the value of the land attributed it by the Government,  
but it also should be the value of a contribution by that developer to society more generally – i.e.  
475 building parks or building schools, generally speaking in other countries, and the United Kingdom  
is a prime example of how that works. There was no reference in his answer to, over the last  
12 years, what actual substantive planning gain we have obtained from development and whether  
the Government's policy moving forward ...

I think my question to him now is are we going to place more planning obligations on  
480 developers in the future so that they can create much more of a gain for our wider community? I  
know they have made recent announcements about other developments and how green space  
is ... but that does not appear in the answer to his question where he referred to additional public  
benefits. I wonder whether he could comment on that, because I think that is an important part  
of the planning process, given that most countries allow for very significant planning gain to  
485 communities and societies.

**Hon. Prof. J E Cortes:** Mr Speaker, there are direct ways in which developers can and do do  
that. Increasingly, for example, we are asking developers of new developments to provide cultural  
space, to provide green areas at their cost within their complex.

490 I think we must also remember that the premiums go into government funds and therefore  
this is perhaps a less direct way, but those government funds are then used by the Government  
as part of its programme. I think another indirect way, for example, is the recent donation by the  
TN Group towards the building of the whole of Campion Park. Clearly these are specific examples  
and there have been one or two other instances – I cannot remember the details – where there  
495 has actually been an allocated cash sum for environmental improvements elsewhere. So I think  
the concept is there.

I would not hesitate in saying that I would encourage other developers to do even more – I  
think it adds value to their product and it adds value to the community – but I think that we are  
doing a lot of this. Perhaps it is not evident, perhaps it is not in your face, but certainly a lot of  
500 work goes on behind the scenes when we are talking to developers in order to achieve what the  
hon. Member rightly says is planning gain.

**Mr Speaker:** Does the Hon. Damon Bossino wish to pose supplementaries regarding his  
505 questions?

**Hon. D J Bossino:** Yes, Mr Speaker, I think there were three which the hon. Member bunched up together, and he provided a lot of information. I do not think the tactic worked for him because I have then been given almost 48 hours' grace to analyse his answers with some time available.

510 In relation to Question 385 – the question was very specific – I asked him which new incentives would be provided for the repair and reuse of abandoned and neglected buildings. Does he not agree with me that the sum total of his answer is that there are no new incentives? He talks about historical things. For goodness' sake, he talks about notices for improvement, which is something which presumably happens as a matter of law and I would not necessarily consider it to be an incentive. Does he not agree with me that the answer should actually be none; there are not any  
515 new incentives?

**Hon. Prof. J E Cortes:** Mr Speaker, I would first like to correct the hon. Member to say these are not tactics. I group together the questions that I think flow into each other and talk to each other and are relevant to each other. A tactic cannot have failed if it was not a tactic in the first  
520 place. If he needed 48 hours in order to give me that kind of question, then clearly something is wrong with him and not with me. (*Interjection*)

Mr Speaker, the question is answered by the first sentence, an ongoing discussion which relates very closely to the new heritage vision which we published on World Heritage Day – the day when I think I commented that I did not really care about his particular view of me as to my  
525 heritage achievements because other people really did appreciate them; I think it was that day – and it is in that context that we develop this vision, that we are looking at other possible incentives to stakeholders.

**Hon. D J Bossino:** Mr Speaker, there is absolutely nothing wrong with me and I am surprised  
530 that he should have made such a comment. (*Interjection*) But anyway, given that '*el da igual*' what I think about him, well, equally it is the same feeling. The feeling is mutual.

Mr Speaker, he has waffled once again, as he tends to do. He waffles once again and does not provide a precise answer to the question. The reality is that there are not any new incentives.

535 Can I ask him this: does he not think that the Government could be – and I would hasten to add is not, and it is shameful that it is not – leading by example in relation to Road to the Lines and refurbishing its own buildings there? At least that would provide some form of incentive for those who are private dwelling owners in that particular area of Gibraltar.

**Hon. Prof. J E Cortes:** Mr Speaker, I think the hon. Member will be aware that that area has  
540 gone out on expressions of interest and I believe that there are active discussions in order to refurbish it. (*Interjection*) Yes. So that area is covered and this is in the public domain.

I think that the hon. Member has not listened to the rest of the question, even though he had 48 hours to look over it online, and questions that I have answered previously in regard to other initiatives that we have had for urban renewal and which have inspired private developers to do  
545 the same. We have an increasing number of private developers coming up with urban renewal schemes in the Old Town. Some are liked by the DPC and some are not, and they are stopped because they are inappropriate. They have done that quite successfully recently.

550 So I am absolutely satisfied that we do lead by example, and I think that if he were to talk to developers, to contractors, to architects, he will be aware quite how things have changed in the last few years because our example and our sticking to our principles that we have to maintain the heritage value of our built-up areas has got across to developers, to architects, and they are already working hard to meet these objectives. One example is Fortress House, which is going to be developed as a cultural and educational centre, and that comes from a private developer. Toc H is another one that is now being developed by a private developer sensitive to its heritage need,  
555 and the old police station is another one, the Old Guard, the City Hall, which the Government, working together with His Worship the Mayor and his team, are developing and improving as a

heritage asset. The evidence is out there for all to see, so I do not think I need to add anything to that.

560 **Hon. D J Bossino:** Mr Speaker, I do not think we are going to get very far with the hon Member.

I move on to Question 386, where again a very specific question was posed. I asked him what progress has been made on the regeneration of the Old Town since the beautification of Castle Steps and Governor's Parade, and once again the hon. Member comes up with a very wordy response which actually does not answer the question as it was posed. I would venture to add and  
565 tell him and offer to him that the answer again should have been that there has been little to no progress. For goodness' sake, he uses Governor's Parade as an example. He uses as an example to support his case the Moorish Castle, which is in a disastrous state, as evidence will show. And then he talks about proposing improvements into the future. The reality is that our record in office, when we did Main Street, Casemates, Castle Steps and Governor's Parade, pales into  
570 insignificance as far as what the ... Sorry, *their* record pales into insignificance compared to what we did. There is absolutely no regeneration.

So can I ask him by way of specific question which improvements is he proposing in relation to the Landport tunnel area, has anything been filed with the DPC, and has the Heritage Trust been consulted in relation to those supposed improvements of the Landport tunnel area?

575 **Hon. Prof. J E Cortes:** Mr Speaker, I am clearly not getting through because my answer to the last supplementary actually answers this supplementary as well.

I will add another comment, and this is in relation to their record. At that time, the energy that there is now in the private sector for urban renewal did not exist and that has been generated and inspired by our administration. In relation to Governor's Parade, I use as an example ... In relation  
580 to the Moorish Castle, we restored the Tower of Homage last year and we have plans, as I have said before and we have published, for the old prison area and plans are advancing and will be published soon. In relation to the Landport tunnel, that is a project that is led by my hon. Friend the Minister for Tourism, for which there is, I believe, going to be provision in the forthcoming estimates.  
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And need I just mention two words if he has the audacity to refer to the heritage significance of the previous administration: Rosia Tanks, Mr Speaker.

**Hon. D J Bossino:** Mr Speaker, that was a predictable answer on behalf of the hon. Member.  
590 Can I ask him specifically whether in the diatribe that he has just offered to us –?

**Mr Speaker:** I think, with due respect to the hon. Member, that is not necessary to say.

**Hon. D J Bossino:** Mr Speaker, I withdraw it, if the Chair wants me to do so, and I withdraw it  
595 without any hesitation.

Did he mention in his rather lengthy reply any improvements in relation to the Moorish Castle? He talks about, in his answer, Gatehouse and the former prison, because I daresay that is certainly in need of refurbishment badly and as soon as possible.

600 **Hon. Prof. J E Cortes:** Mr Speaker, yes, the Gatehouse is due to be refurbished. We did the Almond Tower a couple of years ago; and the Tower of Homage, we did a lot of work on that last year, removing vegetation and so on. The old prison we have earmarked, and this has been stated publicly, for the setting up of studios for the artistic community, which is something that will bring new life to that area.

605 I think we need to remember many of the other projects that we are either directly involved in or supporting: the Road to the Lines tender; the work on the Northern Defences – more work has been done in the last few years than ever before; Toc H I have mentioned already; the old police station; the Tangier View area; the conversion of St Bernard's Hospital into two functioning



610 schools; St Mary's School, which is just a little bit up the road; the police barracks, another private development which responded to our initiative for urban renewal. I could go into a whole longer list, but then he is going to tell me that I am going on for too long, so as a courtesy to him I will stop there.

615 **Hon. D J Bossino:** Mr Speaker, a long list is his style, but then he lives in a parallel universe. I have seen this time and time again. He produces reports. Maybe it is born from his time in academia, but there is very little in terms of substantive evidence, I need to tell him. We have a diametrically opposite view to what he says. I am sorry. He may not accept it. Clearly we are not getting through to each other for the wider benefits of this place.

620 Can I ask him a specific question on the list that he has just offered this House – in relation to the earmarking of the Moorish Castle Prison, when that project is going to be? He says it is earmarked for development – when that is going to actually happen? He refers to Road to the Lines as something positive for the Government, as something that he can attribute to his Government's progress in relation to this area, but nothing has happened in the last 12 years. Nothing has happened, so what is stalling that particular project after the 12 long years that they  
625 have been in office? I ask him specifically in relation to Moorish Castle Prison.

**Hon. Prof. J E Cortes:** Mr Speaker, the hon. Member clearly does not recall that we have been through a pandemic, he does not recall that a lot of our manifesto commitments had to be put on hold because we spent the money on keeping the community going, and he does not even seem  
630 to acknowledge that that is relevant. That is very convenient, but it is not terribly responsible. So I will just mention that the cultural centres in the old Moorish Castle Prison are in the process of being designed and we will have some plans published soon.

In the hon. Member's questioning my existing in a parallel universe, I do not disagree. It is parallel, all right, but I think mine is the right one. He is somewhere in the multiverse with these  
635 fantastical Marvel characters, but I have my feet on the ground. I have got the Heritage and Antiquities Act through Parliament. I have got the Heritage and Antiquities Council working closely with me in ways that it has never worked before. I am working together with the Heritage Trust and other heritage stakeholders. Perhaps I should end by asking a question, although I know I am not allowed to ask a question, so I will make it rhetorical: how many heritage awards has the hon.  
640 Member received?

**Hon. D J Bossino:** Mr Speaker, the hon. Member not only lives in a parallel universe –

**Mr Speaker:** Please resume your seat.

645 I am just going to recall a ruling made by my predecessor, which I need to read out – and I am not stopping the gentleman from asking the question. It says here:

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.

What I am asking the hon. Member is to be more concise, reduce the preamble and let's ask the question.

650 **Hon. D J Bossino:** Mr Speaker, the reality is that – if I may, and with your permission – the answers are also littered with preambles before the substantive answer is provided. Therefore, if there is going to be an equality of arms in relation to the treatment of the questioner, the same should apply to the person who is responding to the questions. If not, we ask the question, we abide by, quite properly, the Speaker's ruling, but then hon. Members opposite ... The other day,  
655 when my friend Mr Phillips asked a question of the Minister for Transport, he gave an answer

which took about half an hour, if I recall. Maybe I am exaggerating, but it felt that way. And the Hon. the Chief Minister is somebody who fails in that department more often than not.

660 **Mr Speaker:** The hon. Member is again questioning my judgement and I do not propose to take this up. I am just going to ask you to reduce your preambles to a reasonable size, and I am sure there will be a reciprocal response along those lines by the Hon. Mr Cortes.

665 **Hon. D J Bossino:** Mr Speaker, the hon. Member ... it is he who is living in a parallel universe, I need to tell him, and I also need to tell him that his ego is almost bigger than himself. He is talking about, in the first person –

670 **Mr Speaker:** Please resume your seat. I am not explaining myself clearly, but what I am asking you to do is to set aside the preambles. I know the reason why you are saying these things, but isn't it better to get down to the nitty gritty, hold the Government to account? Ask the question, so we can move on at a faster pace.

675 **Hon. D J Bossino:** Mr Speaker, you asked a question. If you wish my opinion, I have an opinion and I am more than willing to express it, but I will follow your ruling to the T and I will ask the question with no preambles whatsoever and let's see how this political Chamber develops in that regard.

In relation to Question 388, which was, to remind those who are listening, in what way will Government provide financial support to projects in order to conserve and enhance heritage, again, Mr Speaker, if I may say, the answer provided, which is a lengthy answer, talks about a budget being allocated every year to restore heritage etc., but I do not identify here any new initiative in this area. To assist him – and he will recognise the wording – the reason why I raised two of the questions that he has answered is because it is referred to in the policy paper which he said that he produced on World Heritage Day, which I have read diligently, and he makes a reference to these two things. In this particular case, it is the provision of financial support and I have an interest to see what it is exactly that the hon. Member and the Government will be doing in this regard.

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**Hon. Prof. J E Cortes:** Mr Speaker, this is our heritage vision and this is a document that went out for public consultation. The term expired – I think it was last week. The Government Archaeologist is now going through in order to make any amendments that need to be made before it becomes a formal government document, an agreed policy statement, and that has a number of aims. It is a vision. The hon. Member might struggle with the concept of vision, but it is a vision, which means it is a name and it has to be filled and it has to be dealt with in a parallel way by providing a management plan which will speak to that vision, and therefore this is work in progress.

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**Hon. D J Bossino:** Mr Speaker, just to clarify, is he saying that, in effect, the Government does not have any new funds, new financial, specific, substantive initiatives in relation to this area; it is simply an aim which the Government has?

700 **Hon. Prof. J E Cortes:** Mr Speaker, if we did not have an aim, we would be criticised for not having an aim. We have an aim and the aim is an ambitious one. It is the most ambitious heritage statement that any Government of Gibraltar has ever made, and that is an important point. Of course there will be funds attributed to it, and we have an Estimates Book that we are going to be discussing in a matter of weeks, where there will be provision made, and as the vision is developed we will have to make other provision. But I cannot tell him now exactly where this will lead.

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**Hon. D J Bossino:** Mr Speaker, one final question. Is any new provision being made than has been made in past Budget books?

710 **Hon. Prof. J E Cortes:** Mr Speaker, we will see when we discuss the Estimates.

**Mr Speaker:** Next question.

**Q383/2023**

**Unregistered dogs –  
Number of checks and fines issued**

**Clerk:** Question 383/2023. The Hon. D A Feetham.

715 **Hon. D A Feetham:** How many checks for unregistered dogs have been made since 1st January 2023 and how many fines have been issued?

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

720 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the environmental protection officers from the Environmental Protection and Research Unit have been carrying out dog licence awareness patrols at least five times a week this year. The Environmental Agency has checked 65 dogs in 2023 and issued three fines for no registration or for failing to have an up-to-date licence.

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**Mr Speaker:** Next question.

**Q384/2023**

**Fishing with nets in BGTW –  
Enforcement of laws**

**Clerk:** Question 384/2023. The Hon. D A Feetham.

730 **Hon. D A Feetham:** Mr Speaker, what is the Government doing to enforce the laws it introduced on fishing with nets in British Gibraltar Territorial Waters?

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

735 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the Environmental Protection and Research Unit of the Department of the Environment is tasked with challenging fishing activities that break our laws. Where these challenges are resisted, the unit reports the relevant individuals for process and these cases are subsequently heard in court.

740 **Hon. D A Feetham:** Mr Speaker, does he accept the criticism that he in particular but the Government in general is guilty of huge hypocrisy in having persuaded the people of Gibraltar to elect them in 2011 with the slogan *Aquí no se pesca*, where now Spanish fishermen are coming into Gibraltar territorial waters, so to speak, *como Mateo por su casa*?

745 **Hon. Prof. J E Cortes:** Mr Speaker, no, sir.

**Hon. D A Feetham:** Does the Minister feel satisfied with the current state of affairs, with Spanish fishermen coming into Gibraltar territorial waters, as I was corrected by the Chief Minister, *como Mateo por su casa?* (*Interjections*)

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**Hon. Prof. J E Cortes:** Mr Speaker, there have been difficulties in the ability of the unit to be able to be out at sea due to technical reasons. I am informed that these are now resolved and therefore their activity will increase, and that I think will be reflected in a decrease in illegal activity.

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**Hon. D A Feetham:** Mr Speaker, have those technical difficulties been present over the last 12 years?

**Hon. Prof. J E Cortes:** Mr Speaker, no, sir.

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**Hon. D A Feetham:** Mr Speaker, when did those technical difficulties first start?

**Hon. Prof. J E Cortes:** Mr Speaker, without going into too many details, they have been in relation to our vessels and I think it is a few months, but I think that we are now at the point of resolving them.

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**Hon. D A Feetham:** Mr Speaker, what was the difficulty in enforcing our laws in British Gibraltar Territorial Waters prior to those technical difficulties that arose a few months ago?

**Chief Minister (Hon. F R Picardo):** Well, the first one, Mr Speaker, was something called the Fishing Agreement that was done by the former administration and which required that the law of Gibraltar not be enforced by the law enforcement agencies of Gibraltar, something which we were accused by the hon. Gentleman, when he thought it was popular to accuse us of that, of having torn up. But once we, to use his words, tore it up and started to enforce the laws of Gibraltar, the hon. Gentleman will remember that the Spanish foreign minister used to call me every name under the sun, the Spanish fishermen were on Spanish television accusing us of denying them their livelihood and the Mayor of Algeciras famously boarded *El Tragenia* and in the centre of the bay was almost arrested by the former, former, former Commissioner of Police.

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So we have done a lot to start the process of reinforcing the laws of Gibraltar after the disgraceful Fishing Agreement entered into by the GSD was finally properly undone by us, given that it flew in the face of the rule of law. Recently we have had a problem with some of the engines of our vessels and we could not do the job as we had been doing it, but we shall very much look forward to continuing to do it with the vigour necessary to ensure that the laws of Gibraltar are respected and enforced in the proper way insofar as enforcement relates to us, because this is a matter which is in the hands of the Ministry of the Environment. But I do, obviously, recall that he was a member of the Government that pursued the Fishing Agreement.

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**Hon. D A Feetham:** Mr Speaker, may I ask now the Minister to answer the supplementary question that I asked of him, which was, for the record, what was the difficulty, prior to these technical difficulties arising a few months ago, of enforcing our laws in British Gibraltar territorial waters?

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**Hon. Chief Minister:** Mr Speaker, the Government decides who answers questions, and indeed the Chief Minister recommends to the Governor who should be appointed to each portfolio. He should remember that. I have given him a full answer to the question that he asked. If he has not

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worked it out, he might want to carefully consider what I have said. I refer the hon. Gentleman to the answer I gave a few moments ago.

**Mr Speaker:** Next question.

**Q389/2023**  
**Former HMS Rooke site –**  
**Plans to expose dock**

800 **Clerk:** Question 389/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Are there any plans to expose the dock at the former *HMS Rooke* site?

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

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**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, yes, sir. This is subject to the planning process at present. However, the Government as landlord has insisted that the dock be exposed as part of the project, given its heritage value.

**Q390/2023**  
**Campion Park –**  
**Contract details re running and maintenance**

810 **Clerk:** Question 390/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** What is the duration and cost of the contract for the running and maintenance of Campion Park?

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

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, with your permission, I am going to check the duration because it was in a previous version of my answer, but that had to be divided into two because a related question by the Hon. Marlene Hassan Nahon is now a written question and I think in the text it has been removed. So I will research the date of termination of that contract and I will give the answer later, with your permission, because it is not in my script here, but I have that information in a file.  
In relation to the cost for running and maintenance, this is £130,063 per annum.

825 **Hon. D J Bossino:** Which company is the beneficiary of that contract with the Government?

**Hon. Prof. J E Cortes:** The company is Wildlife Gibraltar, the same people who run the Botanic Gardens.

830 **Hon. D J Bossino:** Was that contract awarded by way of tender, or was it by way of direct appointment?

**Hon. Prof. J E Cortes:** Mr Speaker, that was an extension of the Commonwealth Park contract, which was a tender.

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**Hon. D J Bossino:** Mr Speaker, is the hon. Member telling me that when the tender in relation to the Commonwealth Park was given out, it included the Campion Park, which as I understand at the time did not even exist?

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**Hon. Prof. J E Cortes:** No, Mr Speaker, what I am saying is it was an extension to that contract because it was an area which was not significantly larger than Commonwealth Park and the Department of the Environment considered that the easiest and quickest way and the best way of dealing with it was by including that as part of the contract.

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**Hon. D J Bossino:** Mr Speaker, will he not agree with me that the sum total interpretation of what he has just said is that in effect the running of the Campion Park contract has been effected by way of direct allocation and not by tender?

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**Hon. Prof. J E Cortes:** No, Mr Speaker, because all the conditions of the tender for Commonwealth Park would have been identical for Campion Park and therefore it was an extension to that contract.

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**Hon. D J Bossino:** Mr Speaker, does he not appreciate that this is a completely different project, it is a completely different park and indeed somebody else could very easily have applied for and been successful in the obtaining of that particular contract, which is actually quite valuable?

**Hon. Prof. J E Cortes:** No, Mr Speaker, I do not agree.

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**Hon. D J Bossino:** Mr Speaker, does he not feel that he has a conflict of interest, given that somebody who is very closely connected to him by way of marriage is a shareholder in Wildlife Gibraltar Ltd? And can he confirm to this House that he has not participated in any way in terms of the decision-making process in relation to that particular direct allocation?

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**Hon. Prof. J E Cortes:** Mr Speaker, I have no conflict of interest whatsoever, and I will explain that, and I have not participated in this decision. This decision has been purely an administrative one by the team at the Department of the Environment. I make it very clear that I do not participate in this kind of decision.

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I must add, as he has raised a personal issue, that that member of my family has not and has never taken a penny as director's fees or any other payment. It is purely a voluntary role and there is no financial interest whatsoever. If he wants to carry out any kind of investigation, I would be very happy to share my bank accounts, because there is absolutely no benefit whatsoever to that particular person.

**Mr Speaker:** Next question.

**Q391-94/2023**

**Construction rubble –**

**Where depositing permitted; plans for removal from old incinerator site and whose responsibility, and from area west of Catalan Bay**

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**Clerk:** Question 391/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Where is construction rubble currently being allowed to be deposited?

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

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**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Questions 392 to 394.

**Clerk:** Question 392/2023. The Hon. D J Bossino.

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**Hon. D J Bossino:** What plans are there to remove the rubble piled up at the old incinerator site by Europa Point?

**Clerk:** Question 393/2023. The Hon. D J Bossino.

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**Hon. D J Bossino:** Which company or other entity is responsible for the rubble piled at the old incinerator site by Europa Point?

**Clerk:** Question 394/2023. The Hon. D J Bossino.

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**Hon. D J Bossino:** What plans are there to remove the rubble pile by the rock face to the west of Catalan Bay?

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

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**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer that right now, but I think that I would assist the hon. Member if I gave a breakdown in what the £130,000 cost comes to: £77,639 is for the pay of the staff active on the ground; £25,000 is for costs including materials, plants, lawnmowers, repairs etc; £17,900 is for water and electricity; £8,500 is given to another entity for the lifts contract; and £1,024 pays for the telephone which is connected to the lift. So there is absolutely no spare money there for anybody to take, and I must repeat that the implication is totally unacceptable and I will take this matter further.

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In relation to Question 391, at the moment, construction rubble from large developments can be taken to either the MedMarine site located at Coaling Island or the site to the east of Catalan Bay, which is run by Monteverde and Sons Ltd, although since writing this, that is going to be varied.

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In answer to Question 392, this accumulation will be dealt with once the relevant TFSs are received. If these were not to materialise in the near future, the most likely option is the one for which contingency plans exist, which would be the Coaling Island reclamation.

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In answer to Question 393, the accumulated rubble at this site can be assigned in two parts. The larger part has been placed there by Monteverde and Sons and the smaller relates to accumulations of rubble from small contractors doing household alterations. This comes under the site managed by Gibraltar General Support Services Ltd.

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In answer to Question 394, all these accumulations will be dealt with once the relevant TFSs are received. If these were not to materialise in the near future, the most likely option, and the one for which contingency plans exist, would be the Coaling Island reclamation.

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**Hon. D J Bossino:** Mr Speaker, may I ask a question, given that the hon. Member has provided further information in respect of the previous question I had in relation to Campion Park? I am grateful, Mr Speaker.

He talks about, I think, a figure in the region of £77,000 in respect of staff costs. May I ask how many members of staff are employed by Wildlife Gibraltar Ltd in relation particularly to Campion Park?

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**Hon. Prof. J E Cortes:** He may indeed, Mr Speaker, but I do not have that information available.

**Hon. D J Bossino:** Presumably, Mr Speaker, that is a question that I may ask at the next meeting of the House.

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**Mr Speaker:** Unless the hon. Member wants to provide the information in writing.

**Hon. Prof. J E Cortes:** I would be very happy to, but the hon. Member will realise that –

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**Mr Speaker:** It depends on the hon. Member, whether he wishes to take that up or he wishes to pose a new question.

**Hon. Prof. J E Cortes:** Okay.

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**Hon. D J Bossino:** Mr Speaker, in relation to the rubble issues, may I ask ...? I may not have caught the answer to the first question I posed, which is where can rubble be deposited. The reason why I ask him is because ... and this is not people who are involved in the construction industry, this is people who are doing domestic refurbishments in their own homes and are finding it difficult, I am told. The question is where rubble can be deposited. It is no longer being deposited at the Eastside, and I am told that there is an issue with transporting rubble into Spain. So maybe if he could provide some further information in relation to that point.

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**Hon. Prof. J E Cortes:** Mr Speaker, the small household rubble is part of what I answered in relation to Question 393, which is the site near the old incinerator site managed by what is normally called Community Projects – it is Gibraltar General Support Services Ltd, and they are the ones who receive small amounts of domestic rubble.

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**Hon. D J Bossino:** Sorry I did not quite catch the answer; I am grateful to the hon. Member for clarifying that position.

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He talks about TFS. I do not understand the jargon, and I am sure that many people listening to this ... For the purpose of *Hansard*, if he could explain what the acronym stands for – but that is just a minor detail.

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Can I also ask him how does that work? The reason why I am asking this is because he says that depending on how the TFS works or what conclusions are arrived at in relation to that, they will then go on to contingency plans, and he referred in that context to the Coaling Island, which the Hon. the Chief Minister alluded to during the course of the exchanges that we had yesterday.

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**Hon. Prof. J E Cortes:** Mr Speaker, the TFSs are the the waste transfer permits which allow the transfer of waste across the border. There has been, since Brexit, a delay in these being processed. We experienced a similar delay, I think it was at the beginning of last year, when there was a delay in moving the rubbish out and we had to stockpile it for a while until that was clear. It is a similar situation now in relation to rubble.

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**Hon. D J Bossino:** Mr Speaker, the sum total of that is that it is as a result of Brexit that we have ... Can I put it in these terms, that it is as a result of Brexit that we have these accumulations in the two sites that I mentioned? And in fact, just by way of correction on my part, I think I mentioned to the west side of Catalan Bay; it should have been actually ... No, it was to the west side. I think the hon. Member mentioned two to the east side, but I just want to make sure that



980 we are talking about the same location. This is opposite where the old Mamela restaurant used to be, by the garages.

**Hon. Prof. J E Cortes:** Yes, we are talking about the same location.

985 In relation to the delay, whether it is due to Brexit or not, the system changed after Brexit. It used to be a system which was governed by other conventions and dealt with by the Junta de Andalucía in Seville. It is now dealt with in Madrid. It is a different process and therefore it tends to take longer.

990 **Hon. D J Bossino:** Mr Speaker, in terms of the commercial arrangements, how does it work? As I understand it, he mentioned a company – I think it is Monteverde and Sons – who are holders of these two rubble plots. They will charge their clients for the retention of their rubble. I understand it is £50 a tonne. What happens? Does the Government charge anything in relation to that? Once the rubble is moved from those sites, does the Government retrieve any of that money? And if not, it would seem to me that that particular company is being given preferential treatment to others in this area.

995 **Hon. Prof. J E Cortes:** Mr Speaker, there are two companies active – these are Monteverde and Sons and MedMarine – and they happen to be the ones who have the most recent permits for exportation. If another company comes across with a permit for exportation, they will also be able to do it. This is purely a commercial arrangement.

1000 I think the charge is £45 a tonne, not £50, and this is a charge for them to dispose of. This was set up when they were exporting it across the border. At the moment they are stockpiling it, but it is still their responsibility to move it across. If it were found that they cannot move it across and the Government had to provide another location for them, such as Coaling Island, then we would have to look at the commercial implications of that.

1005 **Hon. D J Bossino:** Can I also ask him whether the Catalan Bay area was originally not granted to Monteverde and Sons on the basis that it was not appropriate for that type of activity – in other words, the accumulation of rubble? If that is the case, why was there a change of heart from the Government side?

1010 **Hon. Prof. J E Cortes:** Mr Speaker, I cannot recall that. I would need to check. I know they have been using it for some time.

1015 **Hon. D J Bossino:** Would it assist him if I asked him, Mr Speaker, whether that was a secondary site – in other words, that the primary site was by the old incinerator and this was a secondary site? It would seem to me from the information that I have that that was because they simply could not accumulate any more on the old incinerator site, so the Government had to change its position in relation to the licensing of that particular activity in the Catalan Bay area.

1020 **Hon. Prof. J E Cortes:** The Hon. Deputy Chief Minister has reminded me that ... I think, subject to confirmation, it was the other way round, that they started at the Catalan Bay – because they own that site, it is their site – and then they were moved to the other side.

1025 **Deputy Chief Minister (Hon. Dr J J Garcia):** When the Eastside closed.

**Hon. Prof. J E Cortes:** That is right, yes.

**Hon. D J Bossino:** Mr Speaker, just by way of clarification, I am not talking about title or ownership, I am talking about what they were licensed and able to do. They may have owned the

1030 Catalan Bay site, but they were not licensed and therefore not allowed to pile rubbish. But then the Government had a change of heart, and I just wanted to explore that a bit further.

**Hon. Prof. J E Cortes:** Mr Speaker, as I said, I need to check the facts. This is something that I do not have at the moment.

1035 **Hon. D J Bossino:** Mr Speaker, in relation to the same point earlier, I thought it does arise naturally from the questions that I posed, but I am more than willing to pose the question I am posing now expressly on the Order Paper.

1040 **Mr Speaker:** Next question.

**Q395/2023**  
**Heritage and Antiquities Advisory Council –**  
**Submission of annual reports**

**Clerk:** Question 395/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** When will the Heritage and Antiquities Advisory Council submit its annual reports pursuant to the Heritage and Antiquities Act?

1045 **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, as the hon. Member is aware, the annual reports for 2018-19, 2020, 2021 and 2022 have been laid before this House at this session.

1050 **Hon. D J Bossino:** Mr Speaker, the obvious question arising from that is that the reports, which are a statutory obligation under the Act referred to in the question, were not filed until the question was posed. Can I ask the hon. Member what the reason for the delay was and how it is possible that they very quickly were able to produce, I think, three or four years' worth of reports?

1060 **Hon. Prof. J E Cortes:** Mr Speaker, because the reports have been compiled, the reports were ready. There had been a change in the administration at the very small Heritage Department, but the reports were ready for publication. They had been available for a while. It was the intention to publish them, and coincidentally we got a question, but the reports were ready. If they had not been ready, it would have taken much longer.

1065 **Hon. D J Bossino:** Mr Speaker, can he please state why it is that the laying of the reports took so long? If they were prepared, why did it take so long? Is he saying that the reason was because there was a slight change in terms of the HR position in the relevant department?

1070 **Hon. Prof. J E Cortes:** No, Mr Speaker. There had been a change, but this is a bit of time ago. The person who was preparing the report retired. Somebody else had to take it over. The reports were ready. We had them up to 2021. I wanted to have them up to 2022 so we could get them all done together. The 2018-19 reports clearly were combined because the Act was passed during the course of 2018 and therefore there was no point in having a separate one. It seemed to be quite neat to publish them all together, being the first time these reports have been published, a requirement which we introduced in our Act, in fact, after consultation with the Opposition, and we have now met our obligations.

1075 **Hon. D J Bossino:** Mr Speaker, in relation to the reports themselves, is the hon. Member satisfied as to what has been produced? Certainly from a review on my part, I would have expected a lot more by way of management plans, by way of initiatives and that type of thing. It seems pretty skimpy stuff. Is he satisfied with the level of detail in these reports?

1080 **Hon. Prof. J E Cortes:** Mr Speaker, I think it is for the Heritage and Antiquities Advisory Committee to decide what it includes in its report. I think the implication now from the hon. Member accusing me of not caring about heritage is extending to the members of the Council, which includes the Gibraltar Heritage Trust, the Ministry for Heritage, the Ornithological and Natural History Society, the National Museum and the Gibraltar Archives. They have been working  
1085 very hard and very conscientiously. They have been dealing with things effectively and efficiently. It does not need a huge report to summarise their activity. I am very satisfied not only with the report but with the excellent work that these people do, many of them volunteers, in order to spearhead and improve what we do for heritage in Gibraltar.

1090 **Mr Speaker:** Final supplementary.

**Hon. D J Bossino:** Mr Speaker, the Council, under Schedule 1 of the Act, refers to the Minister being a member of it, and he is the Chairperson, so he must accept that responsibility.

1095 Can I ask him why it is that in the last report, for example, when he talks in points 11 to 20 about the projects and improvements which they are currently working on, no mention whatsoever is made about the Parson's Lodge recent announcement?

**Hon. Prof. J E Cortes:** Mr Speaker, I am not abdicating responsibility, I am just being inclusive in mentioning that these other members are key members of this Council and, although I chair, they are just as important in contributing, if not more important than I am. I do not have the ego  
1100 that he clearly has, because he tries to see it mirrored in him.

Mr Speaker, the development of –

**Mr Speaker:** That, too, was unnecessary, I have to point out.  
1105

**Hon. Prof. J E Cortes:** I withdraw that unreservedly, Mr Speaker.

The recently announced Parson's Lodge development is a development that has been carried out and was in discussion directly with the Gibraltar National Museum and therefore had not featured in the meetings – which only go up to the end of 2022 – which are covered in the reports  
1110 that are published. There are other things that go on behind the scenes in offices, in departments, that the hon. Member may not be aware of, but that does not mean they are not happening.

**Mr Speaker:** Next question.

### Q396-399/2023

#### Knightsfield Holdings Ltd –

#### Sites for which responsible; services provided; funding received; duration of contract

**Clerk:** Question 396/2023. The Hon. D J Bossino.  
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**Hon. D J Bossino:** Please state which sites Knightsfield Holdings Ltd is responsible for.

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

1120 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I will answer this question together with Questions 397 to 399.

**Clerk:** Question 397/2023. The Hon. D J Bossino.

1125 **Hon. D J Bossino:** Please provide details of the services which Knightsfield Holdings Ltd provide to the Government.

**Clerk:** Question 398/2023. The Hon. D J Bossino.

1130 **Hon. D J Bossino:** Please state how much funding has been received by Knightsfield Holdings Ltd from the Government each year since 2012.

**Clerk:** Question 399/2023. The Hon. D J Bossino.

1135 **Hon. D J Bossino:** What is the duration of the contract the Government has with Knightsfield Holdings Ltd?

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

1140 **Hon. Prof. J E Cortes:** Mr Speaker, the sites Knightsfield Holdings is responsible for include the Gibraltar National Museum, a store in the Hay's Level Tunnel, Parson's Lodge Battery, Stay Behind Tunnels, a storage vault at Casemates, Moorish Castle former prison complex and the sea-level caves within the Gorham's Cave Complex, including Gorham's and Vanguard Caves, as well as the Europa Advance Viewing Platform. There are other areas of the World Heritage Site, such as  
1145 Mediterranean Steps, which are not included.

In answer to Question 397, the services which are provided can be grouped into three: the Museum, other heritage services, and World Heritage services. Museum services involve collection management, environmental monitoring and control of the museum environment; curation and restoration; provision of museum security; design and implementation of research  
1150 policy; publication of information to the general public and to specialists; liaison with international institutions and stimulation and co-ordination of museum-related projects – for example, excavations – with international participation; promotion of Gibraltar's heritage and the Museum; provision of visitor and public services; provision of education services for schools; renewal and preparation of new displays; and regular maintenance and cleanliness.

1155 Other heritage services include advice and support to the Ministry and the Government on matters related to cultural, historical and archaeological heritage; advising me, the Minister, in reporting and discussion of issues of heritage with local and international organisations; representing the Government at heritage events as required by the Ministry; promotion, with the Ministry, of Gibraltar's heritage locally and abroad; advising the Town Planning Department when  
1160 required on issues regarding land use and development to safeguard heritage; advising the Ministry when required on archaeological works; provision of archaeological support to the Royal Gibraltar Police and other government departments as required; and management of the properties assigned to it.

World Heritage services include all matters related to the running and management of the  
1165 Gorham's Cave Complex UNESCO World Heritage Site, including continuing research and excavations; dissemination, including publication, of results in scientific and popular media; provision of staff for the running of the Europa Advance Battery interpretation site; liaison and provision of reports and documentation to UNESCO as required.

1170 In relation to Question 398, I can provide the figures from 2014, which is when the current contract was entered into. These are as follows: 2014, £854,482; 2015, £1,050,391; 2016,

£779,786; 2017, £1,095,155; 2018, £1,138,988; 2019, £1,141,620; 2020, £1,193,037; 2021, £1,193,350; and 2022, £1,262,264.

The contract with Knightsfield Holdings runs until 1st August 2034.

1175 **Hon. D J Bossino:** Mr Speaker, may I ask the hon. Member – given that this is a contract which presumably is entered into with the Gibraltar Government and that is why he has been able to stand up and provide the answers across the floor of the House – whether he would be in a position and willing to make this contract public for all to see? That would run across a lot of the supplementary questions that I have.

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**Hon. Prof. J E Cortes:** Mr Speaker, this is a contract with a private entity, so I think I would need to consult on that matter. I cannot commit to that here.

1185 **Hon. D J Bossino:** Can I just add, perhaps not by way of supplementary, but given that this is a considerable amount of public money which is being spent on an annual basis – and we need to do all the additions since 2014 – this is something which should be in the public interest and should be made public. (*Interjection by Hon. Prof. J E Cortes*) No, I said it was not going to be a preamble ... Yes, a slight –

1190 **Mr Speaker:** I am the person who decides whether it is a preamble or not.

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

1195 In terms of the sites, he mentions the Gibraltar Museum. May I ask him on what basis – can I abbreviate Knightsfield Holdings Ltd to KHL for the purposes of speed? – KHL occupies the premises? Is it dependent on the agreement with the Government or does it have a separate lease arrangement with the Government by way, for example, of a perpetual licence?

1200 **Hon. Prof. J E Cortes:** Mr Speaker, I am not sure that I can be expected to have this information. As far as I am aware – and I have consulted my hon. Friend, who was a previous Minister for Heritage – it is government property and the Government allows them to occupy these premises, very much as, I suppose, other entities like Greenock will have their depot within government premises, and the City Hall, the Mackintosh Hall. There are contractors who manage those premises on behalf of the Government and who are allowed to use those premises. Alameda Gardens is another one.

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**Hon. D J Bossino:** Mr Speaker, in terms of the management, does the company derive income aside from the grants, in effect, that the Government gives? I know that the Gibraltar Museum has a shop, for example, and will charge entry fees. Does that money go to KHL, or does it go to the Government?

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**Hon. Prof. J E Cortes:** As far as I am aware, and again my hon. Friend has confirmed it, the moneys that are made at the Museum are given back to the Government.

1215 **Hon. D J Bossino:** Mr Speaker, he predicated the answer with ‘as far as I am concerned’, I think he said. This is an important point. Is he able to say with certainty here and now whether this company is deriving income from sources other than the Gibraltar Government?

**Hon. Prof. J E Cortes:** No, Mr Speaker, but I do not think it is a question that I should answer. That is for the company to answer.

1220

**Hon. D J Bossino:** Mr Speaker, with all due respect to him, I talked about funding and I think it is a reasonable supplementary to ask. If I may ask that specific question of the hon. Member,

unless he is willing to provide that information; I will exchange emails with him in relation to that point.

1225 He says that the contract was entered into in 2014. May I ask whether the allocation was by way of direct allocation or by way of tender?

**Hon. Prof. J E Cortes:** Mr Speaker, Knightsfield Holdings ... Clearly the hon. Member – with apologies for, I think, a relevant preamble with a small ‘p’ – has difficulties with the Museum and with Knightsfield Holdings.

1230 I think it is important to remind the hon. Member of the excellent work that the Museum has done in promoting Gibraltar’s heritage – our Neanderthal work, which is world class, achieving World Heritage status for Gorham’s Cave. I think we cannot take away from that.

1235 The company in question had been managing the Museum for several decades, but for some reason the contract that they held with the Government of the time expired in 2001, and since then they kept performing all their duties without a contract until 2011. So they were being fed hand to mouth with no security, in the hope that the contract would be renewed, and this went on for 11 years. Then renewal never happened and they were hurriedly offered terms in the new Culture and Heritage Agency in the space of a month prior to the December 2011 elections. They

1240 were given that contract within the Heritage Agency by the GSD Government. The cost and the value was set by them and this Government just regularised it by giving them back their contract at the same level of expenditure that the previous Government had given them, Mr Speaker.

**Hon. D J Bossino:** Mr Speaker, the hon. Member needs to calm down and simply answer the questions. Can I ask him –? (*Interjection by Hon. Prof. J E Cortes*) He is obviously uncomfortable with the questions I am asking, but I will continue to do so. Can I ask him whether the company arrangement with the Gibraltar Government is exclusive? In other words, is this company able to enter into contracts and provide services to third parties from which it can also derive income?

1250 **Hon. Prof. J E Cortes:** Mr Speaker, subject to confirmation, I do not think it is exclusive.

**Hon. D J Bossino:** And may I ask him, Mr Speaker, in terms of the humongous amounts that this company is receiving by way of direct government grants, how those figures are arrived at? If he is able to provide that information across the floor of the House – at least this information – is

1255 he able to say how it is broken down? Is it by way of an annual fee? Is there an element which is by way of capital expenditure for which provision is made, so that this company can expend its money in that way? Can he provide a breakdown in relation to those numbers?

**Minister for Industrial Relations, Employment, Housing and Sport (Hon. S E Linares):** Mr Speaker, if I can be of assistance, since I was the Minister who dealt with the humongous mess that the GSD gave us when we came into government, which was called the Gibraltar Culture and Heritage Agency. This contract is exactly the same as was agreed when it was the GSD Government that signed with them, the Gibraltar Culture and Heritage Agency, of which even salaries were inflated months before the election of 2011. This contract was replicated, and we were not going to be the Government that was going to take away what the GSD – (*Interjection*) Mr Speaker, it is fact.

1260 **Mr Speaker:** There is a point of order.

**Hon. D J Bossino:** I am grateful, Mr Speaker. What does anything that has come out of the hon. Member’s mouth have to do with the question that I have asked? I have asked a very simple question – in compliance with the ruling that the Speaker reminded me of a few minutes ago, to

1265 simply ask the question. I asked the question. The question was very simple. I simply asked for a

breakdown of the funding from the Government. Why are we being subjected to this partisan drivel?

**Mr Speaker:** I think the Member makes a point and I think –

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**Hon. S E Linares:** I tried to answer.

**Mr Speaker:** I will ask the Minister responsible to answer the question.

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**Hon. Prof. J E Cortes:** The point I think being made is that whatever justifies the amount given to them now will have been pre-justified by the people who actually gave them the amount in the first place, because now, Mr Speaker, it has increased by two things. One is the increase in the annual Retail Price Index, the index linking, and the other thing is the addition of the not insubstantial management of the World Heritage Site. I think it is important for me to add here that the addition of the World Heritage Site, which is part of the answer because that is part of what they get funds for, has been praised at the highest level by the World Heritage Organisation. I am not going to go beyond the limits of my answer by reading out a letter I have from the president of the organisation, Prof. Emerita Mina Yang, in praise of the management of the World Heritage Site because it is world class, but I think it is relevant for us to bear that in mind.

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**Hon. D J Bossino:** Mr Speaker, the hon. Member has not answered the simple question that I have raised. What is he doing talking about the stuff he is talking about? It has got absolutely nothing whatsoever, tangentially or otherwise, to do with the question that I posed. Does he have the information available as to breakdown of a costs – yes or no? If not, it is another question that I will ask at the next meeting of the House.

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**Hon. Prof. J E Cortes:** Mr Speaker, I do not have the breakdown of costs. That cost is provided at estimates time and is then agreed and is voted on in this Parliament. But it is based on an increase, based on an index-linking of the amount that they were paid at the time that they got the contract with the other agency, which was issued to them by the former administration. Maybe they can look at their records and they may have their breakdown to compare it to ours.

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**Hon. D J Bossino:** Mr Speaker, in terms of the term – which from a quick calculation I think is 20 years, which is quite extensive – is that subject to extension? He can say yes, like everything else, I suppose, but I am asking him is there something woven into the terms of the agreement which somehow ties the Government, unless there are certain things which happen or may not happen which require a future Gibraltar Government in 2034 to oblige them to extend an already very long contract to KHL?

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**Hon. Prof. J E Cortes:** Mr Speaker, I do not think – and I am looking through the questions now – there is anything in the questions that can justify my having that information to hand. I have not been asked in advance about the detail of the contract and therefore I do not have that information.

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**Hon. D J Bossino:** Mr Speaker, if I can go back to the funding point, can I ask the hon. Member – because it was alluded to by his colleague to his right – how many employees does this company have?

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**Hon. Prof. J E Cortes:** Once again, Mr Speaker, I do not have that information. What does he mean, really? How can I be expected to know the number of employees that all my contractors have?

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1320 **Hon. D J Bossino:** Mr Speaker, this a question on funding and surely he should have that information with him. It is to do with the in excess of £1 million a year that this company has been receiving since at least 2017 and he does not have basic information as to how many people this company employs.

1325 **Hon. Prof. J E Cortes:** Mr Speaker, I am sorry, there is nothing in the question that in any way indicates that the hon. Member would be asking me the number of staff employed. It just does not exist. He could ask me absolutely anything then about the contract, like the number of toilets, and I would be expected to know. I am sorry, I cannot accept that. I always come here with all the information. I give extensive answers, not as tactics, because I genuinely believe it is my responsibility to answer to the people, and now my integrity almost is being questioned because I do not know the number of employees of one particular company.

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**Mr Speaker:** I think we now move on to the next question. One further supplementary?

**Hon. E J Phillips:** *[Inaudible]*

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**Mr Speaker:** Yes.

1340 **Hon. E J Phillips:** Mr Speaker, I have listened to the exchanges between my hon. Friend Mr Bossino, and the Hon. Minister. The one thing that I have always noticed about this Knightsfield contract is that obviously it is an expensive contract for the Government to run these important sites, these national sites of national interest, as I am sure he agrees. The one thing that has really disturbed me is that sites of national interest should benefit the people of Gibraltar, and in fact on many occasions many people in our community have been unable to access them for many years. Isn't he disappointed by the fact that they have remained closed for many years?

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**Hon. Prof. J E Cortes:** Mr Speaker, we are going into a completely different area. The areas that have remained closed, I suppose, are the Moorish Castle, which needs considerable investment, and Parson's Lodge. I have explained before – I think it was at the last sitting – that Parson's Lodge ... Not every site of heritage importance has to be a tourist site, and not every site of heritage importance necessarily has to have visitors. In fact, some can be adversely affected by footfall. I think that is an important concept. Parson's Lodge has been used as a centre for research and has been available for tours with a guide, and now obviously we know that that is going to be open to the public. I think that is all, really, that I need to say.

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1355 **Hon. D A Feetham:** It is just that the Hon. the Minister for Housing, from a sedentary position, said, 'Well, it is an expensive contract, but you are responsible.' Is it that the Government ...? Clearly that imparts the impression that the Government thinks this is an expensive contract. That is one question. Does the Government think this is an expensive contract? That is what he said. Does the Government think it is an expensive contract?

1360 And secondly, if the Government thinks it is an expensive contract, why has the Government not sought to renegotiate the contract in the last 12 years that it has been in office? *(Interjection)*

**Mr Speaker:** Let us allow the Minister to respond. *(Interjection by Hon. S E Linares)* It is to the Minister – *(Interjection by Hon. S E Linares)* No, it is the Minister's responsibility.

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**Hon. S E Linares:** Yes, but he has referred to me.

**Mr Speaker:** Right. Minister.



1370 **Hon. Prof. J E Cortes:** Mr Speaker, how does one define expensive? You have to relate it to the service that you get. I think I need to add a few things because the Museum and all its constituent parts runs itself within that budget and it is extremely rare, and certainly has not happened in the last few years, that they ask for supplementary funding for any of their new displays or any of their work. I think I must point that out. The building is old and needs continuous maintenance and repair. Additionally, there are other things like pest control, which is critical for the preservation of exhibits. All these things are absorbed, as expected, from within that contract.

1375 I think we also have to remember the added value that we have by having these eminent scientists at the Museum, running the Museum, because, for example, we could not afford to pay laboratory fees for dating of samples from Gorham's Cave and analysis of ancient DNA, so this is value that is added by the contacts that the Gibraltar National Museum makes and has made with academic establishments across the world. I think it is a package we have that brings huge added value to Gibraltar. If we had had to pay for all the documentary time that has been aired across the world on Gibraltar and particularly on Gorham's Cave, then we would not have been able to afford it, Mr Speaker.

**Mr Speaker:** Next question.

**Q400/2023**  
**Supply SNLSAs –**  
**Payment of moneys owed**

1385 **Clerk:** Question 400/2023. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, have supply special needs learning support assistants who were owed money from November and December 2022 now been paid by Government?

1390 **Clerk:** Answer, the Hon. the Minister for the Environment and Education.

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, the supply SNLSAs who were owed money from November and December as a result of them having been employed on a fixed-term contract and subsequently, mid-academic year, moving to permanent employment, have all now been paid.

1395 **Hon. K Azopardi:** Mr Speaker, I am very glad to hear that. Can I ask when they were paid? The reason I submitted the question is I was getting information that they had not been paid. That is why I submitted it.

1400 **Hon. Prof. J E Cortes:** Mr Speaker, this is information that I have, so I am only assuming that they have been paid. If they had not been paid when this answer was drafted about a week and a bit ago, they will have been paid by now. That is the information I have, but obviously I will check.

1405 **Hon. K Azopardi:** Does the hon. Member have information about how many people this affected?

**Hon. Prof. J E Cortes:** No, Mr Speaker, I do not have that information.

## Questions for Written Answer

**Clerk:** Answers to Written Questions.

1410

**Hon. Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions W22/2023 to W29/2023.

### Procedural –

#### Oral questions converted to written questions

**Hon. Chief Minister (Hon. F R Picardo):** I have the honour, Mr Speaker, to move that the House should now –

1415

**Mr Speaker:** Excuse me, please resume your seat.  
What is the issue?

**Hon. E J Reyes:** We have not received the answer to the written questions...

1420

**Hon Member:** They have been given to the Clerk, and the Clerk, in the normal course of events, will –

**Hon. E J Reyes:** Okay. I was not aware of that. Sorry.

1425

**Hon. Member:** I did not know that either.

**Mr Speaker:** I apologise, Chief Minister. You may proceed.

1430

**Hon. K Azopardi:** Sorry, Mr Speaker, can I just clarify? In the absence of Sir Joe Bossano, my understanding is we are going to be given that option of written, and I think a lot of us are going to opt for the written answer, but as we have now developed the practice, can I just ask the Speaker to confirm that we may then table fresh questions based on those answers without infringing the six-month rule?

1435

**Mr Speaker:** I confirm that that is the case and that following receipt of those converted written questions, hon. Members will be permitted to ask supplementaries, but in the form of questions, at the next meeting of House.

1440

**Hon. Chief Minister:** Thank you, Mr Speaker, but by way of housekeeping, I do not think that requires permission. If they wanted to ask the same question because they had not had the chance to pursue it orally by way of supplementaries, then permission would be required, but to ask a question arising from an answer to a question that is given in writing would not, in my view, be one that required permission. It would be perhaps in the nature of a supplementary, but it would appear as an oral question which they confect from the written answer they have been given.

1445

**Adjournment**

**Hon. Chief Minister (Hon. F R Picardo):** In any event, Mr Speaker, it is my pleasure to move now that the House should adjourn *sine die*.

**Mr Speaker:** I now propose the question, which is that this House do now adjourn *sine die*.

1450

I now put the question, which is at this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn *sine die*.

*The House adjourned at 4.35 p.m.*