



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

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

Gibraltar, Thursday, 16th March 2023

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The Gibraltar Parliament

The Parliament met at 3.01 p.m.

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

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

Tribute to Louis Triay KC

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

Mr Speaker: The Hon. the Chief Minister.

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

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

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

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

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

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

40

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

45

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

50

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

55

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

60

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

65

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

Mr Speaker: The Hon. the Deputy Chief Minister.

70

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

75

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

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

80

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

Mr Speaker: The Hon. Marlene Hassan Nahon.

85

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

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

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

Mr Speaker: The Hon. Damon Bossino.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The House observed a minute's silence.

Questions for Oral Answer

CHIEF MINISTER

Q306/2023

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

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

195

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

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Clerk: Answer, the Hon. the Chief Minister.

205

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

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

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

Mr Speaker: You have my approval.

220

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

225

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

230

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

Hon. Chief Minister: Yes, Mr Speaker.

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

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

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

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

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

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

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

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

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

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

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

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

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

Let me ask about that. In relation to the additional cost that he says he is not going to pass on to purchasers ... I understand that they have not awarded the tenders yet, but does he have a figure for what the additional costs are? He has mentioned them a couple of times now.

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Hon. Chief Minister: Mr Speaker, I gave the figure to the Hon. Mr Bossino in the last House. It is nonsense that the hon. Gentleman has – *(Interjection)* Yes, I gave the Hon. Mr Bossino the figures in the last House in respect of additional costs in relation to Hassan Centenary Terraces. Yes? *(Interjection)* No, I do not have these yet, because I have not got a final price yet.

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Mr Speaker, how can the hon. Gentleman say that I should have said before the 2019 election that we would not have started building Chatham and Bob Peliza even in 2023? How can he say that? When a person who I have, as I have for the Hon. the Leader of the Opposition, deep intellectual respect for, gets up and asks you something which is demonstrably foolish, because I have deep intellectual respect for him I can only suggest that he is being mischievous. How could I have known before the 2019 election that in 2020, instead of sitting down to sign the contracts for Bob Peliza and for Chatham, I would, exactly three years ago today, be standing in front of an autocue in 6 Convent place saying that I was confining everybody over the age of 70 to their homes, instead of continuing the work we had been doing to grant the tenders to have them built and be handing over the keys now, months before a general election? What does he think I would have preferred to be doing: defending, not building, months before a general election, or handing out keys months before a general election? But I had to do the responsible thing. I went to the General Election in 2019 with the Withdrawal Agreement done, ready to have a transitional period and ready to start the work on building these homes, ready to start negotiating the new relationship with the European Union. And what did I end up doing? The last thing I ever expected I would do: telling Gibraltarians that they had to stay at home to save their lives. That is why, before the 2019 election and in the 2019 election, I did not tell people that their homes would be so delayed: because I did not know. I did not know they would be this delayed. I believed we would have started building in 2020. We would have been ready to start building in 2020.

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And why were luxury properties being built through COVID? For a simple reason: because they had signed contracts. They had signed contracts and they were building and putting pressure on us to permit the building to continue. And what happened in many of those instances? In some instances – in one instance in particular – there is an attempt to change contracts in respect of private properties that have been bought off plan through the COVID period because of additional costs. We are not going to do that.

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But to the straight question of why didn't you say before the 2019 election that this was going to be so delayed, I say to the Hon. the Leader of the Opposition I have too much deep intellectual respect for him to think that that is a question worth asking in this House.

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Hon. K Azopardi: The last question, Mr Speaker. I accept that I put a long preamble to my question, but my question specifically in relation to 2019 was actually it started because they moved the timescale in 2017 and they had said to people ... They had asserted in 2015 first that they were going to build these houses, Bob Peliza and Hassan Centenary, and they were going to finish them by 2019. They then said, in 2017, hundreds of homes would be ready, and before the 2019 election, it is clear. So none of what the hon. Member has said explains that situation. He has talked about Brexit and so on, but the point is that Brexit had already happened when they made the announcement in 2017, and none of what I am talking about is explained by the answer he has given. Can he not see that?

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Hon. Chief Minister: Mr Speaker, the intellectual respect I have for him is associated with what I believe must be a memory. These estates were announced in our 2015 manifesto, but in June 2016 the Brexit referendum happened, so that put the cat amongst the pigeons in respect of any

timetable we had committed to in 2015. After the referendum, having secured the Withdrawal Agreement that he was no fan of in 2019 and having got two thirds more votes than him in the General Election, we believed that we were ready to sit down in 2020 to do the tenders to build the homes. *(Interjection)*

The 2017 announcement in 2019 is recognised by the Government as not having been able to be met and we explained to people that we were going to start immediately – ‘As soon as the election is over, we are going to start immediately.’ And look at what happened after the election. And what did people think about the 2017 announcement and our explanation in 2019? What did they think? Thirty two per cent, fifty-odd per cent – so we explained to people what happened and they gave us the benefit of the doubt. And then COVID happened.

I cannot say more openly, more honestly and more genuinely that I wish these homes were ready, but it is not for want of trying or failing every day since the last General Election of wanting to do the work to have these homes finished as soon as possible. I want young Gibraltarians in Gibraltar living in affordable homes provided by the Government. That is what I want. That is what I work for every day. I have not been able to keep the timetable that I intended for reasons which are, I think, objectively fair, but the statements from the Hon. the Leader of the Opposition are not objectively fair. Neither should they be; they are partisan and designed to deliver him a partisan advantage because this is a partisan Chamber of political debate. Fair enough, but let no one think that he is making an objective analysis that should stand up to any scrutiny.

Mr Speaker: Does the Hon. Marlene Hassan wish to ask a question?

Hon. Ms M D Hassan Nahon: No.

Mr Speaker: I thought she had signalled. Fine.
The Hon. Damon Bossino.

Hon. D J Bossino: Mr Speaker, I rise – *(Interjection)* No. Mr Speaker, I have responsibility for housing. Doesn't the hon. Member accept ...? . I cannot put it in any other way, but in terms of the reasons – so as not to call it an excuse, which I know bothers him – he flip flops between citing COVID and citing Brexit. From the quick read that I think the Hon. the Leader of the Opposition has had of the letters, I do not think Brexit is even mentioned. And does he not accept that the point that my hon. Friend to my right, Mr Azopardi, has made drives a coach and horses through the points that he has made?

Let's accept that the promises he made in the 2015 General Election manifesto were unable to be delivered because of Brexit. Let's accept that the promises that he made once again – a hat trick, I think it was probably the third time – in 2019 were unable to be delivered because of COVID. But the reality is that we had the press conference in 2017. So can I ask this: does he not accept that people can exercise their judgement when putting those up to 10 crosses on the ballot paper, to which we are all subjected in a general election? Can he not accept that they be expressing dissatisfaction at the broken promises by Members opposite? **(A Member:** Hear, hear.) Can he not accept that? And can he comment – finally, Mr Speaker – because that anger, it has come to our knowledge, is poised to be expressed in a demonstration that Bob Peliza Mews purchasers want to effect at No. 6 Convent place? Does he not accept that people are angry because of broken promises?

Hon. Chief Minister: Mr Speaker, it is really quite remarkable to see a man who failed to win the leadership of his party stand up to defend the man who won the leadership of his party, because I cannot imagine that this is anything other than an attempt to reinforce the former question by the Leader of the Opposition by the man who is the putative Leader of the Opposition.

But to see him accuse me of flip flopping because I am using two excuses ... The hon. Gentleman and I have known each other for many years. I regard him as a friend, not just as a political

440 opponent. He must know how much it hurts my soul that somebody might think that what we
have been through in dealing with COVID would ever be deployed as an excuse. It is, frankly,
beneath the hon. Gentleman to get up and suggest that we are flip flopping on excuses. I put it to
him that if he had been in my chair, he would not have done what the Leader of the Opposition
might have done and what I did. I put it to him that if he had been in my chair, he would have
445 been struck by his legendary indecision and we would have seen none of the serious governing
that Gibraltar has required in this period. And, Mr Speaker – *(Interjection by Hon. D J Bossino)* No,
Mr Speaker –

Mr Speaker: Let's hear your point of order.

450 **Hon. D J Bossino:** Mr Speaker, the hon. Gentleman is casting aspersions. He has done it once
before and I let it pass. He is casting aspersions on my character by talking about legendary
indecision. Where does he get that from? That is a negative slur on me personally.

Hon. Chief Minister: How dare he?

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Hon. D J Bossino: It is a negative slur on me personally –

Hon. Chief Minister: Excuse me, how dare he?

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Hon. D J Bossino: – and he should have been called to order, Mr Speaker, by you.

Hon. Chief Minister: How dare he?

Hon. D J Bossino: He should have been called to order without requiring me to put a point of
465 order.

Hon. Chief Minister: How dare he?

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Hon. D J Bossino: It is shocking.

Hon. Chief Minister: The hon. Gentleman has said that I have used the death of Gibraltarians
as an excuse, and is that not casting an aspersion on me? To say that I consider him to be indecisive
is what one cannot say in this House, but you can get up and allege that the senior elected political
representative of the people of Gibraltar would use the death of Gibraltarians as an excuse is
475 perfectly fine?

Mr Speaker, the hon. Gentleman can obviously give it but not take it, *(Interjection by Hon. D J
Bossino)* and he needs to learn that if this is a political Chamber –

Mr Speaker: I would like the Chief Minister to resume his seat, and now we are going to move
480 on to the next question.

Q307-08/2023

Graduates –

Numbers employed in Civil Service and Gibraltar Development Corporation

Clerk: Question 307/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, this will not be so controversial.

485 What is the total number of graduates employed in the Civil Service at 7th March 2023, and will the Government provide a breakdown of the deployment of these by department, agency, wholly owned government company or other entity?

Clerk: Answer, the Hon. the Chief Minister.

490 **Chief Minister (Hon. F R Picardo):** How dare he, Mr Speaker?
I will answer this question together with Question 308.

Clerk: Question 308/2023. The Hon. the Leader of the Opposition.

495 **Hon. K Azopardi:** How many graduates are employed by or within the Gibraltar Development Corporation at 7th March 2023?

Clerk: Answer, the Hon. the Chief Minister.

500 **Hon. Chief Minister:** Mr Speaker, there are a total of 805 graduates employed in the Civil Service as at 7th March 2023, for which I now hand over a schedule with the information requested.

There are a total of 42 graduates employed within the Gibraltar Development Corporation as at 7th March 2023.

Answer to Q307/2023

Department	Civil Servant
Borders and Coastguard Agency	1
Care Agency	1
Civil Status & Registration Office	1
Department of Employment	2
Department of Environment	11
Department of Social Security	3
Digital Services	5
DVLD	1
Economic Development	1
Education Department	540
Financial Secretary's Office	4
Gambling Division	1
GFRS	3
GHA	4
Gibraltar Audit Office	15
Gibraltar Courts Service	6
Gibraltar Financial Intelligence Unit	1
Gibraltar Law Offices	1
Gibraltar Maritime Administration	4
Gibraltar National Archives	3
Gibraltar Sports & Leisure Authority	1
Government Law Offices	13
Heritage	1
HM Customs	45
HM Prison	4
Housing Department	2
Human Resources	8
Human Resources Department	1
Income Tax Office	13
Information Technology and Logistics Department	21
Ministry of Business, Tourism & The Port	2
Ministry of Culture	2
Ministry of Equality	4
Ministry of Housing, Employment, Youth & Sport	1
Ministry of Justice	2
Ministry of Transport	1
No 6 Convent Place	11
Office of Fair Trading	2
Office of the Chief Technical Officer	2
Office of the Deputy Chief Minister	3
Royal Gibraltar Police	3
Statistics Office	3
Technical Services	14
Town Planning and Building Control	9
Treasury Department	18
Upper Rock & Beaches	1
Youth Service	10

505 **Hon. K Azopardi:** Mr Speaker, obviously people at home are not seeing the schedule, so I will just ask ... I think the answer is yes, but I can see immediately from the schedule that the 805 graduates include 540 in the Education Department, presumably teachers, so if you net away the teachers we are probably looking at about 250 graduates. Does the Government think that is a sufficient number of graduates to be working in the core Civil Service?

510 **Hon. Chief Minister:** Mr Speaker, the numbers in the Civil Service on the same day, 7th March, were 2,280. If you take away the 540, you are closer to 1,700, so you would be left with about 30%, I believe. It is not a number that I think should cause us concern. In the past, there were no graduates in the Civil Service at all, and then the question was should we recruit graduates to the Civil Service to have some graduates in the Civil Service. We have graduates in the Civil Service, and indeed we have a lot of them in the Department of Education, not all of them teachers; there are other graduates in the Department of Education. There are 45 graduates in Customs, for example. There are 11 graduates in the Department of the Environment. There are 21 graduates in ITLD. The numbers are not just bloated with the teachers. There are 14 in Technical Services, 515 18 in the Treasury, 10 in the Youth Service and nine in Town Planning, so I think there is a very interesting spread of graduates throughout the departments, and I think it is an attractive mix.

520 **Mr Speaker:** Next question.

Q309/2023
Eastside development –
Payment of premium

525 **Clerk:** Question 309/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, has the premium for the Eastside development been paid in whole or in part; and, if so, when and in what amount, and by whom?

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

Chief Minister (Hon. F R Picardo): Mr Speaker, no premium has yet been received. An announcement will be made as soon as negotiations have been finalised.

535 **Hon. K Azopardi:** Mr Speaker, when does the Government expect that negotiations will be finalised and it will be ready to make an announcement, given that the initial announcement that was made in relation to the Eastside development I believe was October 2021?

540 **Hon. Chief Minister:** Mr Speaker, because there are negotiations ongoing, if I venture a date I make it a hostage to fortune and then make it harder for the Government of Gibraltar to continue the negotiations, if we feel we have to, because the other side will know we have given a date that we will want to meet. I do not think it is in the interests of the taxpayer to shoot the negotiators in the foot in that way.

545 **Hon. K Azopardi:** Well, obviously we would not want that to happen, but it is also right that when the Government made its original announcement back in October 2021, almost 18 months ago, it was quite specific about the value that it ascribed to the development, and the issue of the payment of the £90 million premium was specific. It was put in the public domain and it is not subject, presumably, therefore, to any kind of negotiating impact. Certainly that has not been suggested before. Indeed, it was provided for in the Budget book for last year.

550 Really what I am asking is why is anything that the Chief Minister has just said in the previous answer going to impact on the payment of the £90 million premium, which we had understood on this side of the House, and indeed publicly, had been sealed in terms of the negotiation and it was just subject to planning?

555 **Hon. Chief Minister:** Because I have not said any of that, Mr Speaker, and I am not suggesting that the £90 million is at all in play. What I am suggesting is that there are negotiations ongoing and if they want a termination clause that is worse for the taxpayer and they know that the taxpayer's representative wants the whole thing completed next week, they will press on that termination clause, where we might think that we want to go for another termination clause. For
560 example, we are not talking about negotiating the premium, we are talking about negotiating the contract. We made the announcement because the premium and the land in respect of which it was going to be paid had been agreed, and we set out the heads of terms so that people knew what was happening. We are now negotiating the actual transfer of the land, which includes contractual clauses on termination and it includes leases and draft leases and building leases, all
565 of those things, and we want to get, obviously, the best deal for the taxpayer in the suite of documents that is being agreed. That is why I do not think it makes sense to set up a date.

Hon. K Azopardi: Mr Speaker, for me to be clear, was the £90 million that was already agreed payable on the grant of planning permission, or is it payable once they sign the development licence and hence the relationship with the negotiation he is involved in?
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Hon. Chief Minister: Mr Speaker, I have not got the document with me, but I believe it was on execution of the contracts and the planning permission – in other words, the agreement. Both had to be done, so I think the outline planning permission has been granted some time ago with
575 some appeals that were outstanding, and the final parts of the contract negotiation are ongoing now.

Hon. K Azopardi: Just to be clear, Mr Speaker, no part payment has been made in relation to the £90 million – is that correct?
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Hon. Chief Minister: No, we have not offered the site out for hire purchase.

Mr Speaker: Next question.

Q310 and Q331/2023
Treaty talks re future relationship with EU –
Update; Airport

Clerk: Question 310/2023. The Hon. the Leader of the Opposition.
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Hon. K Azopardi: Mr Speaker, will the Chief Minister update the House on the state of talks aimed at finalising a treaty with the EU for a future relationship with Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.
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Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 331.

Clerk: Question 310/2023. The Hon. Ms M D Hassan Nahon.

595 **Hon. Ms M D Hassan Nahon:** In the context of negotiations between the UK, Gibraltar, Spain and the European Union on Gibraltar's future relationship with the EU, can Government explain in detail what it considers to be the difference in definition between 'joint use' of the Airport and 'enhanced use' of the Airport?

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

Hon. Chief Minister: Mr Speaker, the negotiations to arrive at a treaty between the United Kingdom and the European Union on the future relationship are ongoing.

605 The term 'enhanced use' of the Airport refers to its greater usage through flights between Gibraltar and the European Union. This was first used in the Cordoba Agreement. The term 'joint use' has traditionally been taken to mean shared or joint control over the Airport and is associated with the 1987 Agreement, which was rejected unanimously by our predecessor House of Assembly.

610 **Hon. K Azopardi:** Mr Speaker, I will ask the question. I understand that the hon. Member is involved in ongoing negotiations and it is up to him how he wants to answer it. I appreciate the delicate moment and on our side of the House he knows that we have often said, despite our disagreement on issues, that we all want to achieve a safe and beneficial agreement for Gibraltar. Is there a forthcoming round of negotiations planned? There have been statements in the recent
615 past about parties coming close, and it has been suggested, by the hon. Member before – indeed, in the press – that parties were very close. Are we at that moment, or are we anywhere closer to a deal? And can he perhaps clarify a bit more?

Hon. Chief Minister: Mr Speaker, there is ongoing and continuing daily contact between
620 negotiators. We are, I think, all, in good faith, trying to ensure that we achieve the best deal that each of the parties considers is essential. We are all setting out to secure something that is safe, secure and beneficial for each of the sides. This is not easy. If it were, it would be done already.

I have made many statements in this House about the state of negotiations. I am not making one now for a reason, and I think the hon. Gentleman will understand that if I am not saying more,
625 it is not because I do not want to say more, it is because I consider it prudent not to say more.

Hon. K Azopardi: I accept that, of course, and hence the basis on which I am asking the questions, but can I just ask you one more thing? It did jump out at me from the page when I read a recent report of the discussions, that ... There are a number of items that are being discussed
630 from time to time, but the one item that I was slightly surprised at was that there was a throwaway remark in a Gibraltar paper that one of the issues that was now also being discussed was so-called nuclear security. Is that a new item? Is that even being discussed? And if so, does the Chief Minister want to say anything about that? And if he does not, then in the context of the negotiations I will understand, but it seems to me to be a new thing.

635 **Hon. Chief Minister:** Mr Speaker, no, I do not want to say anything about the negotiations. I do not want to suggest that that is not being considered or to suggest that it is being considered, because the amount of nonsense that I have read in the press about the issues that are alive in the negotiation ... and unfortunately, some of it apparently inspired by people who are in the negotiation, although they know that, being in the negotiation, those things would not be
640 accepted even if uttered from a corner of the room in the negotiation.

I think we all want to see an outcome here rather than a running commentary. It is the outcome that has value, not the commentary, and I think that is how we have to approach answers in this House at this moment in respect of the matter.

Q311-12/2023

Airport tunnel –

Noise and air pollution mitigation measures; measures to accommodate heavy traffic

645 **Clerk:** Question 311/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, what noise and air pollution mitigation measures are being considered by the Government in respect of the proposed opening of the airport tunnel and residents of the immediate area?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 312.

655 **Clerk:** Question 312/2023. The Hon. E J Phillips.

Hon. E J Phillips: Mr Speaker, in preparation for the opening of the airport tunnel, what modifications or enhancements does the Government propose will be made to our roads to accommodate heavy traffic and different modes of transport?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the tunnel project includes the installation of environmental noise barriers alongside residential areas immediately bounding the tunnel approach ramps.

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The tunnel and its approach roads from the Frontier to Winston Churchill Avenue have been designed to cater for the volumes of traffic entering and exiting Gibraltar. The conversion of Devil's Tower Road into a dual carriageway was part of that planning at the time the decision was taken to build the tunnel. There is also a separate cycle and pedestrian subway following the tunnel route, although, as has already been publicly stated, pedestrians, cyclists and e-scooters will be able to continue using the runway, as is currently the case. This will assist in promoting active travel and sustainable forms of transport in the area and beyond, linked into the Active Travel Strategy for which works along Bayside Road are already under way.

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Hon. E J Phillips: I am grateful to the Chief Minister for the answer, and particularly in relation to the measures which appear, on their face, to focus on noise volume and creating subways for particular modes of transport, which he says in his answer would encourage active transport, which he knows, as well as the Minister for Transport knows, we support insofar as the cycling initiative is concerned.

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Just one thing that jumps out of the answer to the question is that it was specifically focused also in combination with the answer he gave in relation to air pollution reducing measures. The Minister will know, of course, of the sad death of a nine-year-old child, which the Inner South Coroner's Court ruled was due to air pollution, and in the UK they are really focusing on that insofar as young lungs are concerned. Given the fact that we are moving a lot of traffic down that way to the Airport, does he have any other specific measures to reduce not only the volume but also air pollution more generally? I know it is a big concern for his Government and it is a big concern on our side, but also for members of the public who are now residing in this more populous area of Gibraltar and the concerns that they have shared with me about air pollution more generally.

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Hon. Chief Minister: Mr Speaker, we have to understand what we are dealing with. The traffic that is now going to go down Devil's Tower Road is the traffic that goes down Winston Churchill Avenue. In other words, it is the traffic that goes through, bisecting Glacis Estate and Laguna

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695 Estate. All of that traffic is there today and will still be there tomorrow because the access to the
tunnel will continue to be along Winston Churchill Avenue. You just turn right as you go north, left
as you come south, instead of going across the runway. So the traffic that is going to be in the area
of Beach View Terraces, E1 and Hassan Centenary Terraces etc. is the traffic that is now at Laguna
and Glacis. What we want to do is not say, 'What are we going to do now that this traffic is going
to go past Beach View Terraces?' What we want is to have less traffic, and that is what the
Sustainable Traffic Plan is about. I am very pleased that they are now supporting it and I am very
700 pleased that we are working together on these issues, because I think this is an area where we
should not have party political division. We should not allow one interest group to use one of us
against the other to think that, by doing that, we can garner votes one way or the other. This
should be a House approach, which is why I supported the Hon. Minister for Transport when he
suggested that he should get in touch with hon. Members opposite when he was announcing the
705 beginning of the implementation measures.

The ability to continue to see the runway crossed by pedestrians, scooters and bicycles is a
highly important part of how we reduce traffic. The advice we had was that the deal we had
inherited from the GSD, which did not permit pedestrians and bicycles to cross the runway, was
going to cause much more vehicular traffic because faced with the need to walk all the way down
710 to Eastern Beach and walk back, those people would bring their cars, would come on their mopeds
or would come in taxis; at that time there was not such a thing as an e-scooter – an e-scooter is a
more modern iteration of transport. So we persuaded the MoD that it was in their interest
because of Devil's Tower Camp and Four Corners, which you no longer have to go around, and in
the interest more widely in terms of concern for the planet, that we should continue to be able to
715 cross the runway, because that means people will take the route they take today. Many thousands
of people should be lauded for the fact that they do not get in a vehicle and they cross the runway
on foot, some of them in the most inclement of weather. I try to walk, but in inclement weather I
am a bit of a wuss. I laud the fact that people walk in inclement weather and cycle in inclement
weather as well.

720 So by keeping the runway open, which is a measure that we have now been able to announce –
I am going to sign an MoU with the MoD in coming days – we think it that will have a huge effect
in keeping the traffic as it is and not making it worse, and other measures will assist in reducing
the traffic as we reduce it more widely.

725 **Hon. D J Bossino:** Mr Speaker, in relation to the final point he made, in terms of using the
runway and that that has been permitted by the MoD – because ultimately, at the end of the day,
it is an MoD runway – does it result in a cost to the Government to have obtained that easement?

730 **Hon. Chief Minister:** Mr Speaker, was he the gentleman who was accusing me yesterday of
becoming involved in other people's questions? No, that hypocrisy cannot have been manifest
from him, given how he involves himself in asking questions in other people's questions.

Yes, Mr Speaker, it does involve a cost. I do not have the exact numbers with me. It involves
the Government of Gibraltar funding the cost of maintaining the guard, because the MoD no
longer needs to maintain the guard; they would close it. We are not going to provide the guard,
735 they are going to provide the guard, but we are going to fund the costs of providing the guard.

Hon. D J Bossino: Is that information which presumably he does not have now, but he would
have with some notice?

740 **Hon. Chief Minister:** I told the Hon. Mr Phillips a moment ago, Mr Speaker, that we are about
to sign an MoU with the MoD. The final calculations are being done for that MoU, and when that
MoU is signed there will be a press statement, I imagine before the next meeting of the House
given that the next month is the Easter month and I would not want to bring him here in his Easter
vigil. Therefore, he can expect that the amounts will be in the press release, and if they are not,

745 because the press release drafters decide that it should not be there, then he can ask the question and I will provide it, but certainly in the Budget it will feature.

Hon. E J Phillips: Mr Speaker –

750 **Mr Speaker:** No, we need to move on. Next question. *(Interjection by Hon. E J Phillips)* No, please resume your seat.

Hon. E J Phillips: Mr Speaker, what about five, six, seven and eight?

755 **Mr Speaker:** Oh, I see what you mean. I see what you are getting at. Right. You may ask a question, Mr Phillips.

Hon. E J Phillips: I am grateful, Mr Speaker. Just one question. Just curiosity, because the response the Chief Minister gave in relation to my hon. Friend's question about the Frontier itself and the small cost that might be incurred by the Government ... Are there any issues about powers and rights and obligations and who will be performing that function at the runway crossing by Winston Churchill Avenue, because there is a technical ...? I think the Minister for Justice actually had an issue with this last time we debated it very briefly.

765 **Hon. Chief Minister:** Mr Speaker, I do not understand the point that the hon. Gentleman is making. The point I made was that we are going to pay for the guard but the MoD is going to continue to provide the guard. That is why I phrased it that way. I do not know whether he meant what is going to happen on the runway. The runway jurisdiction remains with the Royal Gibraltar Police. They have jurisdiction, too, but it is ...

770 **Mr Speaker:** Next question.

Q313/2023

Law firms making introductions to Government Ministers – Legality of charging fees

Clerk: Question 313/2023. The Hon. R M Clinton.

775 **Hon. R M Clinton:** Mr Speaker, can the Government confirm that it is unacceptable for law firms to charge their clients a fee for making introductions to Government Ministers?

Clerk: Answer, the Hon. the Chief Minister.

780 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government agrees that it would be unacceptable for any law firm or professional or person to purport to charge a fee or seek any advantage for making introductions to Government Ministers or officials. Government Ministers respond to all queries from all members of the public without the need for any introductions, paid or otherwise.

785 If any person has been asked to pay such a fee, they should seek restitution of their capital and should alert the relevant Minister and my office of any such goings on.

Mr Speaker: Next question.

Q314/2023

**UK guaranteed £500 million facility –
Update re extension**

Clerk: Question 314/2023. The Hon. R M Clinton.

790 **Hon. R M Clinton:** Mr Speaker, can the Government provide an update on negotiations for the extension of the UK guaranteed £500 million facility whose termination date is 3rd December 2023?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, no update can be provided at this time. Discussions are ongoing and the House will be updated once these are finalised.

I can tell the House that discussions have progressed very well. I will, of course, update the House during my address at the Budget on the state of play then, if I have not been able to make an announcement before then.

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Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's comment as to negotiations that are ongoing. As I understand it, I believe the facility of £500 million – I am happy to be corrected by the Chief Minister – would be at about £425 million as at 1st February if the numbers that I had yesterday were correct. Does he agree that having only £75 million left to 3rd December is perhaps cutting it a bit fine in terms of the overall public finance position?

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Hon. Chief Minister: Mr Speaker, of course the numbers that he got yesterday are correct, but I do not agree with his analysis.

Q315/2023

**Spanish tax haven blacklist –
Expected date of removal**

810 **Clerk:** Question 315/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government advise the exact date upon which Spain's commitment to remove Gibraltar from its tax haven blacklist within two years of the coming into effect of the Tax Treaty expires?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the International Agreement on Taxation and the Protection of Financial Interests between the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland regarding Gibraltar, more commonly referred to as the Tax Treaty, stated that the agreement 'shall enter into force on the date of the later of the parties' notifications that they have completed their internal procedures'. The date in this respect, therefore, relates to the end of March.

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I am happy to be able to confirm that the relevant Spanish officials have confirmed through diplomatic channels that they are commencing the process of complying with their commitment to remove Gibraltar from the list in question. More details on the timings for the completion of this process will be announced as soon as they are available. Should the process not progress

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within a reasonable timescale, we will, more in sorrow than in anger, withdraw from the application of the treaty.

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Hon. R M Clinton: Mr Speaker, I am grateful for the Chief Minister's response. I am sure my hon. colleagues will have something to ask further, but if I can just ask for concrete clarity on a date. The unilateral declaration by the government of Spain on delisting referred to – I have a copy of the statements that the Chief Minister gave us at the time – 'within two years of its entry into force'; in Spanish, *'dos años desde su entrada en vigor'*. Given that language, what is actually the date? Is it 31st March, or is there another date between now and 31st March? I am just trying to get some clarity as to when is the actual end date.

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Hon. Chief Minister: Mr Speaker, I think I have given the hon. Gentleman that clarity. I have said the end of March and I have also told him – which I would have thought he would have wanted to start his supplementary with, but of course that is a matter for him – the very welcome news that we have had confirmation from the relevant officials in Spain that they are starting the process of our removal from the blacklist. That, I think, is the headline we should all want to go away with in respect of this matter.

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Hon. Azopardi: Mr Speaker, let me just ask, because I think my hon. colleague, when he said he wanted a bit of clarity ... I had read before that the entry into force in Spain, which was the last party for it to be entered into force for, was 4th March 2021. The hon. Member is suggesting that it is not 4th March, so to the extent that it is out there ... When you google this, that date comes up as a confirmation date. It is not 4th March. The precise date is 31st March, or is it any other date at the end of March?

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Hon. Chief Minister: Mr Speaker, I do not want to be held to a particular date on this subject. I want to be clear that the information we have had is that having hit March, we have been told by the Spaniards that they are starting the process of removing us from the blacklist. Starting a process can be something that then gets stretched out, and therefore I am saying, 'Thank you for confirming that you are starting this process. Thank you for confirming that we are all seeing each other in compliance. That process has to be dealt with in a reasonable period of time, otherwise we will consider that you are not acting in good faith and then we would withdraw.' But let's be clear. We have had confirmation from the relevant Spanish officials through diplomatic channels that the process has begun. I will only be happy when the process has ended if it ends within a reasonable period of time, that is to say short and not designed to avoid the obligation that Spain acquired in writing to act in this way.

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Hon. K Azopardi: Of course it should be done in a reasonable period of time but I thought that that is what had already been agreed – in other words the reasonable period of time had been defined as ... Spain had said it would be done within two years of the entry into force by the last party, which I had understood to be early March 2021, and therefore that we are now on borrowed time already. The reasonable period of within two years having been set, if we are wrong and it is not the beginning of March and it is the end of March, it should really be done by the end of the month, and if there is going to be any added leeway, it is leeway beyond the commitment given. Does he not agree?

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Hon. Chief Minister: No, Mr Speaker, because what he has done there is set himself up as the arbiter of reasonableness without knowing the legal system of the place he is talking about and how long their processes might take. But if we were to indulge them in that debate, we might be giving them more leeway than they deserve, so what is in the interest of Gibraltar is to say they have confirmed it is happening, let's see it happen within a reasonable time, let's see what they

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880 say now is the reasonable process they have to go through that the pressing of the button takes them to.

Mr Speaker, we have to be very clear about one thing. Gibraltar entered into this commitment in good faith. We entered into this commitment on the basis of representations made to us, I can only believe in good faith, to remove us within a certain period. We are now being told that they are delivering against that commitment. I will believe it when it is done.

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Hon. K Azopardi: Mr Speaker, I am, with all due respect, not setting myself up as the arbiter of what is a reasonable period of time, nor am I setting myself up as an expert on Spanish law or administration. I am reading from the declaration of the government of Spain that is headed '*Declaración unilateral del gobierno de España sobre delisting*', which says, '*dos años desde su entrada en vigor*', within two years of its entry into force. We can have a disagreement about whether it is the beginning of March or the end of March, but the government of Spain, setting itself up as the arbiter of what is reasonable in accordance with Spanish procedure, has said within two years, and it is either at the beginning of March and we are on borrowed time, or at the end of March and we are not on borrowed time. Has the government of Spain indicated to the hon. Member what it considers is the time it needs for the delisting, given the *declaración* they issued at the time of the Tax Treaty?

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Hon. Chief Minister: Mr Speaker, the hon. Gentleman has referred to the unilateral declaration. The unilateral declaration talks about a timeframe. It does not talk about the period to give effect to the thing which is the thing that we are saying, maximum, is a reasonable period. This is when it has to happen. How it happens is what we are talking about must happen in a reasonable period of time. This has to happen. The effect of it has to now happen within a reasonable period of time.

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I will not be happy until Gibraltar is removed from the blacklist. This is clear as to what the Kingdom of Spain has to do. We are not giving the Kingdom of Spain any way out in respect of what they have said they will do, because if we are going to enter into new arrangements with the Kingdom of Spain, we will judge the credibility of those new arrangements based on the credibility of the arrangements we have already done. What matters here is outcome, and it matters that that outcome should come and it should come within the timeframe that was agreed, because otherwise nothing else will be credible.

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Mr Speaker: If the Leader of the Opposition wishes a further supplementary, then we will ... No. We will move on then.

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Clerk: Question 316 – (*Interjection*)

Mr Speaker: Just a second, Mr Clerk. The Hon. Roy Clinton has a quick supplementary.

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Hon. R M Clinton: Thank you, Mr Speaker, for your indulgence. A very quick question. Did I hear correctly that the Chief Minister stated that if, in his view, the Spanish government does not move quickly enough to remove us from the blacklist, he would take steps to rescind the tax agreement?

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Hon. Chief Minister: Yes, Mr Speaker, I have repeated what I have said in that respect. I have said it before.

Mr Speaker: Next question.

Q316-17/2023
Tax Office and ITLD premises and staff –
Plans to relocate

Clerk: Question 316/2023. The Hon. D J Bossino.

930 **Hon. D J Bossino:** Does the Government have any plans to relocate the Tax Office and its complement of employees?

Clerk: Answer, the Hon. the Chief Minister.

935 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Question 317.

Clerk: Question 317/2023. The Hon. D J Bossino.

940 **Hon. D J Bossino:** Does the Government have any plans to relocate the offices of ITLD and its staff?

Clerk: Answer, the Hon. the Chief Minister.

945 **Hon. Chief Minister:** Mr Speaker, as I mentioned at the last session of Parliament, plans for the relocation of some government departments are ongoing. An announcement will be made publicly if agreements with a new landlord can be finalised.

950 **Hon. D J Bossino:** Mr Speaker, I think the reference that he is making is to the question that I asked specifically in relation to the private landlord in the New Harbours area where the Bassadone Group have a building, and I understand that they are also building office space.

955 The information I have received is that as far as these departments were concerned, there was consideration being given to moving them. Is he able to state any further at this stage whether ...? He talks about 'some' government departments – is he able to say whether it is these government departments which he is considering making the move to the Bassadone premises?

Hon. Chief Minister: No, Mr Speaker, I cannot make a statement about that now.

960 **Hon. D J Bossino:** Is he able to provide the House with an update as to when he thinks he will be in a position to provide that information? If he recalls the particulars that I asked of him, presumably it is going to have a rental price tag attached to it ... when he expects to be in a position to provide that type of information to the House?

965 **Hon. Chief Minister:** Mr Speaker, I am unable to update the House on when I will be able to update the House.

Mr Speaker: Next question.

Hon. D J Bossino: Is there any particular reason for that?

970 **Mr Speaker:** Please, no. *(Interjection by Hon. D J Bossino)* No. Next question.

Q318/2023
Waterport fountain –
When to be fixed

Clerk: Question 318/2023. The Hon. D J Bossino.

Hon. D J Bossino: When will the Waterport fountain be fixed?

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Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the repair of this fountain will involve public expenditure. Given the current issues surrounding public finances as a result of the spending on the COVID pandemic, this repair is not considered a priority over other spending.

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Hon. D J Bossino: Mr Speaker, we had a relatively lengthy exchange in relation to roundabouts yesterday – the Sundial – and he was able to provide, I think, in relation to that question, quite a lot of answers and replies around the fringes of it, in terms of the developments that were going to go ahead. Is it something that he is considering? It is genuine complaints that people have made to me within the context of tourism, and in fact I would have expected that the Hon. the Minister for Tourism would be answering it, but the Hon. the Chief Minister is answering it because of the expenditure that this would incur to the public finances of this place. Is he able to state whether it is his intention, and if it is his intention to refurbish it, when that is likely to happen? I would ask whether he has an idea of the cost of that.

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Hon. Chief Minister: Mr Speaker, I am, of course, delighted to provide such information as I can to the hon. Gentleman in respect of this eponymous fountain that he is asking after and say that the Government will continue to take the view that if it is possible to ask those who are developing in the area to provide enhancements for the area, we will be seeking to do that in the context of negotiations. There is one particular project in that area that is coming, that would no doubt benefit from this being repaired, perhaps even updated, modernised etc. and in such a manner that its colloquial reference might change from Capullo to something else.

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Mr Speaker: Next question.

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Hon. D J Bossino: Mr Speaker, if I may – I think I have only asked one. In relation to that – we are talking about the fixing of it – is it within the realms of possibility, or does the Government have absolutely no cash available to it, to pay for the connection so that we have water spouting out from the relevant tubes of the fountain and it works as a properly functioning fountain?

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Hon. Chief Minister: Mr Speaker, if the issue were connection we might have been able to fix it, but it is not. And it is not about not having cash, it is about prioritising the use of cash, which is what I told the hon. Gentleman yesterday. Yesterday, I told him it was about prioritising. Today, he says, 'Today, you have absolutely no cash available,' which mischaracterises the public finances in a way that I can only associate with his desire to spin everything.

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Mr Speaker: This is the last supplementary.

Hon. D J Bossino: I am grateful, Mr Speaker. If it is not a matter of connection, what is it?

Hon. Chief Minister: Another type of repair.

Mr Speaker: Next question.

Q319-20/2023

**Stronger links with Morocco –
Dates of Chief Minister’s visits; announcement**

1020 **Clerk:** Question 319/2023. The Hon. D J Bossino.

Hon. D J Bossino: On what dates has the Chief Minister visited Morocco in order to establish stronger links, since the last election?

1025 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 320.

1030 **Clerk:** Question 320/2023. The Hon. D J Bossino.

Hon. D J Bossino: When will announcements be made in relation to the establishment of stronger links with Morocco?

1035 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, in relation to Question 320, an announcement will be made as soon as possible.

1040 Additionally, as I have already told the hon. Gentleman in this House, it is not in the public interest, at this stage, for me to say any more in relation to this issue given the very live and complex political context we currently find ourselves in. When it is, I shall look forward to making the relevant announcement.

1045 **Hon. D J Bossino:** Mr Speaker. We had this exchange in this House back in October, I think it was, and I am going to refer the hon. Member to the answer he gave at the time. It was not him, actually, it was his colleague the Minister for Tourism. There was already, at that stage, disclosure provided in the prepared answer to my question, not even in response to a supplementary, and the answer was this, and I quote:

the Chief Minister has engaged in a number of visits to Morocco to seek to establish stronger links, and announcements which show those links bearing fruit are expected in coming months.

1050 This was in November. Given that it is already in the public domain that the hon. Gentleman has visited on a number of occasions the Kingdom of Morocco, why can't he provide me with the dates?

1055 **Hon. Chief Minister:** Mr Speaker, for the reasons I have referred him to a few moments ago. We are all in politics to try to make Gibraltar better, I hope. We are all in politics to try to improve Gibraltar. If somebody I have known since we were 12 years old hears me say, 'It is not in our interest that I give you any more information,' I hope he knows me well enough that I would not be trying to hide behind that to avoid giving him an answer. So even though it might appear to him to be innocuous, can he take it from me that it is not in the public interest that I should say more?

1060 **Hon. D J Bossino:** Mr Speaker, I am happy to take it from him to an extent, but I would like to understand the premise for the rationale of that position. His colleague, a Member of his Cabinet and Government, has already stated in this House – on public record, it is in *Hansard* – that the hon. Gentleman has visited the Kingdom of Morocco on a number of occasions. I am asking him

1065 to simply state the dates. Why is it that that has an impact on the public interest of Gibraltar in the negotiations? I simply do not understand it.

Hon. Chief Minister: Mr Speaker, who has mentioned the negotiations? I said in the complex political context we currently find ourselves in. He has mentioned the negotiations. Why is he making that link?

1070 Mr Speaker, in the Gibraltar in which I was brought up, if the Chief Minister of Gibraltar or a senior Minister said, 'Look, it is not in Gibraltar's interest that we talk about this,' people would say, 'Fair enough, we are all in it together.' Here, I am being pressed to explain the public interest. If I explain the public interest, I am going to give the game away. It is not in the public interest that I should explain the public interest. The hon. Gentleman is pushing me to give him answers which
1075 are right out of the script of *Yes Minister*. I would have thought that somebody who has been following and involved in politics from the age I was would understand what I am trying to say to him and that if we are all in it together, the nation is not going to fall because I do not give him this answer across the floor of the House today. Why press?

1080 **Mr Speaker:** This will be the final supplementary.

Hon. D J Bossino: Mr Speaker, so be it. Simply to put to him that I have not plucked that interpretation of what he has given the House on this occasion from thin air. I made a direct reference to the negotiations with the EU not because I have invented it, but because the hon.
1085 Gentleman himself said so in the context of his reply in November when he said, and I am quoting:

the hon. Gentleman knows that we are in the middle of a negotiation. That negotiation involves the United Kingdom, it involves the European Union and it involves Spain, as a member state of the European Union.

He says that by asking that question I may disadvantage Gibraltar, simply asking him to provide me the dates in relation to visits that the Hon. Minister said he had made to Morocco. I ask him to accept that the premise of my question was relevant in the context of the EU negotiation, because he himself said it could have an impact on the EU negotiations, but now he is saying it
1090 could have an impact on other things.

Hon. Chief Minister: Mr Speaker, I ask that you rule that the hon. Gentleman's remarks are out of order, given that they were not ended with a question.

1095 **Hon. D J Bossino:** I am asking –

Mr Speaker: Would you add a question on to what you have just said?

Hon. D J Bossino: Mr Speaker, I have asked him to make a comment in relation to the point I
1100 have just made. It was a question.

Hon. Chief Minister: Mr Speaker, I have absolutely no intention of further commenting in respect of this matter, and I refer the hon. Gentleman to the answer I gave a few moments ago.

1105 **Mr Speaker:** Next question.

Q321/2023
Drug dogs –
Location of teams

Clerk: Question 321/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Does HM Customs still have a drug dogs team, and have any dogs been transferred between HM Customs and the RGP; and, if so, how many?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, HM Customs has two drug dogs with their respective handlers, who are both customs officers. Both teams are trained to search for controlled drugs and cash.

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Hon. Ms M D Hassan Nahon: Mr Speaker, can I ask the Chief Minister – I do not believe he answered my question – the part about have any dogs been transferred between HM Customs and the RGP?

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Hon. Chief Minister: Mr Speaker, in fact the opposite happened. The drug dogs at the RGP I think at one stage were transferred to HM Customs.

Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker. And if that is the case, has that left the RGP without any dogs, or have they replaced them?

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Hon. Chief Minister: Mr Speaker, the RGP came to me, through the Minister for Justice, to say that they no longer wanted to have a drug dog capability. They did not believe that Gibraltar needed to have two drug dog capabilities and two explosive detector dog capabilities. GDP have explosive detector dogs and Customs have drug detector dogs. This was entirely driven by the Commissioner of the RGP, who approached us on that basis.

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Mr Speaker: Next question.

Q322/2023
COVID memorial –
Completion date

Clerk: Question 322/2023. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: When will Government hold the promised memorial for those who died during the COVID pandemic?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the COVID memorial is currently at an advanced stage in the construction process. The Government will make an announcement as to the exact date of the memorial as soon as it is able to do so after confirmation of completion of works, which are likely to take another six weeks or so.

1145 **Hon. Ms M D Hassan Nahon:** Mr Speaker, has Government identified ...? Perhaps I have not seen it. Have they shared with the public where this memorial will be?

Hon. Chief Minister: Mr Speaker, I believe we have.

1150 **Hon. Ms M D Hassan Nahon:** Can I ask him to repeat this information here?

Hon. Chief Minister: Not with any certainty, because I do not think I have it here, but I think there has been an announcement of which the successful design has been. Yes, in fact I do have it here, Mr Speaker. It is a press release of 16 June last year: Press Release 415/2022.

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Hon. Ms M D Hassan Nahon: Mr Speaker, is the Chief Minister telling us that if the design of the works is finished within the next six weeks, there will be a memorial ceremony and this will be taking place in the next couple of months, for example?

1160 **Hon. Chief Minister:** Yes.

Mr Speaker: Next question.

Q323/2023
COVID inquiry –
Details

Hon. Ms M D Hassan Nahon: When will the Government inquiry into the handling of the COVID crisis take place, and does Government have a structure prepared for who and how it will be run?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, final arrangements are being made for this important inquiry to be convened. The Government has an eye on the UK inquiry, to deliver the best inquiry for Gibraltar, to learn the lessons of this pandemic before the inevitable next one, although I sincerely hope it will not come for many decades and generations.

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Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker, and I thank the Member for the answer. Will that mean that he is looking at holding this inquiry into our next legislature regardless of who wins the next election? His sights are on the next term of office when this will be taking place?

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Hon. Chief Minister: I do not know what the hon. Lady is implying in her answer. The Government will convene the inquiry. It is my view that that inquiry will be convened during the lifetime of this Parliament. The inquiry will run for a considerable period of time. Inquiries are not in any way linked to the lifetimes of parliaments. It could run for the lifetime of two parliaments, it could run for a quarter of the lifetime of a parliament, but it is very likely that the inquiry will run through from the lifetime of this Parliament to another Parliament.

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Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker. I was asking because if the Chief Minister was saying that he was waiting on certain information or things to be in place before holding the inquiry – and there are, I think, objectively, a maximum of six or seven months left of this legislature, the lifetime of this Parliament ... That is why I was asking if it was likely to take place in the next legislature.

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1190 My question would be whether the Chief Minister is involved or making arrangements and
preparing structures for this inquiry in terms of who is going to be running it, so that we can
guarantee maximum independence.

1195 **Hon. Chief Minister:** Mr Speaker, yes, sir, but given that the election is not going to be called
tomorrow, as apparently there is a strong rumour that it would be, there is plenty of time to do
it.

Mr Speaker: Next question.

Q324-27/2023

ID cards –

**Number of printers; printers operational on 7th March 2023;
days when printers not operational in 2022-23; current waiting time**

Clerk: Question 324/2023. The Hon. Ms M D Hassan Nahon.

1200 **Hon. Ms M D Hassan Nahon:** How many ID card printers does the Government possess?

Clerk: Answer, the Hon. the Chief Minister.

1205 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I will answer with Questions 325 to 327.

Clerk: Question 325/2023. The Hon. Ms M D Hassan Nahon.

1210 **Hon. Ms M D Hassan Nahon:** How many ID card printers were operational and fully functioning
on 7th March 2023?

Clerk: Question 326/2023. The Hon. Ms M D Hassan Nahon.

1215 **Hon. Ms M D Hassan Nahon:** Please list the number of working days on which the Government
ID card printers have not been operational in 2022 and 2023?

Clerk: Question 327/2023. The Hon. Ms M D Hassan Nahon.

1220 **Hon. Ms M D Hassan Nahon:** What is the current waiting time for an ID card?

Clerk: Answer, the Hon. the Chief Minister.

1225 **Hon. Chief Minister:** HMGoG possesses three printers with the ability to print electronic ID and
civilian registration cards. Two of these are located at the Civil Status and Registration Office and
one at the Driver and Vehicle Licensing Department.

All printers were fully functional on 7th March 2023.

The electronic card printers at the CSRO have not been operational during the following dates:
from 13th October to 19th October 2022 inclusive, and from 30th January to 28th February 2023
inclusive.

1230 The current average waiting time for an identity card is 10 working days, and 25 working days
for a civilian registration card.

Mr Speaker: Next question.

Q328-29/2023

Public sector workers –

Cost of living adjustment to salaries; heads of department salary increases

Clerk: Question 328/2023. The Hon. Ms M D Hassan Nahon.

1235 **Hon. Ms M D Hassan Nahon:** When is the Government expected to review its policy on granting civil servants a cost of living adjustment to their salaries, given that the cost of living has increased dramatically in the last four years?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): I will answer with Question 329.

Clerk: Question 329/2023. The Hon. Ms M D Hassan Nahon.

1245 **Hon. Ms M D Hassan Nahon:** Can Government provide a list, within the last four years, of Civil Service, public service and government-owned company heads of department who have received a salary increase, with a breakdown of each individual post, the original salary and their salary after the increase?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, as the hon. Lady should know, any announcement related to the Government's recurrent expenditure will be made at the debate on the Appropriation Bill later this year. This allows for the Government to properly cost and plan for the next 12 months having had sight of its revenue and expenditure for the past financial year, which ends later this month. The Government has created a forum with all of Gibraltar's public sector unions to consider these issues with the representatives of our colleagues in the public sector.

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All civil servants, public servants and government-owned company heads of department received a salary increase on 1st August 2019 in line with the IRP, which was the last relevant date before the pandemic plunged us into deficit from the previous historic surpluses we had achieved. In addition, over the last four years any officer who was not on the maximum of their pay scale has also received the applicable annual increase until they have reached the maximum scale. The salary increases any individual officer might have enjoyed in the past four years are reflected in the Estimates Book and are therefore available to the hon Lady.

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Hon. Ms M D Hassan Nahon: Mr Speaker, if I ask a question and I ask Government to provide a list for this House and the Government does not, or points me somewhere else, is that all right?

Hon. Chief Minister: What I have said is that the information she has asked for is public. It is not that I am not providing the list, it is that she has the list. She has it in her Estimates Book. If she goes to one Estimates Book she sees the list of every single public officer, and if she goes to the next one she sees the same list, and every single one of those salaries increased. What she has asked me for is to pull out the pages at the back of the Book and give them to her. I have my Book, she has hers.

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Mr Speaker: The Hon. Roy Clinton.

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

In relation to the hon. Lady's Question 328, I think I heard the Chief Minister refer to the creation of a forum with the trade unions. I believe Unite announced this on 13th March and

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described it as a recent breakthrough, with the Government committing to engage with the unions via an employer/trade union public sector negotiating forum. Can the Chief Minister provide more information to the House as to the remit for this forum? And how long does he expect it to be in existence for?

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Hon. Chief Minister: Mr Speaker, what I have said about this forum is that it is a forum to hear the union's views in respect of public sector pay in years when we are expecting to be in deficit. In years when we have been in surplus, the unions have been very happy to come and see me. They have asked me for a 2% pay rise. I have said I hear what they say, I have come to the House and I have given them a 3% pay rise. They have walked out of the House very happy and everybody has been very happy because there is a surplus.

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If there is a surplus, we must ensure that we share that surplus with working people, whether we do it through increases in the Minimum Wage – because we also pay people the Minimum Wage – or we do it through increases in the salaries of those in the public sector, or other benefits that we provide more widely in the community, but when we are in deficit ... I accept that the unions want to be able to influence the Government's decisions in respect of public sector pay and therefore they want a negotiation rather than just a discussion, so I am committed to having this forum for the period when Gibraltar is in deficit, and I am very happy to start that process of talking to the public sector unions this year.

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Mr Speaker: Next question.

Q330/2023

Morrisons pay dispute – Discussions held

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

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Hon. Ms M D Hassan Nahon: What discussions, if any, have there been between the Government, Morrisons and Unite the Union regarding the current pay dispute?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, I have written, as Chief Minister of His Majesty's Government of Gibraltar, to the parties involved in the current pay dispute between Morrisons and Unite the Union to offer the services of my office, in particular our industrial relations machinery, to assist in finding an appropriate solution to the dispute. I wrote on 8th February. Unfortunately, we have not been able to assist, but we stand by to help if we are able.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Chief Minister for his answer. Is Government able to share with this House any information on what has been discussed or whether he believes that there is any solution coming any time soon?

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Hon. Chief Minister: Mr Speaker, the only thing I can share with the hon. Lady is that I have written to both parties, I have offered to help and my offer has not been taken up – but we are third parties to that dispute.

HOUSING, EMPLOYMENT, YOUTH AND SPORT

Q294/2023

Housing waiting list –

Applicants remaining pre-November 2011

Clerk: Question 294/2023. The Hon. D A Feetham.

1325 **Hon. D A Feetham:** Mr Speaker, of those individuals who were on the housing waiting list in November 2011, how many are still on the housing waiting list today and how many are divorced or separated fathers waiting for a one-bedroom flat?

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

1330 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, 76 applicants on the housing waiting list with an application dated pre-November 2011 remain on the list. Many may have been offered allocations they have refused. As far as the Ministry for Housing is aware, from the information available about each applicant, none are divorced or separated fathers waiting for a one-bedroom flat.

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Hon. D A Feetham: Mr Speaker, he said that many have been offered and refused. How many is 'many'?

1340 **Hon. S E Linares:** Mr Speaker, I have not got the exact number of how many is 'many', but I would suggest it is near the 76.

1345 **Hon. D A Feetham:** He is responsible, obviously, for the accuracy of answers he provides to this House. May I drill down on that answer that it is close to 76? Has he seen any statistics that would allow him to come to this House and answer the question that I have posed, using the using the word 'many'?

1350 **Hon. S E Linares:** Mr Speaker, quite frankly, this is extra information that I gave him from the question. He had not specifically asked that question, and therefore the official has put that many *may* have been offered allocations they have refused. I could go back and ask specifically that question, which he has not done.

1355 **Hon. D A Feetham:** Yes, I would like him, if I may, Mr Speaker – I would like the Minister; I apologise – to provide me with that information. I have to say that I am surprised that the Minister, when he saw the answer, which referred to 'many', did not ask the question. I have sat on that side of the House and it is a natural question to ask the public servants: how many is 'many'? But yes, I would appreciate it, Mr Speaker. He is absolutely certain that none of the 76 are divorced or separated fathers? He has asked about that and he is absolutely certain about that?

1360 **Chief Minister (Hon. F R Picardo):** No, Mr Speaker, what the answer says is from the information available in their filed application. It is impossible for us otherwise to know, and that is why it is prefaced with those words.

1365 **Hon. D A Feetham:** So in actual fact, the answer is that it is really impossible for the Minister, on the information that the Minister has, to provide any answer to that question because he just really does not have the information. That ought to be the answer.

Hon. Chief Minister: No, Mr Speaker, the answer is what the answer is, that from the information available about each applicant none of them are divorced or separated fathers waiting for a one-bedroom flat. If they were, that should be on the application because one of the things that you are asked is about your family composition, your marital status etc. The information that we have about these people suggests that they are not, because they have filled in those things contrary to the information that they should have provided to suggest it. So we do have information about the status, and from that information none of them appear to be, but they could, since filling in the form, have got married, got divorced and now want a one-bedroom for that reason, for all we know. That is why we cannot give more certainty and we have to ensure that we provide it in this way, so that what we are saying to the House is entirely correct.

Hon. D A Feetham: Mr Speaker, the reason why I am asking this question is because I know of several individuals who are on the housing waiting list for a one-bedroom flat, who have been on the housing waiting list going back to 2011 and still have not have not been allocated a flat.

I will pose my question in a moment, but the reason why I am asking is because I have asked in the past, and the point that I have made in the past is that actually divorced fathers do really get a very raw deal in a variety of ways, this being one of them, because invariably they are the ones who have to leave the matrimonial home. Let's assume that it is a government rental, for example. When they try to get onto the housing waiting list, they are told, 'You are only entitled to a one-bedroom flat,' even though they may have, for example, three or four children. This is a government policy going back to the GSD years. I never agreed with it, I have to say, but I could never persuade anybody to change policy in this regard. The argument is why should a child have two rooms, one with the father and one with the mother? The problem, of course, is that you end up, as a father, not being able to have meaningful overnights. *(Interjection)* I am going to ask a question. I am just explaining, so that I can – *(Interjections)*

Mr Speaker: Chief Minister, I allowed the Hon. Daniel Feetham to make a short preamble. I am allowing him to do that.

Hon. D A Feetham: Mr Speaker, thank you very much. It is my only question because, as he knows, I have agreed to take other questions in writing.

They get a raw deal, and some of them have been on the waiting list since 2011. If I provide to the Minister the details of the individuals in question, will he at least look at these individual cases to see whether something can be done about them? They really are, in my view, getting a raw deal.

Hon. S E Linares: Firstly, Mr Speaker, I do not agree with the premise of the hon. Member's assertion that we do not help divorced or separated parents – or fathers – because sometimes it is also mothers, not only fathers. But we have helped loads of them.

I am assuming that of the 76 on whom I am getting information, because this is the question ... He is saying it is before 2011 because those are the ones who are probably more pressing. I do appreciate that he does give me a list of those, so that we can look into what the issues are, and I am sure we probably have already, but we are willing to explore that. I do not have an issue with that. But we do help parents and we have to look at exactly what the fathers' rights are in relation to the children as well, because some fathers claim, 'I want to have my children with me' – and I can tell the hon. Gentleman that some of the children are 26 and 28 years old – because they still think that it is their children. Of course they are their children until they die, but the point is that, at times, divorced fathers and mothers want to have their 'children' – and I say children in inverted commas because a person ceases to be a child at a certain age ... they want to live with their children. That means the son or the daughter can go and sleep in their house.

Also, there are many divorced fathers who we have looked at and analysed, who do not have court jurisdiction for their children, and they have to obtain that. And we have done that many

1420 times, where they go to court, they say, 'Who has custody of the children? Is it 50/50? Is the father
able to see the children because of certain things that have happened during the family
composition?' We look at all that. That is important because if the father comes and says, 'I have
1425 been a good father. I married and divorced and I want my children to stay with me and they are
young,' usually we do try to accommodate that father as best we can. We might not be able to
give them, say, a three-bedroom flat where they have one room for each child. We might be able
to give them a lower composition, but we definitely do, and I can honestly ... For me, the most
important people here are not the divorced mothers or fathers, it is the children. That is the
concern, and I can honestly say that whenever ... With everything that I look at, it is always what
1430 are the consequences to the children, and that is what I prioritise. For me, it is not the divorced
father, it is the children of those divorced fathers.

Mr Speaker: Next question.

Q295/2023
Government housing estates –
Rules for tenants

Clerk: Question 295/2023. The Hon. the Leader of the Opposition.

1435 **Hon. K Azopardi:** Mr Speaker, does the Government intend to rationalise the rules for tenants
in the various government housing estates?

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

1440 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, no, sir.

Hon. K Azopardi: Mr Speaker – *(Interjection)*

Hon. S E Linares: Apologies – it is yes, sir! *(Laughter)*

1445 **Hon. K Azopardi:** Well, I am glad that we got a U-turn after three seconds.

Mr Speaker, I can I just ask is the rationalisation in the context of the review of the Housing Act
that that the Hon. Minister has been speaking about on previous occasions? And is the
rationalisation to the extent that the aim and objective would be that each housing estate should
have a common set of rules?

1450 **Hon. S E Linares:** Yes, Mr Speaker, it is a combination of being in the Housing Act and also on
each individual tenancy agreement, which will be a general tenancy agreement for all households
in the government stock. So it will not be different from one estate to the other, everybody will
get the same, which is the agreement that we are writing out, and that will be reflected within the
1455 Housing Act and will be reflected in the tenancy agreement.

Hon. K Azopardi: And does the Minister have any kind of idea of the kind of timescale for the
rollout of that rationalisation?

1460 **Hon. S E Linares:** Mr Speaker, I hope I am not bound to, but I am trying to do it even before
the summer. But please do not hold me to that because I have been pressing all my staff that we
have all the list of things to do with housing to be ready. That is the Housing Act, the booklet, the
tenancy agreement, the housing allocation scheme, all these to be rolled out. I have said it before:

1465 it is probably rolling out the Act first – I am looking now at putting it maybe just after Easter, the whole of the Housing Act – and then the things later will follow behind, because the Act is the basis on which all the others follow.

Mr Speaker: Next question.

JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

Q256/2023

**Parental alienation –
Update on Government plans**

Clerk: Question 256/2023. The Hon. D A Feetham.

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Hon. D A Feetham: Mr Speaker, can the Government please update the House on its plans to tackle parental alienation?

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

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Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, I refer the hon. Member to my previous answer on the subject. He may recall that on that occasion I explained that following the consultation process we undertook, it became apparent to me that the change that is needed is wider and not on one specific point of family law. For this reason, in my Budget address last year I announced a review of family legislation. The changes, therefore, will be wider reaching and will go beyond this single net issue. We have already established a working group for this purpose and the work is ongoing.

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Hon. D A Feetham: Has the drafting of new legislation commenced yet?

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Hon. Miss S J Sacramento: Mr Speaker, the drafting itself has not commenced. We have, however, had a lot of stakeholders who are involved in the whole process involved in working together to advise me on the exact changes we need to make, because really the outcome that I want will probably be better than the initial outcome I sought when I started the consultation process on this. That, in fact, is the beauty of consultation when it is done properly. We had feedback from almost 50 individuals on the parental alienation exercise. I myself, I think, saw about 35 of these, and after having spent probably between half an hour and an hour with each of these individuals and hearing their stories, by the end of that process when we started looking at what we needed to do, we came to the conclusion that to make it better, our changes needed to go beyond this point and be wider reaching. That itself will entail a lot more work and therefore it will take longer than we envisaged when we set out, but hopefully we will have a much better product and a much better outcome at the end.

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Hon. D A Feetham: Mr Speaker, when the hon. Lady talks about a wider remit, can she inform the House as to what issues are contained in that wider remit?

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Hon. Miss S J Sacramento: Mr Speaker, parental alienation is one of the matters that is contained in the Children Act. It pretty much arises upon the breakdown of a family relationship. So the focus that I have is on trying to streamline and better enhance and improve the process for marital breakdown. This is in the context of a wider review of the Children Act, which goes beyond family breakdown. The Children Act, as the hon. Gentleman will know, has different parts to it and

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1510 it deals with private law and public law, so we are looking at this piece of legislation to see how we can bring it up to date. It has been a considerable period since this was passed. Things have changed, family dynamics are changing, and I want to bring it in line to reflect more the modern situation that we find ourselves in, which unfortunately is, each time, more and more complex.

1515 **Hon. D A Feetham:** Mr Speaker, I am just not clear. I can understand that there might be merit and that the Minister might want to update the Children Act because that may be a worthwhile task in itself. It was a good piece of legislation when I introduced it, I have to say in our defence, but I can understand that –

Hon. Miss S J Sacramento: I was not –

1520 **Hon. D A Feetham:** No, and I know that it is not a criticism. I am just not clear why the consultation process would have given rise to issues that are associated with parental alienation that causes a delay in attempting to deal with parental alienation as a, as she has described it, net issue.

1525 **Hon. Miss S J Sacramento:** Mr Speaker, for the avoidance of doubt, this was not a criticism of the Children Act, which I know the hon. Gentleman worked very hard on in his time as the Minister for Justice. But this piece of legislation is 2009 legislation, so a considerable time has passed and family dynamics have changed.

1530 To answer the latest supplementary from the hon. Gentleman, what transpired and what became apparent to us as part of the consultation process was that a lot of people came to see us at the invitation of people coming to see us for parental alienation, but a lot of the complaints that they had, once we had spoken to them, were not actually of parental alienation. Parental alienation is very specifically defined in law and parental alienation will only crystallise when children stop seeing the other parent. What we found, and it was predominantly from fathers but not exclusively, was that they were not seeing their children as much as they wanted to see them. So, whereas we started off with one intention, by the time we finished, really the picture that we got was a different one. There was a constant trend that people found the procedure difficult to manage and people's expectations at the end of the procedure were difficult to manage.

1535 What we want to do is have a more formulaic system of dealing with the situation of family breakdown, so that it becomes easier on the parties. The aspiration, of course, is that if it is easier for the parties and it becomes less acrimonious, then it will have a better outcome for the children, because ultimately the fundamental basis of the Children Act is that the welfare of the child be paramount. I know that the hon. Gentleman attempted this when the Children Act was commenced in 2009 and the hon. Gentleman produced some booklets as guidelines. We have, in fact, spoken about this across the floor of this House in previous questions that the hon. Gentleman has posed to me. Whereas I think back in 2009-10, when that was certainly a good intention on the part of the hon. Gentleman, it was not really something that took off, so I want to deal with it with the same intention but in a different way, and probably by way of secondary legislation so that the framework and the parameters are, in reality, more effective, and particularly in the context of where we find ourselves with an increasing number of marital breakdowns. So the whole intention is to make the whole process much better for all the parties involved and more streamlined.

1540 **Hon. D A Feetham:** Could the hon. Lady perhaps inform this House as to how close we are to a white paper, for example, on new legislation?

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Hon. Miss S J Sacramento: Mr Speaker, realistically, I cannot see us having a draft ready for this for a number of months, at least – I would say two months, three months. I think my last meeting on this may have been last week or the week before, before the question was posed.

1560 Because it is so far reaching, I want to make sure that I have all the stakeholders involved. If we are going to make all these changes, and they will end up being quite big and quite significant, I need to make sure that I hear from all the parties.

Mr Speaker: The Hon. Elliot Phillips.

1565 **Hon. E J Phillips:** Mr Speaker, I am grateful. It will be very short. The Minister will know that, like the hon. Gentleman to the left of me, I have been a passionate advocate, as she has as well, insofar as parental alienation, and she will know, of course, that two months after I was first elected to this House in 2016, I attempted to promote the issue of parental alienation and training for our judiciary, family lawyers and, indeed, Social Services. Can the Minister confirm that that
1570 training has now been conducted? Principally, the best way of dealing with parental alienation is dealing with that behaviour at the very beginning, to drive it out, because it can be a toxic development in the relationship of children with their parents.

Hon. Miss S J Sacramento: Mr Speaker, save for the point I made earlier, which is that what
1575 we found when we spoke to people who came for part of the consultation process ... We found that the issue was actually not parental alienation. People perceive not having 50% contact with children once they separate as parental alienation, but that is not parental alienation. This is the advice that I get from social workers. Social workers, by virtue of their profession, are trained in this. There has not been additional training for the judiciary on this because, actually, parental
1580 alienation is not an issue that has arisen. It is more of a perceived issue of parental alienation than an actual situation of parental alienation as defined in the law.

I am happy to give the hon. Gentleman a more specific breakdown and we can look at the legislation on that on another occasion, because it is more of a technical discussion that we need to have.

1585 Mr Speaker, I have dealt with all the questions this afternoon.

Mr Speaker: Next question.

DIGITAL, FINANCIAL SERVICES, HEALTH AUTHORITY AND PUBLIC UTILITIES

Q296/2023 Semaglutide – GHA prescribing

Clerk: Question 296/2023. The Hon. E J Phillips.

1590 **Hon. E J Phillips:** I welcome the Hon. Minister back home.
Mr Speaker, can the Government state whether the GHA is prescribing the weight-loss drug semaglutide?

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

1595 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Yes, Mr Speaker, I am informed by the GHA that it is prescribing semaglutide. It is prescribed in line with current NICE guidelines for its use. These will be reviewed as and when appropriate.

1600 **Hon. E J Phillips:** Mr Speaker, I am grateful for the answer. Just one additional question that arises from that. There have been some concerns post the approval of this drug in the United

Kingdom, given the significant implications for muscle wastage as a result of taking the weight-loss medication. Can the Minister explain whether or not this particular drug is also used in the context of type 2 diabetes, for which I understand it is being used and licensed in other countries?

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Hon. A J Isola: Mr Speaker, yes, primarily. If I can give him more information, there are currently some eight patients being prescribed this medication, five of them are for diabetes and three are for weight loss, so it is a very small number and there is clearly no abuse of that nature.

Q297/2023

GHA surgery –

Cancelled and rescheduled operations in last 12 months

Clerk: Question 297/2023. The Hon. E J Phillips.

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Hon. E J Phillips: Mr Speaker, can the Government state the number of cancelled or rescheduled operations in the GHA in the last 12 months?

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

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Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, there have been a total of 1,670 cancellations between March 2022 and February 2023. All cancelled procedures are rescheduled as soon as possible unless there are reasons to not reschedule. For example, a patient may choose not to go through with the procedure or a patient may be not deemed medically fit to go through with that procedure.

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The reasons are as follows: patient unwilling to proceed, 686, which is 41%, so a very big chunk of the 1,670 are actually patients not wanting to proceed and there may be a whole series of reasons for that – it may not just be that they do not want to, there may be a good reason; operational, 396, which is 24%; no longer required, 325, which is 19% – so that is 60% that are patient or no longer required; patient not fit for surgery, 175, which is 10%; and COVID-19, 88, which is 5%. In terms of the GHA, it is 24% of those numbers that are cancelled operations.

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Hon. E J Phillips: Mr Speaker, I am grateful for that answer, and actually these types of very helpful statistics dispel many of the rumours in our community. I am grateful to the hon. Gentleman for providing the detailed breakdown that he obliged us with just now.

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Just in relation to the percentages, does he have any visibility on previous years and how they correspond to this particular year that he has referred to?

Hon. A J Isola: No, Mr Speaker, I do not, but obviously the difficulty with comparing the last couple of years with COVID is that it would be completely unusual to compare to such an exceptional couple of years. To do a fair comparison it would have to be pre-COVID, and I have not got those numbers with me.

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What I can tell the hon. Member by way of further information that I have available to me is cancellations on the same day are 30.84%, so almost 31%, and within seven days are 29.54%. So it is 60% cancelled seven days before, which causes big problems for the hospital in terms of the use that could have been made of those facilities did they have time.

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Obviously when I talk about operational reasons, some of those could be, for example, that there are emergencies that require to take precedence over planned operations. So there are a whole load of reasons as to why operations are cancelled, but the largest chunk by far is patient decision.

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1650 **Hon. E J Phillips:** Mr Speaker, one final question. Of course you can understand why the GHA might have operational reasons for cancelling or rescheduling appointments, but insofar as that very large chunk of patients not willing to proceed, what measures are the Government taking to try to avoid that happening? The disruption must be very significant on resources at the GHA, and as I said before, I think these are very useful data points to explain to the public the importance of keeping their appointments. There may be reasons why they do not want to have the operation, there may be many reasons for that, but what other steps are the GHA taking to avoid that scenario, which wastes our resources in that way?

1655 **Hon. A J Isola:** Mr Speaker, it is a very difficult one. Obviously, the GHA cannot force people to turn up for an operation they do not want to have. As I said before, there may be some very good reasons as to why people wish to cancel the operation at a particular given time. I think, for us, the hardest thing the GHA have to cope with is the lack of notice when preparations are made, goods are ordered. Parts may be needed, if I can call them that, which are ordered in advance and everything is prepared for a given day, and then it has to be pulled seven days before in 60% of those cancellations. It is difficult.

1660 I think the GHA takes every precaution to ensure that people are ready. I know one particular individual who would come under patient not fit for surgery, and that is not the patient's choice. Something may have happened to them – maybe too much weight to risk, or other conditions that have arisen between the operation being placed and the operation happening.

1665 Like a lot of the things we talk about when it comes to the GHA, it is very difficult to look at these as pure numbers, because every single number has a story that is different to the other. And so I always urge caution, not inferring things which are well intentioned but could be very misleading in how we interpret some of these numbers.

1670 **Mr Speaker:** Next question.

Q298/2023
GHA –
Number of sponsored patients

Clerk: Question 298/2023. The Hon. E J Phillips.

1675 **Hon. E J Phillips:** Mr Speaker, can the Government state the number of sponsored patients broken down to medical issue or discipline?

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

1680 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):** Mr Speaker, I now hand over a schedule to the hon. Member with the information requested.

Answer to Question 298/2023

Allergy	1
Cardiology	214
Colorectal	63
Dental	8
Dermatology	7
Endocrinology and on call medicine	30
ENT	155
Gastroenterology and on call medicine	45
General and On-call Medicine	1
General Surgery	156
Geriatric and On-call Medicine	61
Gynaecology	84
Haematology	39
Maxillofacial	9
Nephrology and on call medicine	35
Nephrostomy / Thoracoscopy	3
Neurology	69
Oncology	38
Ophthalmology	110
Orthopaedics	119
Paediatrics	213
Pain Clinic	15
Psychiatry	7
Radiotherapy	2
Respiratory and On-call Medicine	79
Spinal	78
Transgender Surgery	2
Urology	74
Vascular	81

1685 **Hon. E J Phillips:** Mr Speaker, we will obviously digest these numbers, but does the Minister express a view in relation to paediatrics? That seems fairly significantly high in the context of all of these numbers. I would say that in the context of all the glowing reports that I receive from many constituents about paediatrics generally, given the team that we have there. I wonder, has he got a view as to why they are so high in relation to sponsored patients outside of Gibraltar for paediatric care?

1690 **Hon. A J Isola:** Mr Speaker, no, I do not, but I will happily get that information to the hon. Member before the next sitting, if there is in fact any reason or if it is disproportionately high or higher than it should be. I am not aware of it, but I will certainly come back to him.

Obviously these are for both the UK and Spain, so there may be some tertiary centres in Spain that we send children to who need help and the expertise is available across the way. But I will get that information over to my hon. Friend.

1695 **Hon. E J Phillips:** And insofar as cardiology is concerned, just one question in relation to that. The Government has made very recent announcements in relation to a partnership – loosely I characterise it as that; I am sure he will correct me if I am wrong insofar as that characterisation is concerned, but that is clearly intended to drive down that number where we send people abroad so that they can be treated at home. Is that right?

1700 **Hon. A J Isola:** Yes, it is, Mr Speaker. We believe that will make the experience far better for patients. The access will be far quicker available to people in time – it is an issue in cardiology – and we hope to be able to reduce the numbers of sponsored patients we have significantly by having these services available here in St Bernard’s.

1705 **Hon. K Azopardi:** Mr Speaker, can I just ask, in terms of transgender surgery, what protocol is the GHA operating when it considers these issues? Is there a specific protocol criteria being drawn up with the clinicians involved? Does it involve input from across specialities when these services are being offered? Does the Minister have information on that?

1710 **Hon. A J Isola:** Yes, Mr Speaker. There is a tertiary referrals board that considers every single application for clinical assistance outside Gibraltar, and they are the ones, on clinical grounds only, who make a recommendation as to whether a patient should be referred for any of the specialities that are listed on the schedule. That tertiary referral board can be large. It is multidisciplinary, so it covers every single area – and it changes too – of the Hospital. So yes, it is a purely clinical decision.

1715 **Hon. K Azopardi:** I appreciate it is a purely clinical decision; I was not suggesting otherwise. I was trying to probe into whether there was a specific protocol in these areas – we are all aware of the debate going on in other jurisdictions about the availability of services in this very delicate area – and whether there are age issues involved and so on, in terms of the patient. I am just asking whether the GHA specifically operates a particular protocol in these areas. Is it something that is being debated within the GHA, or not? Is the Minister aware of the age of the particular patients, for example?

1725 **Hon. A J Isola:** No, Mr Speaker, I am not, but I am happy to get that information and let the hon. Member have it.

1730 **Hon. K Azopardi:** Is the Minister aware whether beyond there being a tertiary board there is a specific clinical protocol being adopted in these cases? That is what I am asking. *(Interjection)* Yes.

Hon. A J Isola: Mr Speaker, I am not aware, but I will find out from the GHA what that is and how that operates and let the hon. Member have that information.

1735 **Mr Speaker:** Next question.

Q299/2023
Removal from FATF grey list –
Update

Clerk: Question 299/2023. The Hon. R M Clinton.

Hon. R M Clinton: Mr Speaker, can the Government provide an update on the removal of Gibraltar from the FATF grey list?

1740 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):
Mr Speaker, the answer to the question is in the Government Press Release 100/2023 dated 24th February 2023. This explains that only one action point of the original two remains outstanding, being that relating to the pursuit of more financial confiscation judgments and that a further report will be made to the FATF Review Group in May of this year ahead of the FATF June plenary.

1745 Those are the facts. I am happy to speak behind the Speaker's Chair and perhaps give some more detail, but I think that is what I should limit myself to here.

1750 **Mr Speaker:** Next question.

Q300/2023
St Michael's Cave –
Water delivery issue

Clerk: Question 300/2023. The Hon. D J Bossino.

1755 **Hon. D J Bossino:** When will the issues impacting on the delivery of water by the St Michael's Cave site be resolved?

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

1760 **Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola):**
Mr Speaker, the St Michael's Cave area is provided potable water by the Ministry of Defence network in the Upper Rock and salt water by the AquaGib network. AquaGib is not aware of any salt water issues and currently has no network in the area to be able to provide potable water to St Michael's Cave. I am also informed by AquaGib that they have received no live customer reports of any issues in the area.

1765 **Hon. D J Bossino:** As far as the first limb of his reply is concerned, I am aware that the potable water provision is conducted by the MoD whilst the salt water is provided by AquaGib. But as far as the second one is concerned, that is not the information that I have been receiving. I am told that it is an embarrassment when visitors to that particular site face this issue. His reply is what it is. He is saying that whoever has prepared the reply for him – I imagine it is AquaGib – has told him that there are not any issues, but I would ask him, please, to fact check that a bit further. There is no reason to doubt that the information that I have received is correct, which is that it is an issue and it is a cause of embarrassment because people who visit the area are having to use the facilities that the only business that is there is able to provide in order to alleviate the issue.

1775 It is quite an embarrassment as far as Gibraltar PLC is concerned, so I would ask him whether he would consider looking at that a bit further and trying to resolve it. I am appreciative of the fact that this is an MoD responsibility, but I think the MoD needs to be spoken to.

1780 **Hon. A J Isola:** The hon. Member has just thrown me by the last bit. Is he telling me that there are complaints in respect of salt water and potable water?

Hon. D J Bossino: Mr Speaker, as I understand it, it is the MoD that provides potable water – yes? – and the complaints relate to potable water only. (*Interjection*) No, I understand it is potable water.

1785 **Hon. A J Isola:** Mr Speaker, therefore the information I have given him is correct, that AquaGib is not aware of any live customer reports of any issues in the area. (**Hon. D J Bossino:** Okay.) Okay. So the information that I have been given is correct.

1790 I am not aware of any issues in respect of potable water. I would ask the hon. Member to ask the individuals concerned to write to me and I will certainly take it up with the MoD myself. I am not aware of those issues. Nobody has corresponded with my office or indeed with AquaGib, who are not aware either, in respect of the potable water issue. If they would write to me and give me the details, I would be very happy to press that with the MoD.

1795 **Hon. D J Bossino:** And indeed, Mr Speaker, it may very well be that I am the one who needs to do a bit of fact checking. I will do so. Once I have clarified that the position as I have explained it to him across the floor of the House is correct, I will write to him and present to him the relevant facts.

Mr Speaker: Next question.

Q301/2023
St Bernard's Hospital –
Redesign of reception area

1800 **Clerk:** Question 301/2023. The Hon. the Leader of the Opposition.

Hon. D J Bossino: Mr Speaker, are there plans to redesign the reception area at St Bernard's Hospital; and, if so, how?

1805 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, I can confirm that the GHA has plans to redesign the reception area at the entrance to St Bernard's Hospital. These plans are at the inception stage.

1810 **Hon. K Azopardi:** I see. Can the Minister give us a bit of an idea of the nature of those works?

1815 **Hon. A J Isola:** Mr Speaker, not at this stage. As I said, they are at inception stage. They have not yet been considered by Cabinet, and in anticipation of that I would not like to give any more details which may subsequently prove to be inaccurate.

1820 **Hon. K Azopardi:** Presumably the same would apply if I asked about costs and things like that. There is no idea on that until there is approval. Is that correct? And when he says it has not been discussed by Cabinet, is it the intention that it should be discussed so as to form part of the forthcoming Budget? Or has that boat been missed, so it would not be for the 2023-24 Budget?

1825 **Hon. A J Isola:** Mr Speaker, I think to talk about cost is just ... We have very approximate costs which are pre-costing costs, if I can say that, which I could not possibly give because that would just be commercially daft. I think all I can say is that at the time that an announcement is made – if it is approved, because I do not know if it is going to be approved by my colleagues – it will become clear as to why this is yet to be ... We cannot say anything at this stage. It will become more apparent once we have some sort of approval from Cabinet to go forward and make a public announcement in respect of what the ideas are, both in respect of funding and in respect of what is proposed.

1830 **Hon. K Azopardi:** Is the Minister able to say why this is even necessary even at the inception stage? It is a fairly modern building. You have the health centre next door. It seems to have a usable reception. What is the underlying reason why you would want to redesign the reception area?

1835 **Hon. A J Isola:** I think if the plans were made public, it would answer all of those questions. There are good reasons. It is not just aesthetic. There are good reasons which have been looked into by the GHA in respect of the better management of the estate, the better use of space within the estate. As you know, we have different rooms all over the Hospital that are waiting rooms. It would be far easier to centralise within one area and make better use of space. So it is about space and providing a single point of entry into the facility, which I think will work very well.

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Hon. K Azopardi: I am not going to probe the hon. Member too much if he is not ready, but it was suggested to me when the rumourology ... as these things trickle down to the Members on this side, that ... I went for a check-up today at the Hospital. Every place has its own little waiting areas and administration. You check in at different counters, on different floors and so on. Is this an idea for there to be one waiting room, one entry point only, a mega one, and then you would do away with all these other facilities? And if so, is the conceptual discussion involving whether that is going to have an impact on staff?

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Hon. A J Isola: Mr Speaker, no. I think we are running a bit too fast to talk about those things before any form of determination is made. I have no doubt that there will be some areas that will need less space as a result of the new entrance and the new facilities being put there, but I think to go into any more than that at this stage – it is purely a conceptual stage – would be a mistake, so if the hon. Member does not mind, I will defer from doing that.

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1855 **Mr Speaker:** Next question.

Q302/2023
GHA restructuring –
Update

Clerk: Question 302/2023. The Hon. Ms M D Hassan Nahon.

1860 **Hon. Ms M D Hassan Nahon:** The Director General announced a new restructure as part of the GHA's Reset, Restart and Recover initiative. Following the new Medical Director and Deputy Medical Director appointments, have we got any updates on the restructuring of the organisation?

1865 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, the restructure of the organisation is ongoing. The consultation phase of how the organisation will be set up moving forward will concentrate on strengthening clinical focus across the diverse range of services it provides and tighter financial and managerial accountability.

1870 The above is being progressed by the current Director General and further updates will be provided when the GHA is in a position to do so.

1875 **Hon. Ms M D Hassan Nahon:** Mr Speaker, can the Minister tell us whether it is true that the clinical nurse managers will be abolished, adding a layer of management while these individuals are effectively demoted after 10 years and more of service from some of them?

1880 **Hon. A J Isola:** Mr Speaker, no, sir. Obviously, as I have just said, the restructure of the organisation is ongoing. As and when we are in a position to be able to publish that strategy, which will include, by the way ... obviously when the new Director General is appointed and he has had an opportunity to have some input into the proposed strategy. So the answer to the hon. Lady's question is no.

1885 **Hon. Ms M D Hassan Nahon:** Mr Speaker, these consultations and discussions, are they being based on any particular model that the GHA might be following?

Hon. A J Isola: Mr Speaker, the only model being followed is what the experts are advising us should be happening at the Hospital.

1890 **Hon. Ms M D Hassan Nahon:** Mr Speaker, when the Minister says 'experts', can he give us any more details on who these experts might be?

Hon. A J Isola: The GHA senior management team, Mr Speaker.

Q300/2023

St Michael's Cave water delivery issue – Supplementary question

1895 **Mr Speaker:** Would the Hon. Minister be prepared to take a supplementary to Question 300 from the Hon. Damian Bossino? He has further information about the matter of delivery of water to St Michael's Cave.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Yes.

1900 **Mr Speaker:** Please proceed.

1905 **Hon. D J Bossino:** Mr Speaker, simply to tell him that I have fact checked what I related to him across the floor of the House a few minutes ago, and that the position is that (1) there are huge issues in relation to potable water, which we understand is an MoD responsibility; (2) AquaGib provides a bowser and takes it all the way up there to try to alleviate the issue – the individual who provided him with the answer should have been aware of that; and (3) Mr Cortes, presumably under the guise of a different responsibility, has had meetings with the business in the area, aware of the issue, and I understand that the issue is that the MoD piping is rather antiquated and the Government is doing what it can to resolve that issue.

1910 I would ask him, please, to confirm what I am telling him. As I said earlier, it is a huge embarrassment.

1915 **Hon. A J Isola:** Mr Speaker, I thank him for that. Clearly, I stand by what I said earlier, that I have not been aware of any of these issues, but if the hon. Member's contact person who is at the receiving end of that suffering writes to me or writes via the hon. Member, I would be very happy to take it up with MoD.

1920 The fact that AquaGib have been supporting by providing bowsers from time to time as a way of support should be welcomed and I am grateful to them for having done that, but they have no responsibility for that, so I would not expect them to have reported that to me. In any event, as far as they are concerned, in respect of the areas that they provide, which is the salt water, they have had no issues at all, and obviously the hon. Member has just confirmed that.

Thank you.

Mr Speaker: Next question.

Q303/2023
Cost of HRT to the consumer –
GHA policy

1925 **Clerk:** Question 303/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Is the GHA looking to review its policy on HRT prescription medication costs to the consumer?

1930 **Clerk:** Answer, the Hon. the Minister for Health, Digital and Financial Services.

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, the GHA does not have a HRT policy, but it has prescriber guidelines set out in the GHA formulary policy. There are no plans currently to review this.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I might have to declare a potential interest here, but on to the issue – in Gibraltar, it is capped, from my understanding, at £15 monthly for a series of three medications, which is the typical amount that is taken, two to three, and in the UK it is capped at £20 per year. So you can see the difference. Practically what we are paying monthly is what we would pay yearly in the UK. Considering that it is an essential treatment and that in the UK the government is cutting the cost of treatment – and we do often aspire to the UK system for so many of our of our policies, and in these departments especially – would the Minister be willing to take some advice or launch a consultation on this? Would he welcome any correspondence from me that might furnish him with more information to perhaps persuade him to consider this a viable new policy for the GHA and for our women in menopause?

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Hon. A J Isola: Mr Speaker, I am always happy to receive correspondence from the hon. Lady and whatever she sends will be considered and discussed with the senior management team at the GHA.

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Every prescription is clinically given. It is not that the prescriptions that everyone else gets are by choice and these are not. So I think the comparison, for me, becomes difficult, but I am very happy to consider whatever representations the hon. Lady makes and to look at them carefully.

I would say that in the United Kingdom, from the information I have, the cost for two single prescriptions is currently £18.70, and that is just for two, so I do not understand where the 12-month cost of £20 comes from, but I am happy to look at it. I do not have enough detail in front of me to be able to have a discussion, so I am very happy to receive correspondence from the hon. Lady and look at it further.

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Hon. Ms M D Hassan Nahon: Thank you, Mr Speaker. If I may – just a short comment, not a question – just thank the Minister. I will be writing to him because my information is that it is

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capped at £20 per year and the disparity between that and the £15 per month in Gibraltar is quite stark. I thank him again and I will be writing to him to discuss this further.

Mr Speaker: Next question.

Q304/2023
Individuals with complex needs –
Continuity of care

1965 **Clerk:** Question 304/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: How does the Health Minister justify the chopping and changing of carers to individuals with very complex needs who depend on the bond, consistency and familiarity that they build with their individual carers over time?

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, the Care Agency ensures continuity of care through implementation of care plans and positive behaviour support plans that form the basis of how all staff should work with each individual. Core staff who have established a bond with the service user and the gradual introduction of new workers to build the same bond over a period of time allows for resilience in staff teams to ensure there is always cover in the event of an absence by team members. No dependency is developed on any one carer, as this may cause a negative impact on service users in the event that they no longer work for the Care Agency. Measures taken and changes implemented intend to ensure that effective and efficient care is delivered from the existing resources within the services.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the hon. Member for his answer. There are many individuals who tell stories of how many carers they get in the space of a month, six months or a year, and how that affects their quality of life. In fact, a couple asked me to put this question here in this House because they wanted to understand the answer to this. So could I ask the Minister what he would tell someone with disabilities who feels that they are not getting that consistency and they feel hard done by, lost or a little intimidated by the fact that they do not have the familiarity with a carer because they are going through so many in a short period of time? What would that individual need to do to persuade Government to perhaps change the way that person is receiving their care package?

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Hon. A J Isola: Mr Speaker, the Government does not design care packages or care plans; obviously the hon. Lady knows the Care Agency does, based on the expertise that they have available. What they are telling us is that it is far better to have a care plan for a service user that allows for continuity of care as opposed to dependency on any one carer, which will cause problems to the user if that carer then moves on to other employment and the service users become dependent on that single carer.

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We all want the same thing, which is the best possible care for the user. The question is how do you deliver that, and the view of the Care Agency is that having a proper care plan and having a proper positive behaviour support plan with a variety of people distributing that plan ensures that you get (1) continuity of care and (2) no dependency on any particular one carer, to avoid the precise problems of the cliff edge if one carer then moves on.

2005 I suspect there is no one answer fits all, but as a plan, that certainly seems, to me, to be logical, and from the meetings and discussions I have had with the representatives of the Care Agency and the senior management team, it seems to be working well for the vast majority of users of the service.

2010 **Mr Speaker:** Next question.

Q305/2023
e-Government portal –
Dates and times when offline, and reasons

Clerk: Question 305/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: Please list the days in 2022 and 2023 that the e-Government portal has been offline, stating the reason for each of the times that the portal was down.

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

Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, throughout 2022 and 2023 the gov.gi portal has suffered a total of 31 technical issues resulting in either portal downtime or limited availability of individual e-services. Some of these failures were rectified during the course of the same working day. ITLD server logs are wiped and rotated every three months due to their large size, and therefore it is not possible to detail the exact times that systems were offline. Steps are always being taken to minimise the likelihood of similar occurrences happening in the future.

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2025 I will now hand over a schedule to the hon. Member with the specific days.

Answer to Question 305/2023

Date	Issue	Reason
01/02/2022	Document digital signing service (DocuSign)- Server issues	DocuSign Server failure affecting Gov.gi Employment eServices.
07/02/2022	Database Server full - LPS change caused DB to fill up.	LPS Change caused Gov.gi database server to fill up and stop working
03/03/2022	Employment Services down - Issue with DocuSign server	DocuSign Server failure affecting Gov.gi Employment eServices.
16/06/2022	LPS Online services down	LPS RPO experienced server issues, resulting in service delivery issues.
29/06/2022	Boomi Flow maintenance	Essential maintenance works by Boomi on their platform used to run the Gov.gi
17/09/2022	Boomi Flow issue	Boomi Flow engine down globally.
20/09/2022	Dell Boomi Maintenance	Essential maintenance works on Dell Boomi Platform
05/10/22	Town Planning	Town planning services removed due to cyber security concerns
18/11/2022	Database connection issue	Connection problems between Gov.gi eServices and its database

20/11/2022	Database connection issue	Connection problems between Gov.gi eServices and its database
21/11/2022	Database Server issue	Database server issue. Services restored after application restart.
22/11/2022	Database Server issue	Database server issue. Services restored after application restart.
23/11/2022	Database Server issue	Database server issue. Services restored after application restart.
24/11/2022	ITLD Server issues	Unplanned downtime of Government Server Environment
25/11/2022	Database Server issue	Database server issue. Services restored after application restart.
26/11/2022	Database Server issue	Database server issue. Services restored after application restart.
27/11/2022	Database Server issue	Database server issue. Services restored after application restart.
28/11/2022	Database Server issue	Database server issue. Services restored after application restart.
29/11/2022	Database Server issue	Database server issue. Services restored after application restart.
07/12/2022	Government maintenance page issue	Maintenance page incorrectly being displayed.
08/12/2022	Government maintenance page issue	Maintenance page incorrectly being displayed.
09/12/2022	Government network maintenance works	Essential cybersecurity updates on Government internal facing
03/01/2023	Government maintenance page issue	Maintenance page incorrectly being displayed.
04/01/2023	Government maintenance page issue	Maintenance page incorrectly being displayed.
04/01/2023	Government Network issues	General Government wide network issues
09/01/2023	Government Essential server maintenance	Planned Government server maintenance
10/01/2023	Tax eservices down - Firewall changes made	Tax servers were taken down for maintenance
16/01/2023	Government network maintenance works	Essential cybersecurity updates on Government internal facing
23/01/2023	Portal login issues	Network change impacted delivery of eServices
24/01/2023	Portal login issues	Network change impacted delivery of eServices
31/01/2023	Registration errors - Firewall changes	Network change impacted delivery of eServices

Hon. Ms M D Hassan Nahon: Mr Speaker, from the list, which I thank the hon. Member for, I see 22 outages in the space of a year alone, in 2022. How would the Minister respond to this number of mishaps or outages after the amount of money that the e-Government portal has cost us? This is the equivalent of about two a month. Considering the price we have paid for this service, does he think it is okay that we have had so many of these, which obviously set back individuals and businesses who are trying to use the portal?

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2035 **Hon. A J Isola:** Mr Speaker, the first thing is when the amount of money being spent is referred to by the hon. Lady, I think you need to understand that the amount of money you spend has got nothing to do with the number of outages you have, or the fact that you have an outage at all. If I can give the hon. Lady some recent examples of Facebook having an outage, Amazon having an outage, British Airways having an outage, Sony having an outage, (**A Member:** WhatsApp.) British Airways again, WhatsApp, Twitter eight times in one day, Google Search, Amazon Web Services, WhatsApp – my hon. colleague has just referred to that – ASDA, the London Marathon website, 2040 TSB Bank, UK Quarantine Hotel booking site, the National Lottery website.

There is no relevance between the amount of money that you spend in providing any service and outages or hitches, because they happen. Unfortunately, in technology, we all know of banks that have had to stop all trade because of an outage in their systems. So the comparison the hon. Lady is seeking to draw, that you have spent an amount of money, therefore you should not have 2045 an outage, is for the birds. Frankly, if you look at the first tranche of companies I referred the hon. Lady to, you will notice that they all happen to be tech companies – Amazon, Google, WhatsApp, Facebook, Twitter. These are all the super-duper tech companies of the future. They have all had outages and they all spend millions of times more than we do in respect of what they invest in their technology.

2050 No outage should happen – with that comment I agree – and the fewer outages we have, the better for Government and for all of our service users. That is what ITLD is working to do, because obviously all of these outages are system outages, which we need to get better at. I am working closely with ITLD to ensure that we have the minimum number of outages possible. I know that they are putting in a huge amount of effort to ensure that these are happening less and less. So 2055 in February, for example, there were very few outages, if any at all, and in March zero; we are clearly getting better at what we do.

Some of these outages are simply because, as a result of a security patching, we have had to shut the system down, do the different updates, do the upgrades and then open them again. So many of these are not actually failures, they are opportunities for the team to ensure that we are 2060 fully up to date in respect of our security and other software that we need to provide.

So I think there is not the right analogy that the hon. Member has sought to draw, and I think it is a very unfair one to draw on the systems at all.

2065 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for his answer, but I remind him that my job is obviously to test Government and seek accountability for the way that things operate or do not operate in Gibraltar.

Can I just ask him, following on from that, whether he is satisfied generally with the quality and standard of the e-government portal at present and after a huge investment in this?

2070 **Hon. A J Isola:** Mr Speaker, I am never satisfied because I would have liked to have been far further forward than we are at this time, and that has been my position for a considerable period of time.

Hon. Members frown when we say the word COVID, but COVID was a two-year period during which the programme stopped and the entire workforce shifted to what we called CRS, the 2075 counter reduction services, so that we continued to operate during lockdown, and that happened very effectively and very successfully. And so yes, it is taking longer, but I think there is a two-year hole that we cannot run away from, in which we dealt with counter reduction services.

Would I like to be further forward? Absolutely. Would my colleagues in Cabinet prefer to be further forward? Absolutely. Would the Chief Minister wish I had finished? A hundred per cent, 2080 yes. But that is what we are working towards. We have to face the realities of what we have faced over the past 24 to 36 months, and I am looking forward to delivering more and more as we go forward in the future.

Questions for Written Answer

Clerk: Answers to Written Questions.

2085 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to table the answers to Written Questions submitted by the Hon. Mr Clinton numbered W9/2023 to W14/2023.

Mr Speaker, having made progress in dealing with the questions and it still being 6 p.m., I would propose that, seeking to avoid bringing hon. Members back tomorrow, we now adjourn until quarter past six and continue with the short motion that is on the Agenda and the Bills.

2090 There is one Bill that is on the Agenda, which is the Education Bill. We notice that Mr Reyes is not here. We are very happy to leave it to the next session when Mr Reyes is here, so that he can deal with the issue. It is not time sensitive for us now, it is time sensitive for July.

I move that the House should recess until 6.15.

2095 **Mr Speaker:** The House will now recess to 6.15.

The House recessed at 6 p.m. and resumed at 6.15 p.m.

Order of the Day

Standing Order 19 suspending to proceed with Government motion

Clerk: (ix) Order of the Day – Government motions. The Hon. the Chief Minister.

2100 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I hereby give notice, under Standing Order 59, to proceed with the suspension of Standing Order 19 in order to proceed with a Government motion.

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

GOVERNMENT MOTION

Code of Conduct for Members of Parliament – Motion carried

Clerk: The Hon. the Chief Minister.

2105 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to move the motion standing in my name, which reads as follows:

This House hereby formally RESOLVES to adopt as binding on all current and future members of it the Code of Conduct of Members of Parliament laid on the table by the Chief Minister on Wednesday and as attached hereto; and FURTHER RESOLVES to provide for a review of the said Code on an annual basis.

2110 I put this motion for the reasons that became apparent during the course of my laying on the table both this Code that I refer to in the motion and indeed the other code, the code on ministerial conduct, the Ministerial Code. I note the rules on relevance in debate, so I will not be referring to the Ministerial Code, because that is not the code that is before the House, it is the Code for Members. I said what I intended to say about the Code in my statement on laying these papers on the table.

2115 I would just note that the Code of Conduct for Members of Parliament is literally one page long. It contains six rules – the purpose of the Code, the scope of the Code, the duties of Members, the general principles of conduct, the rules of conduct and the rules relating to upholding the Code – and then attaches, almost as an annexe, the Seven Principles of Public Life, which are the same principles of public life which appear in the Ministerial Code.

2120 The Ministerial Code is a considerably longer document, but this is the document that is before the House, and for all of the reasons that I set out as I laid the paper on the table, and in answer to the questions for clarification that the hon. Members opposite asked me to deal with, I commend the terms of the motion to the House, so that in keeping with the request from hon. Members opposite, the Code now be adopted formally by resolution of the whole House.

2125 **Mr Speaker:** I now propose the question in the terms of the motion moved by the Hon. the Chief Minister.

The Hon. the Leader of the Opposition.

2130 **Hon. K Azopardi:** Mr Speaker, we are going to support this motion. I just want to explain, very briefly, if I may, and I do so in these terms, because, first of all, I welcome the fact that the motion is here and that the Hon. Chief Minister has presented this motion after that exchange that we had yesterday in relation to the specific ratification of this and adoption by the House.

2135 I just extend my remarks in this way because there was an exchange with the Chair yesterday, where Mr Speaker invited both the Hon. Mr Clinton and the Chief Minister to make comment to you. I am aware that my friend Mr Clinton has delivered a letter to you, which presumably will then find its way to the Chief Minister, so that there is comment on that, and that requests a specific ruling. I just add, if I may, some of my comments, so that when there is a transcription of today's session it also has my comments as to why it is important for this procedure to be adopted, so that Mr Speaker can also consider my remarks in the context of whether or not Mr Speaker decides it is appropriate for there to be a ruling on this issue.

2140 As I said yesterday, the view that I took, and hence the comments that I made yesterday were influenced by considering the Parliament Act and also the constitutional position. Section 36 of the Constitution says:

The Legislature may prescribe the privileges, immunities and powers of the Parliament and its Members, but no such privileges, immunities or powers shall exceed those of the Commons House of Parliament of the United Kingdom or of the members thereof.

Section 39 of the Constitution says:

The Parliament may from time to time make, amend and revoke rules of procedure for the regulation and orderly conduct of its proceedings and the despatch of business, and for the passing, intituling and numbering of bills and for the presentation thereof to the Governor for assent.

2145 Both in terms of the letter of the Constitution and its spirit, it is clear that this House can regulate its procedure and the powers and interests, liabilities and privileges of Members of this House that will impact also on our duties. In doing so, the language of the Constitution very clearly says that the Parliament 'may from time to time make, amend and revoke' or indeed prescribe – it says the legislature may prescribe.

2150 I am influenced also by the fact that the very first line of Standing Orders says that they are
Standing Orders adopted by the House pursuant to section 39 of the Constitution, and therefore
it seems to me that there needs to be a moment of prescription, a moment that the legislature
makes and a decision needs to be taken. Whether it is done by resolution or by motion, I have no
2155 view on that – any of those procedures could be followed – but it is certainly my view that there
needs to be a moment of prescription and making. Indeed, the hon. Members, in their manifestos
both in 2015 and 2019 in relation to the Ministerial Code, had indicated that there would be
approval of a select committee. They did not go as far as to say that there would then be a moment
of prescription, but I would suggest that it is necessary. My hon. colleague Mr Clinton did also
make reference to that 1979 debate when this House did follow a moment of prescription and
making, and I would say that it is necessary for that reason.

2160 That deals with the formalism. I make those remarks because I consider that is important, and
I think it is also important from the point of view that ... We all agree on this, on both sides of the
House, that there should be a Code of Conduct for Members, that it should be adopted and that
there should be a moment when we debate these and, if necessary, we take positions on it.
Happily, I can confirm that as far as the Members of this House I speak for, we are going to vote
2165 in favour of this motion and that this will, therefore, be binding on those terms.

Mr Speaker, I simply repeat what I said yesterday in relation to the content itself. The Hon. the
Chief Minister indicated yesterday there were some differences between this Code and the 2015
version. It is not a long document, but it may be that it does require improvement. The Chief
Minister indicated yesterday it would be subject to an annual review. I welcome that. It is the first
2170 step. I would not say it is the most conclusive step. There may be work that needs to be done to
improve this Code, and certainly we would welcome engagement on that issue. It may be that we
need to be much more comprehensive in the effort to codify the rules and what affects Members
of this Parliament, but with those initial remarks, and subject to any other remarks that any
Member on this side of the House may want to make on this issue, I confirm our support for the
2175 motion.

Mr Speaker: The Hon. Marlene Hassan Nahon.

2180 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I also welcome the motion and I echo and stand by
the comments that have just been voiced by the Leader of the Opposition.

It is clear that honesty and ethical conduct are things that every public servant should aspire
to, so needless to say we should all be welcoming this motion and remember to keep reviewing it
and always consider it as a fluid document in order to keep maintaining standards.

I will be voting in favour of this motion.

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Mr Speaker: The Hon. Roy Clinton.

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

2190 First of all, I will, of course, echo the sentiments of the Leader of the Opposition and the hon.
Lady in welcoming that we have this motion before the House and we have the formal process for
adopting a Code of Conduct for Members of this House. But, if I may, I would have formed part of
the Select Committee on Parliamentary Reform, which would have had sight of the document that
was tabled yesterday, and we would have then presumably had a constructive discussion as to
the drafting, the content and the thinking behind some of the things that are in the document.

2195 The first point I want to make is that yes, there was a document produced in September 2015,
but certainly on the opposition benches, many of us who were elected on 26th November 2015
were not party to the drafting of the original document. It is a self-evident truth that there is quite
a significant difference. For example, in terms of the purpose of the Code, it is completely
different, the Code of Conduct tabled yesterday, to that which was in the 2015 original Code of
2200 Conduct.

I do note that the Deputy Chief Minister had a hand in updating and redrafting it to bring it into line with the latest UK parliamentary code of conduct for members, but if you obtained a copy of the UK guide – and the one I have is the one approved by the House of Commons on 12th December 2022, which I presume is the one the Deputy Chief Minister was working off – you will see it is a fairly chunky document. It is not four pages long, it is 51 pages long. The reason it is 51 pages long is because although the code of conduct is, in their case, again fairly brief, four or five pages long, there are 50-odd pages of guidance attached to it, interpreting the code of conduct. So there is quite an extensive set of rules and guidance to the rules as to the code of conduct. It is unfortunate that we have not taken the opportunity to include this in the Code of Conduct. I do not know why the Chief Minister is shaking his head, because it seems obvious that – (Hon. Chief Minister: Give way?) Well, I will finish and then you can reply to the whole thing. (Interjection by Hon. D A Feetham) Sorry, I missed that.

Hon. D A Feetham: It was an elegant way of saying no, absolutely. (Laughter)

Hon. D J Bossino: He's entitled to.

Hon. Chief Minister: He was wondering why I was laughing. I asked whether he would give way so I could explain it to him. He has not given way, so he will just see me laughing without knowing why.

Mr Speaker: Let us continue. The Hon. Roy Clinton was not prepared to give way to the Chief Minister; fine. So we move on.

Hon. R M Clinton: Thank you, Mr Speaker, this is a serious matter for this House.

The guidance notes that would have been attached to the conduct of Members are quite extensive and in fact they combine in here the registration of Members' financial interests, which, as we all know and as we have been referred to, was first put together in 1979. We could have taken the opportunity to update that and include it in here, but alas, that has not been done.

I would draw the attention of the House to the fact that although we may take some comfort, again on a very cursory view it does look as if the Code of Conduct for Members of the Gibraltar Parliament that was tabled yesterday is pretty much a carbon copy of the UK guidelines; however ... This is only on a cursory view and perhaps the Deputy Chief Minister can explain it. I give him one example of what may be a slip of the pen, but then I will give him another example which is perhaps a little bit more serious.

The slip of the pen appears to be on page 4 of our Code of Conduct under 'Leadership'. The first line says:

Holders of public office should exhibit these principles in their own behaviour.

The UK one says:

Holders of public office should exhibit these principles in their own behaviour and treat others with respect.

These should be carbon copies. I do not understand why those words have been omitted; it may be a simple clerical error. So again, this should be a carbon copy of the UK rules, but there are differences. We have not had time to go through in great depth as to the language. We can only get some general comfort that it does appear to be similar to the UK code.

But the biggest issue I have identified so far is, of course, that the UK rules, which I presume the Deputy Chief Minister has been working off, assume that the guidance notes are attached. So, when it comes to the rules of conduct, on our page 5 at paragraph 11, which says 'The acceptance by a Member of a bribe ... is contrary to law of Parliament', it is identical to the UK one.

Paragraph 13: 'Members must fulfil conscientiously the requirements of Parliament ...' That is fine. But the one that comes in between, our number 12, which is the UK's number 4, says – and I will read it out, just so you understand where I am coming from:

Members must conduct themselves properly and rigorously when lobbying for or against a particular point of view on any matter and should seek guidance from the Speaker or the Clerk when unsure.

2250 The equivalent paragraph in the UK rules of conduct says:

Members must rigorously follow the rules on lobbying set out in the Guide to the Rules.

When you look at the guide, which is attached, and you look at the rules on lobbying, they are all about professional lobbying and payment and other such matters, but that bears no relation, or there is no indication in our paragraph 12 on what should Members conduct themselves properly and rigorously when lobbying. It does not say what it means by 'lobbying' – it could even be arguing in a debate for or against a particular point of view; 'and should seek guidance from the Speaker or Clerk when unsure' – unsure of what?

2255 This is where we missed an opportunity just to tidy up the language in the Code of Conduct. Again, the Hon. the Leader of the Opposition has indicated we are fully in support of having these codes of conduct in place, but we have just missed an opportunity to get it 100% right. There are obviously gaps and areas which could have done with some tidying up, and it is a shame that the opportunity to set up a select committee, even if only for a day, to consider this was not taken, and it is a shame that we are not producing the best Code of Conduct that we could have done.

2260 I can take comfort from the fact that the idea would be to review this at least on an annual basis, if not more frequently, and we can perhaps address some of these issues sooner rather than later. Again, with the limited time we have had available to us to consider the Code of Conduct tabled yesterday and compare it to the UK code of conduct, which is a much more substantial document overall, that is as much as I can say with any certainty are the concerns that I have at the moment, but it may be that if we had more time to go through a line-by-line comparison, we may come up with other issues or other points. But again, we would want to approach this constructively, and we would have wished that we would have been engaged with constructively before it was tabled yesterday, so that we ended up with the best Code of Conduct for the House. At the end of the day, this is for us as Members of this House and it is in our collective interest to get it right.

2270 Thank you, Mr Speaker.

2275 **Mr Speaker:** The Hon. the Chief Minister.

Hon. Chief Minister: Mr Speaker, the motion is a short motion and the Code is a short code, exactly like the United Kingdom code that we have adopted, so I am very pleased that the Hon. the Leader of the Opposition therefore welcomes the motion, that Mr Clinton welcomes the motion and that Ms Hassan Nahon welcomes the motion, although they then go on to say things which do not appear to confirm how welcoming they pretend to be.

I am not going to deal with the issues that are raised about laying on the table or not laying on the table. I understand you have something from Mr Clinton that, which I am happy to look at.

2285 I moved the motion, as I said yesterday, to try to bring an element of unanimity to this particular issue, because I think it is important that we should be moving with unanimity on this. It should be clear that all sides are committed to the Code, as we have been since 2015 and they are only from today.

Mr Speaker, yesterday I said –

2290 **Hon. Ms M D Hassan Nahon:** That is not correct.

Hon. Chief Minister. Mr Speaker, the hon. Member is saying that it is not correct. I presented these Codes in 2015. Some of them were here, some of them were not. I said then that we would adhere to the Codes from then. I invited them yesterday, when I laid on the table the papers, to say that they would adhere to them even before we had the motion. They would not say that. Today, they say they are going to vote in favour of the motion, so in that case they would at least be adhering from today. That is important because yesterday I said there will be an annual review, we are happy to consider any proposed changes – and, indeed, if you wanted to make any proposals since 2015 you were entirely free to do so, and you have not. We engaged with the GSD in 2015. The GSD told us not to proceed because they wanted further consideration. There has been absolutely nothing since then.

The hon. Lady tells us that she stands by the comments of the Leader of the Opposition and that she hopes we will keep this under constant review as a fluid document. She is agreeing not with the Leader of the Opposition, she is agreeing with the Leader of the House, because that is what I said yesterday would be the case.

Mr Clinton says he would have formed part of the Select Committee on Parliamentary Reform and would, therefore, have been able to be consulted on the Code to be adopted in a constructive discussion on drafting etc. Well, why hasn't he addressed this issue before? Of all of us, he is the one who has plenty of time to be engaging in writing to you overnight on something like the laying of papers on the table, and yet in the 60 meetings we have had since 2015 he has not thought it necessary to read the Code that governs his membership of this House. He has not thought it relevant to read those six pages which were laid then. *(Interjection by Hon. R M Clinton)*

He suggests that there is a problem with carbon copying the UK, when in fact we use *Erskine May* already as an almost carbon copy of the UK rules to interpret what it is that we are doing. Well, why is it that he has not suggested any changes to the document that was before the House since 2015? And when we have put our own modern version, he has identified one issue. **(Hon. R M Clinton: Two.)** No, I will tell you why you have only identified one, although you think you have identified two. He has identified one issue, Mr Speaker: the inclusion of the words 'and treat others with respect', which were not in the draft that the Hon. the Deputy Chief Minister was looking for. I have no difficulty with the inclusion of those words and I am very pleased to include those words, and we should consider the Code, in my view, amended to include those words in the section on leadership, because if they had been removed in the UK version that we were looking at, they should not have been removed. They are worthwhile words to have. *(Interjection by Hon. Ms M D Hassan Nahon)*

Why is it that I say there is no other point that the hon. Gentleman has identified? Well, for a simple reason: we did not believe it was necessary to copy the guides into the pages we were going to put before the House. Why? Because the guidelines are much wider, there are many more areas of difference between Gibraltar and the United Kingdom, and instead of doing that – and this is what I would have said, the only point I would have made if he had allowed me to interrupt him whilst he spoke – we have added a new paragraph 26 – 'The interpretation of this Code of Conduct shall have regard, where relevant, to the The Code of Conduct of the House of Commons' – in order to impute all of the guidance which is given for the interpretation of the UK Code. It is a clause not dissimilar to the clause in our Rules which says in having regard to the interpretation of these Rules we shall look at the rules in the House of Commons and *Erskine May*. All of the guidance notes, which is what he has made such a meal of, are imputed into the interpretation under paragraph 26, and so there is no question of there being a need to reprint the guidance notes in order for them to apply, because we are already applying them by paragraph 26.

The Code in Gibraltar is as long or as short as you might like to describe the code in the UK. In the UK it is five pages; probably because of the print, here it is six. That is the code; we have taken the code. The guidance notes – just like in financial services, just like in any other matter – are for

interpretation, and we have imputed them in by paragraph 26. So they are in, and that is why the hon. Member has only identified one difference with the UK code, not two, because the other issue is there in paragraph 26.

2345 Mr Speaker, let's be frank: in 2015 when we published the parliamentary code as well as the Ministerial Code, we also did not publish the guidelines. Nobody from the GSD in the – I said 60 months; I am wrong – 86 months, at least, since we published the Code said, 'By the way, why haven't you published the guidelines?' We would have said, obviously, 'Because the guidelines are what interprets the code in the UK, and our interpretation of the code will be like the UK

2350 code – that is to say also with the guidelines. So, if I may say so with respect to the Hon. Mr Clinton, that is a complete non-point.

Finally, Mr Speaker, to say that in the short time they have had available they have only been able to identify these two things but they may identify more, I do not want to labour the 86-month point – they have had 86 months to consider this – but I would say that it is six pages. In fact, it is

2355 not six pages. Of the six pages, the first is the cover and the second is the index, which has six points on it, so we are talking about reading four pages. Of those four pages, on one page are the Seven Principles of Public Life –

Hon. R M Clinton: Which you got wrong.

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Hon. Chief Minister: Which we did not get wrong. Mr Clinton says, from a sedentary position, in his usual provocative and ungenerous style, which is not designed to bring about constructive debate, but just to poke and needle in a way that does not do this community any service other than to give him the pleasure of showing that he has needled a speaker ... The Seven Principles of

2365 Public Life, amended with that extra phrase or not, would also not require much consideration, so he is saying that in 24 hours, although he does not do a day job like we do, he has not had the time to consider three pages of text, but that with more time he might have made a better job than the drafters of the UK code.

I think we have brought this community on leaps and bounds in many ways, not least because

2370 by 2015 we had already adopted these Codes and we had made ourselves already voluntarily subject to them. Now we have made everyone subject to them, and going forward these can be amended and improved.

I do not believe that it is necessary for the Gibraltar Parliament of 15 people to have a Code that provides more codification of rules, as the Hon. the Leader of the Opposition has suggested,

2375 than the United Kingdom Parliament for 650 people, especially when we are already imputing the guidelines in the UK. The Leader of the Opposition, when he opened, said, 'I believe it may be necessary to provide more codification.' Well, I do not believe it is necessary to provide more codification. With this Code and with the guidance notes in the UK, which are imputed under paragraph 26, we have more than enough to ensure that the conduct of Members of Parliament

2380 is now – as, by the way, I believe it always has been on both sides of the House – in keeping with the Seven Principles of Public Life; that is that we are here to serve, we are here to do the best for our people and we are here to discharge our functions as public servants. That huge step forward should not be in any way affected or mired by the lack of generosity we have seen in respect of some of the interventions from the other side, although I do welcome the fact that this motion will, apparently, pass by unanimity and the Code will be adopted by unanimity.

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Mr Speaker: I now put the question in terms of the motion proposed by the Hon. the Chief Minister. Those in favour? **(Members: Aye.)** Those against? The motion is carried.

BILLS

FIRST AND SECOND READING

**Admiralty Waters and Naval Base (Gibraltar) Bill 2022 –
First Reading approved**

2390 **Clerk:** Bills – First and Second Reading.

A Bill for an Act to designate Admiralty Waters and to regulate activities, operations and vessel movements in relation to such waters, and the approaches thereto; to designate an area as His Majesty's Naval Base Gibraltar; to provide for the appointment of a King's Harbour Master; and for matters connected thereto.

2395 The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to designate Admiralty Waters and to regulate activities, operations and vessel movements in relation to such waters, and the approaches thereto; to designate an area as His Majesty's Naval Base Gibraltar; to provide for the appointment of a King's Harbour Master; and for matters connected thereto be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to designate Admiralty Waters and to regulate activities, operations and vessel movements in relation to such waters, and the approaches thereto; to designate an area as His Majesty's Naval Base Gibraltar; to provide for the appointment of a King's Harbour Master; and for matters connected thereto be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Admiralty Waters and Naval Base (Gibraltar) Act 2022.

**Admiralty Waters and Naval Base (Gibraltar) Bill 2022 –
Second Reading approved**

2410 **Clerk:** The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to move that the Bill for the Admiralty Waters and Naval Base (Gibraltar) Act 2022 be read a second time. Of course, when this Bill becomes an Act, it will be referred to as the 2023 Act, not 2022, but the Bill is very much a 2022 Bill.

2415 Presently, 'Admiralty Waters' are defined by an Order in Council, namely the Admiralty Waters (Gibraltar) Order 1972, and a set of regulations made thereunder. This Bill principally seeks to achieve two things, therefore: first of all, to transfer responsibility for legislating to this Parliament; and second, redefining the extent of Admiralty Waters.

2420 Under the 1972 Order, most of the waters within the Port of Gibraltar are stated to be Admiralty Waters. In the 50 years since that Order was made, much has changed on the ground. Indeed, a lot of the water has changed into ground. In practice, most of the Port is now de facto under civilian use and control. This Bill was proposed to the Government by the MoD itself, however, and is the product of engagement by lawyers and officials from both sides.

2425 Turning to the clauses of the Bill itself, clauses 1 and 2 provide for the title and commencement if approved by the House, and that the Act will come into operation when the 1972 Order ceases to have effect. This ensures that there is a seamless transition from one regime to the next.

2430 Clause 3 provides for the interpretation of the Act. Notably, there is a reference to the Naval Base, and this is demarcated in the schedule as the area in the vicinity of the tower. The sole purpose of the definition is to provide for an element of control by the King's Harbour Master (KHM) of activities undertaken on that area of land that may impact on Admiralty Waters. In terms of having a mental picture of what area will remain Admiralty Waters, if people think of the boom that is brought across from one end of the South Mole to the tower, that is more or less the area, but with additional areas in order to provide for turning circles and openings to remain.

2435 Clause 4 confers a power for the Minister with responsibility for the Port to vary the limits of Admiralty Waters and the Naval Base, with this power being exercisable with the consent of the Governor.

2440 Clause 5 confers control over Admiralty Waters upon the senior officer, which is defined in clause 3, whilst responsibility vests in the senior officer controls to be exercised by the KHM.

The KHM is appointed by the senior officer under clause 6.

2445 Clauses 7 to 9 provide for the exercise of controls in Admiralty Waters by the KHM, including by issuing permits and directions.

Clause 10 confers a duty on the Captain of the Port to ensure that the approaches to Admiralty Waters are kept clear from wrecks or obstructions, and, where such an obstruction occurs, for the Captain to keep the KHM informed.

2450 Clauses 11 and 12 make further provisions regarding navigation in Admiralty Waters.

The penal provisions for breaches are set out in clauses 13 and 14, and they provide for recovery of sums in the Supreme Court where appropriate.

2455 Clause 15 is a regulation-making power. Should Parliament approve the Bill, regulations that are equivalent to those made under the 1972 Order in Council will be made on the date of commencement.

Non-military vessels will access Admiralty Waters, not least those going to or from dry docks. Clause 16 ensures that such vessels continue to be governed by the provisions of the Port Act, save where there is an inconsistency with the provisions of this Act.

2460 Consequential amendments to other legislation are set out in clause 17.

The Schedule sets out the co-ordinates of Admiralty Waters. These, and the extent of the Naval Base, are set out in the extract from the relevant Admiralty chart.

2465 Mr Speaker, hon. Members will have heard me say that the power of the Minister with responsibility for the Port is exercisable only with the consent of the Governor. That should not be regarded as unusual, because dealing with Admiralty Waters we are dealing with a matter that relates to defence and security, and our Constitution and Parliament Act already provides that a Bill cannot be moved in respect of those matters without the consent of the Governor. We are still in that same space here, but this is a huge bringing to this Parliament of a power that was previously outside it under the old Constitution and under the new Constitution, and given the new conventions in respect of Orders in Council in respect of Gibraltar it is right not only that no new Orders in Council should be made in respect of Gibraltar, other than with the consent of the people of Gibraltar expressed through their Government, but also that where there are Orders in Council still in place and those can be repatriated to Acts of this Parliament, we should do so where appropriate.

2470 Given that we are tidying up the extent of Admiralty Waters, this is the right moment to do so in respect of this matter, and I commend the Bill to the House.

2475 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Elliott Phillips.

Hon. E J Phillips: Mr Speaker, we thank the hon. Gentleman, the Chief Minister, for his explanation of the Bill. It will receive the Opposition's full support, although we have just two points for clarification. The first is, insofar as the schedule that the Chief Minister has referred to and the explanation that he has given, is it right that Admiralty Waters as defined and the limits

2480 will now be reduced? I am in no way criticising that, I am just saying is it a fact that the Admiralty Waters will now reduce from the previous schedule contained in the Order in Council from 1972? That is the first point.

2485 The second point: just in relation to recovery of sums and because of the complexity around some of these vessels and the recovery of wrecks, I note that the Chief Minister refers to the small claims procedure, which is generally easier to deal with because, of course, the Registrar of the Supreme Court also doubles up as the Admiralty Marshal. Is there a mechanism to allow for cases of complexity and high value – for instance, in cases of wrecks – to be transferred to the Supreme Court? I do not think there is a mechanism within this amending piece of legislation for that to happen so that it does not take up too much of the time of the small claims jurisdiction. I just thought that we may want to consider a transfer of more complex cases and more high-value wrecks in this particular matter to go to the Supreme Court directly, but that is just an observation about this particular mechanism.

2495 **Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits of the Bill? The Hon. the Leader of the Opposition.

2500 **Hon. K Azopardi:** Mr Speaker, I only rise to add to my hon. and learned colleague to my right – although viewed from that side, of course, he is to my left, probably, and ideologically so. (*Laughter*) He has already confirmed that we will vote in favour of this Bill, but I add this because it is an important issue on the general principles. This is an important constitutional moment for Gibraltar where we legislate in relation to Admiralty Waters, and it is done by Act of this House to give it legitimacy, so that we decide on behalf of the people we represent, the people of Gibraltar, what is done within our waters by the Admiralty, and it is not done, as before, without reference to this House. That is an important issue for us to put on the record which I share with the Chief Minister. I think it is an important constitutional moment that we legislate specifically to give permission for these things to happen within our waters.

Mr Speaker: The Hon. the Chief Minister.

2510 **Hon. Chief Minister:** Mr Speaker, I am grateful for hon. Members indicating they will be supporting this Bill, not least for the reasons that I have indicated and the Leader of the Opposition has agreed with, which I think are fundamentally important, although, if I may say so, we are not here legislating for *what* is going to be done in our waters, we are legislating for *where* things are going to be done in our waters, but the where and the what are almost interchangeable because the ‘whats’ can now only be done in the ‘wheres’ that we permit.

2515 It is right that that is set out more clearly in legislation in the context of Admiralty Waters now under this amending legislation, this legislation which will take what is in the Order in Council into the Act of this Parliament, because that is the nature of the relationship with the United Kingdom. The United Kingdom is sovereign in Gibraltar through the free will of the people of Gibraltar. That is how the people of the United Kingdom would want it to be, and it is how the people of Gibraltar want it to be. It goes to the core of the nature of the relationship, which is misinterpreted by others to be colonial in nature. If it were colonial in nature, we would be *tolerating* the sovereignty of the United Kingdom in Gibraltar, and we are not tolerating it, we are very much supportive of it, and so this is an illustration, in the context of Admiralty Waters, of the nature of that relationship.

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2530 Therefore, Admiralty Waters are considerably reduced from the 1972 provision, which was, as I said in my opening statement, almost the whole of the area of the Port, and indeed there are funny stories that the Hon. the Father of the House tells of why Europa Point is designed like a semi-circle and where the ammunition barges used to be, where the discharge of ammunition used to be, the turning circles and all the rest of it. All of those issues involved Admiralty Waters and difficult negotiations – led by Michael Feetham as a Minister – with the MoD on how to be

able to reach an *entente cordiale* as to reclamations etc. So that was the whole extent of Admiralty Waters in those days, and it is now reduced to what the MoD needs. If the MoD needed more, we would have been happy to consider more, but what the MoD needed is now reflected in what is set out in the Schedule to this Bill.

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Under section 14, the hon. Gentleman is right that claims are sent to the small claims procedure of the Supreme Court, but his point that larger claims would then be sent directly to the Supreme Court I think is dealt with by the last phrase of that section, which says 'notwithstanding that the amount claimed exceeds £10,000'. So, even if the claim is for £10 million, it can still go through the small claims procedure in the Supreme Court. You are still in the Supreme Court, which means you still have the inherent jurisdiction, you have all the rules and powers of the Supreme Court available to you, but you do not have the costs of a full-blown Supreme Court action, so to an extent I think this is a more helpful way of dealing with things.

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Mr Speaker, that is all I have to say in dealing with the points that hon. Members have made, other than that given the confusion that seems to be arising between what is to his left and to his right, I can tell the hon. Gentleman that we have a very good view of what is happening and we are quite happy to tell him who is to his left and who is to his right, even though it might seem the opposite to him from where he is sitting.

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Mr Speaker: I now put the question, which is that a Bill for an Act to designate Admiralty Waters and to regulate activities, operations and vessel movements in relation to such waters, and the approaches thereto; to designate an area as His Majesty's Naval Base Gibraltar; to provide for the appointment of a King's Harbour Master; and for matters connected thereto be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

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Clerk: The Admiralty Waters and Naval Base (Gibraltar) Act 2022.

**Admiralty Waters and Naval Base (Gibraltar) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

Chief Minister (Hon. F R Picardo): Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

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

**Immigration, Asylum and Refugee (Amendment) Bill 2022 –
First Reading approved**

Clerk: A Bill for an Act to amend the Immigration, Asylum and Refugee Act to allow for the issuing of a permit of residence for a period of time not exceeding 12 months to persons enrolled at the University of Gibraltar and expand on what would constitute comprehensive sickness cover in relation to students.

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The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that a Bill for an Act to amend the Immigration, Asylum and Refugee Act to allow for the issuing of a permit of residence for a period of time not exceeding 12 months to persons enrolled at the University of

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Gibraltar and expand on what would constitute comprehensive sickness cover in relation to students be read a first time.

2575 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Immigration, Asylum and Refugee Act to allow for the issuing of a permit of residence for a period of time not exceeding 12 months to persons enrolled at the University of Gibraltar and expand on what would constitute comprehensive sickness cover in relation to students be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

2580 **Clerk:** The Immigration, Asylum and Refugee (Amendment) Act 2022.

**Immigration, Asylum and Refugee (Amendment) Bill 2022 –
Second Reading approved**

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the Bill now be read a second time.

2585 This Bill works in tandem with the amendments that were made to the Medical Group Practice Scheme Act as part of the changes that would allow a student enrolled in a full-time academic course at the University of Gibraltar to register on a medical group practice scheme. The nature of this Bill is to aid the administrative side of this initiative, and this is illustrated with the introduction of a new permit of residence not exceeding 12 months available only to those
2590 enrolled at the University of Gibraltar on a full-time academic course. This will streamline the procedure for all parties involved in the administration of the process here in Gibraltar.

In addition to the above change, a further change has been made to ensure that our current commitments under Part 4 of the Immigration, Asylum and Refugee Act are maintained whilst negotiations on the future relationship between Gibraltar and the European Union are ongoing.

2595 Mr Speaker, I commend the Bill to the House.

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

2600 **Hon. K Azopardi:** Mr Speaker, as this is working in tandem with the other Bill, I cannot recall if this information was given at the time, but is there an assessment of how many people would fall within the remit of this? And in terms of their eligibility in the group practice scheme, are they then making a contribution to the scheme in any particular way, as part of the fees or something? Is that how it is being done?

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Minister for Digital, Financial Services, Health Authority and Public Utilities (Hon. A J Isola): Mr Speaker, yes, in order to qualify, the previous Act – the Bill that we passed last time in relation to this – specified that they had to be fully paid up and also make a contribution to the GPMS Scheme in order to be able to qualify for this.

2610 In terms of who it is, the previous piece of legislation we passed excluded any members of the individual student's family, so no dependents were allowed; it was only the student himself. So it is only the individual who is coming to do a full-time course at the University who contributes to the GPMS that would qualify, and that is what this legislation seeks to do from an immigration perspective.

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Mr Speaker: The Hon. the Chief Minister.

2620 **Hon. Chief Minister:** Mr Speaker, I have nothing to add. I am grateful to the hon. Gentleman for indicating support from the other side and to my ministerial colleague Mr Isola for the clarification sought by the Leader of the Opposition.

2625 **Mr Speaker:** I now put the question, which is that a Bill for an Act to amend the Immigration, Asylum and Refugee Act to allow for the issuing of a permit of residence for a period of time not exceeding 12 months to persons enrolled at the University of Gibraltar and expand on what would constitute comprehensive sickness cover in relation to students be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Immigration, Asylum and Refugee (Amendment) Act 2022.

**Immigration, Asylum and Refugee (Amendment) Bill 2022 –
Committee Stage and Third Reading to be taken at this sitting**

2630 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of this Bill be taken today, if all hon. Members agree.

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

**Gibraltar National Park Bill 2021 –
First Reading approved**

2635 **Clerk:** A Bill for an Act to make provision for the Gibraltar National Park and the establishment of a Gibraltar National Park Coordination Board; and for connected purposes.
The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

2640 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to move that a Bill for an Act to make provision for the Gibraltar National Park and the establishment of a Gibraltar National Park Coordination Board; and for connected purposes be read a first time.

2645 **Mr Speaker:** I now put the question, which is that a Bill for an Act to make provision for the Gibraltar National Park and the establishment of a Gibraltar National Park Coordination Board; and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Gibraltar National Park Act 2021.

**Gibraltar National Park Bill 2021 –
Second Reading approved**

2650 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to move that the Bill now be read a second time.

We are incredibly fortunate in Gibraltar to have a breadth of natural, historical and cultural heritage to enjoy. Embedded in the concept of a green Gibraltar is sustainability, that this heritage should be preserved and protected for current generations and also future generations. This Bill delivers this and more.

2655 This Bill designates certain areas in Gibraltar as making up the Gibraltar National Park. It also establishes a new body, to be known as the Gibraltar National Park Coordination Board, which will ensure the enhancement and promotion nationally and internationally of the natural beauty, wildlife and cultural heritage of the areas designated as constituting the Gibraltar National Park. The Board will also be responsible for promoting opportunities for the understanding and enjoyment by members of the public of the special qualities that the areas in the National Park have to offer. It will serve to ensure better understanding of Gibraltar's heritage in its widest sense, both within and outside Gibraltar, as well as, importantly, ensuring co-ordination between the different entities responsible for the different constituent parts of the National Park.

2660 National parks have a huge reputation on the international scene, and this initiative will allow the involvement of Gibraltar in relevant international organisations and partnerships, once again promoting the status of Gibraltar on a world scale.

2665 The drafting of this Bill has been largely bespoke, given that Gibraltar's geography differs considerably from any other territory's. However, the concept and certain provisions of the Bill have been based on certain acts of the United Kingdom and Scottish Parliaments, namely the National Parks and Access to the Countryside Act 1949, the Countryside and Rights of Way Act 2000, the Countryside (Scotland) Act 1967 and the Land Reform (Scotland) Act 2003. Like the Bill, those Acts aim to ensure that the natural landscape is made available to the general public for their enjoyment by giving them a special status.

2670 The Bill is divided into four Parts. Part 1 contains the definitions used in the Bill. Two of the most important terms defined here are 'cultural heritage' and 'natural heritage'. These terms bring together all of Gibraltar's rich heritage, which the Bill safeguards for the enjoyment of the public.

2675 Part 2 of the Bill creates a National Parks Coordination Board. The Coordination Board will be made up of members who, as a collective, will have knowledge and experience in environmental matters and in the cultural and natural heritage of Gibraltar. This experience will be vital for the Board to successfully exercise its functions. The Coordination Board will report annually to the Minister for the Environment and the report will be laid before Parliament, ensuring accountability and transparency.

2680 Part 3 of the Bill creates the Gibraltar National Park. This comprises areas which are contained in the Schedule or in future are recommended for their natural beauty, biodiversity and natural or cultural heritage or the opportunities they afford for open-air recreation.

2685 The Schedule lists those areas which form part of the National Park, including areas of environmental importance such as the Nature Reserve, historically significant areas such as Gorham's Cave, the Trafalgar Cemetery and Moorish Castle, and areas of recreational and cultural enjoyment such as the Garrison Library, the Gibraltar National Museum, the Commonwealth Park and the Gibraltar Botanic Gardens, to name a few. The Gibraltar National Trails created under the Gibraltar National Trails Act 2021 also fall within the Gibraltar National Park, achieving our objective of expanding on areas which are to be enjoyed by the public as a whole. The area will be demarcated on plans which will be displayed on the Government's geographical information systems.

2695 The final Part of the Bill makes provision for secondary legislation.

2700 Mr Speaker, in my letter to you, dated 23rd November 2022, I gave notice of a number of amendments for consideration at Committee Stage. These have arisen following feedback on the Bill from stakeholders who pointed out that the Bill, in ways, duplicated the functions of other bodies such as are set out in the Heritage and Antiquities Act, the Nature Protection Act and the Town Planning Act. The amendments remove these regulatory powers that are best held elsewhere and ensure that the Coordination Board deals with co-operation, enhancement and promotion as its key roles.

2705 In my letter to you dated 18th January this year, I gave notice of further amendments which followed discussion with the Hon. Damon Bossino, to whom I am most grateful for the constructive manner in which he has raised them. They have served to clarify ambiguities and make the Bill more user friendly. Further amendments correct repetition and update references to Commonwealth and Campion Parks to reflect the Bill that I took at a recent meeting of this House.

2710 This Bill will ensure that the gems in Gibraltar's heritage are properly enjoyed by the people of Gibraltar of current and future generations and, most importantly, are better known and understood by the rest of the world.

I commend this Bill to the House.

2715 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Damon Bossino.

2720 **Hon. D J Bossino:** Mr Speaker, I acknowledge the comments that he has made in relation to me. Let me just add that I also welcome the constructive approach that he himself has adopted. We have spent quite a bit of time in terms of improving the legislation, and that has resulted, let me tell him, in a slight shift on this side of the House. We started off from a position of deep scepticism as to whether the things that he has said in terms of the principles and what he wants to achieve are going to be achieved with the legislation as presented in this green paper, and there is a slight shift from a negative no vote on our side to one of likely abstention because we still have ... We have not become ardent believers of the things that he has said he wants to achieve as a result of the introduction of this Bill, but because there has been, I think, a significant and considerable improvement from the position as it was when it was first presented to the House, we are willing to adopt a position, in effect, of suck it and see whether the things he says are going to come to fruition as a result of the introduction of this Bill and into an Act as part of our statute book will happen.

2730 We are now at the end of the lifetime of this Parliament. On any possible analysis we are likely to have a general election before the end of this calendar year, and it is possible, should the complexion of the Government change after that as a result of the expression of the will of the electorate, that we take a different view and approach in a different direction.

2735 Mr Speaker, a lot of the points that we discussed have been reflected in the amendments he will be introducing at Committee Stage. I have had an opportunity of reading the letter, in particular the last letter of 18th January 2023, which he kindly sent to me via WhatsApp the other day. A lot of the points that were raised he has accepted and he has volunteered alternative wording which I am much happier with, in terms of clarification. But can I ask him, in terms of those just two or three pockets of areas which have not been amended? He has explained to me via email why he is not doing so, and that is fair enough, but I think it is important, as I have said on previous occasions, that that is somehow recorded in *Hansard*. I would like to take him to it, and then, when he replies, I will give him an opportunity to state it for the record.

2740 In relation to clause 4, where, if he recalls, I raised the distinction that is made in clause 4(1) and 4(2)(a), where there is a constant cross-referencing to the statutory definition of 'Gibraltar National Park', but then in terms of clause 4(2)(c), when it talks about the promotion and the exhibiting of the 'natural and cultural heritage assets', it talks about the wider Gibraltar. I would like him to explain why that distinction. In other words, why isn't it restrictive in nature and

restricted to the Gibraltar National Park as defined, and is actually wider and includes Gibraltar?
2750 He has explained that by email briefly, but I would simply flag it for him, so it gives him an opportunity to state it across the floor of the House for the reasons I have alluded to earlier.

In relation to clause 5(1), which talks about ... I made the point about the Minister being given wide discretion on appointments and I asked whether there should not be a legislative imperative that the appointees to the Board include pertinent NGOs. His position was that his intention is to mirror the composition of the National Trails Board, and he said that that will be reflected in regulations – if he could perhaps expand on that a bit further.
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And finally, in relation to clause 5(5), where the issue that I had related to a point of drafting and one which I think, as currently drafted – and he is sticking to that wording – I felt it was not sufficiently clear on the face of the wording as presented in the Bill. But as I understand it, what this is intended to do is to, in effect, invite those interested parties to meetings of the Board who are not officially appointees on an ad hoc basis. I think that is the position – he is nodding his head – but I would again give him an opportunity to state that for the record.
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Other than that, Mr Speaker, I have no further contributions to make.

2765 **Mr Speaker:** Does any other hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Roy Clinton.

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

The Hon. Minister will know that I hold heritage and culture quite close to my heart, and we have worked constructively in the past, as I know my colleague has worked with him on the Heritage and Antiquities Act, and I think we worked quite well on that. In normal circumstances, I usually support everything in this respect, in terms of anything to do with heritage that the Minister does, but I must confess that in this case, in respect of this particular Bill, I really am struggling to understand what this Bill will do that other Bills do not already do. There is already legislation on our statute book that covers, for example, heritage. There is legislation on parks, there is legislation on the marine environment, there is legislation on lots of things – nature trails. There is the Museum Act, there is the Garrison Library Trust Act and there are other Acts. I am not sure what this Bill actually is adding in terms of functionality.
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The Minister is the Minister for Heritage and Culture. If there was any co-ordination to be done, he does not need an advisory board; he has an entire Department at his disposal and he has access to all the different people on all the other entities that are encapsulated, for example, in the Heritage and Antiquities Act or the National Museum or the Garrison Library Trust, which have their own boards. These are not free-standing entities of just one or two people; they actually have their own governing bodies. This Act seems, to an extent, possibly to usurp some of those powers or functions. I give him one example: the ability to charge fees; if they decided that one of the bodies within the designated schedule – for example, the National Museum or the Garrison Library – should charge admission fees. Why is that even in there, if it is meant to be just a co-ordinating body?
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It may be that the use of the word ‘park’ is a misnomer in this Bill. Maybe it is a deep-seated psychological thing for the Minister where everything has to be a park. Maybe it would read better if it were called Gibraltar National Trust or Gibraltar National Heritage, because I just cannot see how a library full of books can be called a park. He is nodding. He thinks it can be. I know there are such things as industrial parks, but I have never heard of a library being described as a park or a museum described as a park. But he will have us describe it as a park. As I said, it may be some deep-seated, subconscious thing with the Minister where everything has to be a park. I do apologise to the Minister. He knows I would normally support him on this, but this Bill frankly just does not do it for me. I do not see what value this adds to anything.
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The list of items on the Schedule is eclectic. He has the Trafalgar Cemetery, the city walls – which were already protected – then the Moorish Castle, then he has underwater marine, then he has the entire Nature Reserve, then the National Museum, then the Garrison Library and then
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a whole lot of other parks. It is like spot the difference. I do not understand what the Garrison Library is doing on this list, or even the National Museum. It may make sense in his mind, but I have yet to be convinced.

2805 As to his list, Mr Speaker, how was it devised? Why aren't the Northern Defences on there? And what about the artistic heritage? Why isn't the City Hall Art Gallery, the Mario Finlayson Art Gallery ...? Why isn't that on the schedule, if he is so concerned about our cultural heritage? He is fixated on parks. I can understand that. Why aren't the Great Siege Tunnels in there? Why aren't the other tunnels in there? We could go on forever.

2810 The reason we already have legislation that covers most of this is because we know it needs protection, enhancement and promotion, but that legislation already exists and I cannot see where the gaps are that this will fill. I know, Mr Speaker, he is dying to ... I do not think he is ... No, let me finish.

2815 On the Coordination Board's membership, if you look at the Heritage and Antiquities Act, the membership is actually designated, and in a very sensible way. You have specific persons from specific bodies who sit on it. This one is just completely open ended. He can appoint ... It says in the Bill it shall have regard to the desirability, but the Bill does not actually specify who should be on this Coordination Board.

2820 Also, I fear to suggest they may even be slightly overlapping with tourism in terms of promoting and exhibiting cultural, geographic, historic ... within Gibraltar and encouraging ... and what other things should be done etc. It may be overlapping with the Tourist Board, even.

2825 Unless he can actually give us a real, rational explanation as to what this piece of legislation is trying to do, we remain unconvinced. I am really sorry to say this because the Minister knows that I always support anything in heritage that I think is positive for Gibraltar, but this is just a piece of legislation for the sake of legislation and adds no value. For that reason, as my hon. Friend has already espoused – who is the shadow for Heritage; I am only standing up as I have a special interest in heritage, and that is well known to the Minister – (*Interjection*) Well, maybe I will carry on talking. I quite enjoy being up here! (*Laughter and interjection*) I can feel the grass growing underneath my feet! Unless the Minister can come up with some rational explanation as to why Gibraltar needs this legislation and what value it will add to the protection of our cultural assets, 2830 I will, of course, be abstaining with my colleagues.

Mr Speaker: The Hon. Marlene Hassan Nahon.

2835 **Hon. Ms M D Hassan Nahon:** While the general objective of this Bill, Mr Speaker, is commendable, I just have an issue with the fact that under 'Constitution of Coordination Board', in subclause 5(1):

Subject to subsection (2) the Coordination Board consists of the Minister, who is the chairperson, and at least 3 but no more than 7 other members as the Minister may appoint, of whom one may be appointed to be deputy chairperson.

2840 Why does this Board have to be appointed directly by a Minister? Why not set up a system that does not politicise, or at least has a non-partisan presence? What is essentially the preservation of our natural resources and our wildlife? Why can't there be a process of consultation with academics and civil society, who will most certainly be in a better position to make this decision than a Minister? Perhaps not right now, because we can all agree that we have one who is quite qualified in this field, but it might not always be the case. We are tired of seeing Ministers with dubious qualifications – like I said, it does not appear now – running government departments, and the people of Gibraltar are tired of seeing supposedly independent entities and institutions 2845 that are supposed to work for the benefit of the wider community being politically infiltrated and thoroughly manipulated, on many occasions for partisan goals.

I think this way of operating could be much improved, Mr Speaker. That is my tuppence-worth. Thank you.

2850 **Mr Speaker:** The Hon. Minister.

Hon. Prof. J E Cortes: Mr Speaker, I will thank the hon. Lady. I thought I would also thank the Members of the official Opposition, but if they are going to abstain anyway, I do not know whether I should really bother to reply, although I think they more than deserve a reply because ... I will get to them in a minute, but first of all I will address the point made by the hon. Lady.

2855 There are many boards which are chaired by Ministers in a lot of our legislation. This includes, for example, the Heritage and Antiquities Act, which I chair. I chair, also, the Garrison Library Trust and others. So we are not departing from established practice. I think on this occasion, as I think you will see when I reply to the other points made, it does need a certain amount of steer by somebody whose vision this has been – I will use the word ‘vision’ again in another context later – but I do assure the hon. Lady that this Board will include academics and representatives of civil society, indeed as the National Trails Board already does.

2860 In reply to the points made by the Hon. Mr Bossino and the Hon. Mr Clinton – I would not have been so kind to Mr Bossino if I had thought that he was going to be so relatively unkind to me – they have missed the point completely and I think they have shown an incredible lack of vision and understanding.

2870 The Gibraltar National Park is modelled on the UK national park model. We are not talking about Yellowstone National Park or the Galapagos Islands, which are wilderness parks. We are talking about the UK model of national parks and, indeed, the model which is now being pursued by cities, including London, which will shortly, in all likelihood, be declared a national park city in which the park embraces not just natural features but monuments and stately homes, where I am sure, just as in the Garrison Library, there are also books which are part of the national park. Therefore, the word ‘park’ is used very broadly because it encompasses things that people will appreciate and enjoy, and that is a very important point.

2875 Another point that I think has been made in both the presentations is this lack of understanding as to how this comes about and how it will be constituted. NGOs have been consulted on this from the very start and support it, as have the different entities that will come in to form the Gibraltar National Park – the Garrison Library, the Museum, the Botanic Gardens. All these entities already exist, they have their own existence, but one thing that is lacking is co-ordination between all of them so that they get the right messages out consistently and so that they add value to each other in promoting Gibraltar as a whole. Why should it be restricted to just what is found within these particularly specified areas if they can use the huge profile that they are going to get to sell Gibraltar as a whole, as a destination? This is why it is particularly disturbing that the hon. Member who represents tourism should not see the value of this.

2885 I said in my speech Gibraltar will have a national park which can now be sold out there as a national park consistent with the kind of national park that I am talking about and which can join international organisations, international programmes, and maybe even attract funding because it is a national park. I reassure the Hon. Mr Clinton that there is no problem at all that there is an overlap with tourism. The Hon. Minister for Tourism, my hon. Friend Minister Daryanani, and the CEO of the Gibraltar Tourist Board have actually met and had a presentation even at the stages that we were drafting it. So there is going to be clearly an overlap with tourism because this is a huge marketing tool for Gibraltar. There is a world out there that googles ‘national parks Europe’. This will spring up and all the different things about Gibraltar – not just within these sites, but the whole of Gibraltar – will come up and people will be interested and will want to visit. It is a huge and very inexpensive marketing strategy, and I just cannot understand why the hon. Members opposite have failed to see that point.

2890 There were three specific points that were raised by Mr Bossino. I explained already the wider Gibraltar. I explained also that there are parallels in the National Trails Board and that that will

2900 have representation from NGOs. On the third point, the people who will be attending meetings,
even if they are not officially part of the board, are those people who actually run the different
constituent parts of it. So if the Board is discussing how to promote different things about
Gibraltar, we may want to call a representative from the Garrison Library or a representative from
the Museum so that there would be a general discussion. In the past, we have been criticised, and
2905 not just by the Opposition, that government departments do not talk to each other, that different
organisations do not talk to each other. This is the ideal body to make them talk to each other, to
co-ordinate, to get added value and then to put it out there and promote it.

So this is huge. It is much bigger than they can see. I believe the Opposition abstained when
we created Commonwealth Park and when we created legislation to support the formation of the
Botanic Garden. They were wrong then; they did not have the vision. I ask them to reconsider
2910 because Gibraltar National Park, certainly if we co-ordinate it and if we go through with it in the
way that I have already discussed with the NGOs and with the constituent members, will be hugely
significant in promoting Gibraltar and its image with all its assets out there in the wider world,
which Gibraltar sorely needs now, probably more than ever.

2915 Mr Speaker, with that, I commend this Bill to the House.

Mr Speaker: I now put the question, which is that a Bill for an Act to make provision for the
Gibraltar National Park and the establishment of a Gibraltar National Park Coordination Board;
and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those
2920 against? Carried.

Clerk: The Gibraltar National Park Act 2021.

**Gibraltar National Park Bill 2021 –
Committee Stage and Third Reading to be taken at this sitting**

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E
Cortes):** Mr Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill
be taken today, if all hon. Members agree.
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Mr Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the
Bill be taken today? (**Members:** Aye.)

**Crimes and Miscellaneous Provisions (Amendment) Bill 2022 –
First Reading approved**

Clerk: A Bill for an Act to provide for the revival of the common law offence of conspiracy to
defraud; to amend the Crimes Act 2011, the Legal Services Act 2017 and for connected purposes.
2930 The Hon. the Minister for Justice, Equality, Public Standards and Regulations.

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J
Sacramento):** Mr Speaker, I have the honour to move that a Bill for an Act to provide for the revival
of the common law offence of conspiracy to defraud; to amend the Crimes Act 2011, the Legal
2935 Services Act 2017 and for connected purposes be read a first time.

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for the revival of
the common law offence of conspiracy to defraud; to amend the Crimes Act 2011, the Legal

2940 Services Act 2017 and for connected purposes be read a first time. Those in favour? (**Members:**
Aye.) Those against? Carried.

Clerk: The Crimes and Miscellaneous Provisions (Amendment) Act 2022.

**Crimes and Miscellaneous Provisions (Amendment) Bill 2022 –
Second Reading approved**

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): Mr Speaker, I have the honour to move that the Bill for the Crimes and
2945 Miscellaneous Provisions (Amendment) Act 2022 be read a second time.

This Bill addresses some errors in the Crimes Act 2011, which is a very substantial piece of
legislation, and it is intended to be somewhat of a clean-up as these issues have arisen.

2950 Clause 3 addresses a question in relation to the continued existence or otherwise of the
offence of common law conspiracy to defraud on the basis of potential ambiguity over the
provisions of section 35 of the Crimes Act 2011, and on that basis this Bill clarifies that the common
law offence of conspiracy to defraud continues to have effect. It may assist if I explain that the
provisions of section 35 of the Crimes Act 2011 closely mirror section 5 of the English Criminal Law
Act 1977. In England, section 5 abolished the common law offence of conspiracy at common law
but saved the offence so far as it relates to conspiracy to defraud. In contrast, our own section 35
2955 does not contain the saving provision. Instead, there is a section 34 which refers to an offence of
conspiracy to defraud, and there is therefore an argument that a statutory offence of conspiracy
to defraud was created. However, in order to make it absolutely clear that the common law
offence of conspiracy to defraud is to continue to exist, this Bill recognises the possibility that the
common law offence was abolished by section 35 in 2011 and expressly provides that the offence
2960 continued to have effect as if it had not been abolished. Clause 3(2) makes it clear that a person
may not be prosecuted for the common law offence of conspiracy to defraud in respect of conduct
occurring after the abolition and before the revival. Clauses 34 and 35 of the Crimes Act 2011 are
amended to reflect this provision.

2965 Clause 4 replaces section 209 of the Crimes Act. This relates to sexual offences committed
outside of Gibraltar. Subsection (1) of the current section 298 makes it an offence in Gibraltar to
commit certain acts overseas against a child. The act must amount to a sexual offence listed in
Part A of Schedule 2 and must also amount to an offence in the country where it was committed.
The exact description of the offence does not need to be the same in both countries. For example,
2970 the provisions could apply to someone who raped a child in another country, although that
offence was described differently under the law of that country. However, there is no provision
requiring that there be a link between the person being prosecuted with Gibraltar. This
amendment corrects that position and it also updates the law to strengthen it. It makes an offence
for a Gibraltar resident or Gibraltarian national to commit an act outside Gibraltar which would
constitute a relevant sexual offence if done in Gibraltar. For Gibraltarians, there is no requirement
2975 that the act committed must also have been illegal in the country where it took place. However,
this requirement remains for the prosecution of Gibraltar residents under the new section 298(2)
and those who become Gibraltar residents or Gibraltarians under the new section 298(3) and (4).
Where a person becomes a Gibraltarian or Gibraltar resident after having committed a relevant
sex offence in a country outside of Gibraltar, such a person must also be a Gibraltarian or resident
2980 at the time the proceedings were brought. The new sections 298(5) to (8) replicate provisions in
the current section 298. They provide rules relating to how the prosecution can prove that the
offence was an offence in the country in which it was committed.

2985 Clause 5 addresses a minor omission. When the Legal Services (Amendment) Act 2022 amended section 6 of the Legal Services Act 2017, reference to part 5 of the register – and this relates to in-house lawyers – was inadvertently omitted after section 6(3)(e).

Mr Speaker, I commend the Bill to the House.

2990 **Mr Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Daniel Feetham.

Hon. D A Feetham: Mr Speaker, the Opposition will be supporting the Bill.

The hon. Lady and I have spoken. She explained the rationale behind this before she stood and delivered her speech, in relation to which I am very grateful.

2995 I was originally responsible for steering the Crimes Bill, as it then was, through Parliament. At the time, it was the largest, I think, Bill in the – Does the Hon. the Chief Minister want me to give way? I am quite prepared. I feel in a generous spirit. Do you want me to give way?

3000 **Chief Minister (Hon. F R Picardo):** Mr Speaker, just to say that we have heard that speech before, and if he wants, we can just press play on what a magnificent Act it was, how it took so much of his time and all the rest of it. No problem, it is already in *Hansard*.

Hon. D A Feetham: Well, I am very grateful for his compliment. He should compliment Members of this side of the House more often. (*Interjection by Hon. Chief Minister*) Right.

3005 Mr Speaker, I was responsible, as I said, for the Crimes Bill. At the time, it was the largest piece of legislation on our statute books. It came, as well, with a sister Bill, which was the Criminal Procedure and Evidence Bill, which was also, in itself, a huge piece of legislation. It is impossible to introduce legislation of that kind without perhaps having mistakes in them, and I accept that. Even if they did not contain mistakes, any Bill that is brought to this House in order to improve those pieces of legislation in the light of the experience within the courts etc. would obviously receive support from this side of the House.

3010 I just want to say a few words on section 298. Section 298 has been subject to comments from the courts – the former section 298, I mean – in relation to its adequacy in the context of a prosecution that was actually brought. I think it is important that the Government has brought this amendment because section 298 is designed to deal with a situation – amongst other things, but when we brought the Bill to the House, this is what we had in mind – where somebody in Gibraltar visits another jurisdiction in order to take advantage of children and have sexual intercourse with children, for example. This allows those people to be prosecuted in this jurisdiction, which is a phenomenally important piece of legislation, and for all those reasons, and despite the ungenerous interruptions from the other side, the Opposition is going to be supporting the Bill.

3020 **Mr Speaker:** The Hon. Minister.

3025 **Hon. Miss S J Sacramento:** Mr Speaker, I am very grateful for the hon. Gentleman's intervention. As he explained, we had a conversation on this and I am grateful for him agreeing. The hon. Gentleman has in the past referred to the Crimes Act and the related Criminal Procedure and Evidence Act as seminal pieces of legislation. They are, indeed, very substantial pieces of legislation. The Crimes Act ... anyone who picks it up knows it is this thick; it is over 500 pages long.

3030 As I said when I started my intervention, issues have arisen and this proposed Bill is to clean up some gaps and tighten some things that have now come to light. The hon. Gentleman is right: when it comes to the sexual offences provisions outside of the jurisdiction, this arose as a result of a matter in the Supreme Court. It was, therefore, brought to our attention in those circumstances, and it is only the right thing to do to enhance and strengthen that legislation so that there is no risk of any gaps in the future.

3035 I commend this Bill to the House.

Mr Speaker: I now put the question, which is that a Bill for an Act to provide for the revival of the common law offence of conspiracy to defraud; to amend the Crimes Act 2011, the Legal Services Act 2017 and for connected purposes be read a second time. Those in favour? (**Members:** 3040 Aye.) Those against? Carried.

Clerk: The Crimes and Miscellaneous Provisions (Amendment) Act 2022.

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

Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken 3045 today, if all hon. Members agree.

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

COMMITTEE STAGE AND THIRD READING

Clerk: Committee Stage and Third Reading. The Hon. the Chief Minister. 3050

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bill clause by clause: the Admiralty Waters and Naval Base (Gibraltar) Bill 2022, the Immigration, Asylum and Refugee (Amendment) Bill 2022, the Gibraltar National Park Bill 2021 and the Crimes and Miscellaneous Provisions 3055 (Amendment) Bill 2022.

In Committee of the whole House

**Admiralty Waters and Naval Base (Gibraltar) Bill 2022 –
Clauses considered and approved**

Clerk: A Bill for an Act to designate Admiralty Waters and to regulate activities, operations and vessel movements in relation to such waters, and the approaches thereto; to designate an area as His Majesty's Naval Base Gibraltar; to provide for the appointment of a King's Harbour Master; and for matters connected thereto. 3060
Clauses 1 to 17.

Mr Chairman: Clauses 1 to 17 stand part of the Bill.

Clerk: The Schedule.

3065 **Mr Chairman:** The Schedule stands part of the Bill.

Clerk: The long title.

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

**Immigration, Asylum and Refugee (Amendment) Bill 2022 –
Clauses considered and approved**

3070 **Clerk:** A Bill for an Act to amend the Immigration, Asylum and Refugee Act to allow for the issuing of a permit of residence for a period of time not exceeding 12 months to persons enrolled at the University of Gibraltar and expand on what would constitute comprehensive sickness cover in relation to students.

Clauses 1 to 3.

3075 **Mr Chairman:** Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

3080 **Mr Chairman:** The long title stands part of the Bill.

**Gibraltar National Park Bill 2021 –
Clauses considered and approved with amendments**

Clerk: A Bill for an Act to make provision for the Gibraltar National Park and the establishment of a Gibraltar National Park Coordination Board; and for connected purposes.

3085 **Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Chairman, just to formally, in this part of the proceedings, bring notice to the House of my letters of 23rd November 2022 and 18th January 2023, which amend the original Bill.

3090 **Mr Chairman:** Are the official Opposition and the lady content with the amendments circulated on 19th January 2023 and 23rd November 2022? Content, yes?

Clerk: Clauses 1 to 3.

Mr Chairman: Clauses 1 to 3 stand part of the Bill.

3095 **Clerk:** Clauses 4 to 6.

Mr Chairman: Clauses 4 to 6 stand part of the Bill.

3100 **Clerk:** Clauses 7 to 9.

Mr Chairman: Clauses 7 to 9 stand part of the Bill.

Clerk: Clause 10.

3105 **Mr Chairman:** I think clause 10 has been amended, and that should read clause 9. Clause 9 as amended stands part of the Bill.

Clerk: The Schedule.

3110 **Mr Chairman:** The Schedule, again as amended, stands part of the Bill.

Clerk: The long title.

Mr Chairman: The long title, as amended, stands part of the Bill.

**Crimes and Miscellaneous Provisions (Amendment) Bill 2022 –
Clauses considered and approved with amendments**

3115 **Clerk:** A Bill for an Act to provide for the revival of the common law offence of conspiracy to defraud; to amend the Crimes Act 2011, the Legal Services Act 2017 and for connected purposes.

Mr Chairman: There are amendments which were circulated by the Hon. Minister on 16th March. Are the hon. Members of the official Opposition and the lady content? Right.

3120

Clerk: Clauses 1 to 5.

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

3125

Clerk: The long title.

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

**Admiralty Waters and Naval Base (Gibraltar) Bill 2022;
Immigration, Asylum and Refugee (Amendment) Bill 2022; Gibraltar National Park Bill 2021;
Crimes and Miscellaneous Provisions (Amendment) Bill 2022 –
Third Reading approved: Bills passed**

Clerk: The Hon. the Chief Minister.

3130 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to report that the Admiralty Waters and Naval Base (Gibraltar) Bill 2022, the Immigration, Asylum and Refugee (Amendment) Bill 2022, the Gibraltar National Park Bill 2021 and the Crimes and Miscellaneous Provisions (Amendment) Bill 2022 have been considered in Committee and agreed to with some amendments, and I now move that they be read a third time and passed.

3135

Mr Speaker: I now put the question, which is that the Admiralty Waters and Naval Base (Gibraltar) Bill 2022, the Immigration, Asylum and Refugee (Amendment) Bill 2022, the Gibraltar National Park Bill 2021 as amended and the Crimes and Miscellaneous Provisions (Amendment) Bill 2022 as amended be read a third time and passed.

3140 Those in favour of the Admiralty Waters and Naval Base (Gibraltar) Bill 2022? (**Members:** Aye.) Those against? Carried.

Those in favour of the Immigration, Asylum and Refugee (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

3145 Those in favour of the Gibraltar National Park Bill 2021? (**Some Members:** Aye.) The official Opposition is abstaining and the hon. Lady is voting in favour. Therefore, the Bill is carried.

Those in favour of the Crimes and Miscellaneous Provisions (Amendment) Bill 2022? (**Members:** Aye.) Those against? Carried.

Procedural – Circulation of Estimates of Expenditure to Members

Chief Minister (Hon. F R Picardo): Mr Speaker, I am grateful to Members for the Bills that they have supported, and disappointed in respect of their abstentions but not surprised.

3150 I now have the honour to move that the House should adjourn. Given that this is the adjournment before we get to the Easter break and the end of the financial year, there is a formula of words that I know you will have to share with us. Before I do that, I would just say that I look forward to coming back to the House in May. By then, spring will have sprung and I do hope that other things will also have come to a new life.

3155

Mr Speaker: Before I propose the adjournment, as hon. Members are aware, it is a requirement under section 69(1) of the Constitution that the Estimates of Expenditure for the next financial year be circulated to hon. Members on a confidential basis not later than 30th April. Since the House is now not scheduled to meet until May, I am proposing that the provisions of the Constitution will be deemed to have been met if the estimates are circulated to all hon. Members before the end of April. This is what we have been doing for the last few years, so I propose that it should be the case again this year. Is that agreed?

3160

Members: Aye.

Adjournment

3165 **Chief Minister (Hon. F R Picardo):** I move that the House should now adjourn, Mr Speaker, *sine die*.

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

3170 I now put the question, which is that this House do now adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Passed.

The House will now adjourn *sine die*.

The House adjourned at 7.58 p.m.