



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3 p.m. – 7.00 p.m.

Gibraltar, Tuesday, 14th February 2023

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The Gibraltar Parliament

The Parliament met at 3 p.m.

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

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

Supplementary questions – Reminder of ruling by Speaker Canepa

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

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

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

Thank you.

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

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

15

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

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

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Hon. K Azopardi: Speak, if I may –

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

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

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

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

Questions for Oral Answer

CHIEF MINISTER

Q198/2023

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

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

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

Clerk: Answer, the Hon. the Chief Minister.

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

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

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

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

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

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

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

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

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Hon. Chief Minister: No, Mr Speaker.

Mr Speaker: Next question.

Q199/2023

Business Improvement District – Amount spent

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

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

105

Clerk: Answer, the Hon. the Chief Minister.

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

110

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

115

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

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

Mr Speaker: Next question.

Q200/2023
Eastern Beach –
Location of CCTV cameras

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

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

Clerk: Answer, the Hon. the Chief Minister.

130

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

135

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

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

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

Q201/2023
Eastern Beach –
Whether CCTV cameras continuously functioning

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

145

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

I think he has answered that.

150

Clerk: Answer, the Hon. the Chief Minister.

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

155

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

160

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

Q202/2023

Eastern Beach –

Whether number of CCTV cameras sufficient

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

165

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

Clerk: Answer, the Hon. the Chief Minister.

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

175

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

180

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

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

195

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

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

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

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

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Mr Speaker: Hon. the Leader of the Opposition.

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

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Hon. Chief Minister: Yes, sir.

Mr Speaker: Next question.

Q203/2023

British Gibraltar Territorial Waters – Early warning systems to detect incursions

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

225

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

Clerk: Answer, the Hon. the Chief Minister.

230

Chief Minister (Hon. F R Picardo): Mr Speaker, as the hon. Member is aware, tracking and responding to incursions falls under the remit and responsibility of the Ministry of Defence, as per the 2006 Constitution which the Hon. Leader of the Opposition reminds us he is the architect of, although I know the hon. Member asking the question was also a member of the team negotiating that Constitution, alongside the Hon. the Deputy Chief Minister and the Father of the House.

235

The Royal Gibraltar Police obtains information from the Gibraltar Defence Police, who monitor and co-ordinate the response to incursions into BGTW with the Royal Navy. Additionally, the Gibraltar Port Authority has three radars and four PTZ camera stations deployed around Gibraltar, together with AIS receivers and other sensors. These systems are optimised for tracking and monitoring commercial shipping movements and operations, and their siting is tailored for this purpose.

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245 **Hon. D A Feetham:** Is the Government satisfied that those systems that are in place are adequate for the purposes of detecting incursions into British Gibraltar Territorial Waters? And in particular, if I may, so that I can cut my supplementaries in relation to this, are there any examples, that he is aware of, of incursions not having been detected by those systems, or are all of them detected?

250 **Hon. Chief Minister:** Mr Speaker, there is a question on the Order Paper where the hon. Gentleman asks me for the detail of incursions for a period of time. I will be able to give him chapter and verse on every incursion in Gibraltar. We are satisfied that we can spot them all, we are satisfied we see them coming and we are satisfied that we do not need anything else in order to be able to do that. But stopping them, when you are dealing with something happening at sea, in particular on a night which is stormy, where it is advisable not to be at sea, is something
255 completely different, although if we are able to develop Spider Man's web, we might be able to stop them just where BGTW starts. Until then, it is more complicated.

Hon. D A Feetham: One question. I could have asked it in some of the others as well, but I think it is probably convenient to ask it here. When the systems detect an incursion into British Gibraltar Territorial Waters, can he give us a flavour of ...? Is there an attempt on the Gibraltar side immediately to make contact? Is that possible at all? I am not technically ... Obviously it is not part of my expertise. Would it be possible for the Gibraltar authorities, in those kinds of situations, to make contact at an early juncture in relation to those vessels that are incurring into British Gibraltar Territorial Waters? And does that happen habitually?
265

Hon. Chief Minister: Mr Speaker, this is a matter that has been debated in this House before and is public. When there is an incursion detected into British Gibraltar Territorial Waters, the Royal Navy engage the vessel, if it is a vessel of another state. They read a warning based on the behaviour of that vessel, warning A. Depending on the subsequent behaviour of that vessel, they may read warning B, and the warnings may increase depending on the activity of that vessel in BGTW.
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Gibraltar law enforcement agencies will not read sovereignty warnings in respect of state vessels of other nations because we are not empowered to do so, but Gibraltar law enforcement agencies will communicate with their law enforcement colleagues, if it is one of those law enforcement colleagues' vessels that are in BGTW, to try to ascertain why they are here and to try to ascertain why they have not been in touch before. All of this is publicly available information; we have debated it already in this House.
275

Mr Speaker: Next question.

Q204/2023

Pursuit of suspects in waters around Gibraltar – Co-operation between Spanish and British Gibraltar law enforcement

280 **Clerk:** Question 204/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, what systems are in place to assist co-operation between Spanish and British Gibraltar law enforcement officers when engaged in the pursuit of suspects in the waters around Gibraltar, including British Gibraltar Territorial Waters, international waters and Spanish waters?
285

Clerk: Answer, the Hon. the Chief Minister.

290 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as the hon. Gentleman is already aware, there are routine communications between Spanish authorities and the Royal Gibraltar Police in the policing of illegal activity. In fact, I am advised that the RGP has an excellent working relationship with its Spanish counterparts, which is demonstrated on a daily basis in their fight to combat drug smuggling across the Straits. We continue to seek further enhanced co-operation.

Q205/2023

**Co-operation between law enforcement agencies –
Conventions and international standards**

Clerk: Question 205/2023. The Hon. D A Feetham.

295 **Hon. D A Feetham:** What conventions or international standards underpinning co-operation between law enforcement agencies do British Gibraltar law enforcement agencies adhere to when pursuing suspects between territorial waters of different countries and between international waters and those territorial waters, or assisting the law enforcement agencies of other countries in the same situation?

300

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Royal Gibraltar Police marine assets continue to abide by standing instructions not to leave British Gibraltar Territorial Waters unless specifically authorised to – for example, in the event of the need to save lives as required under the Safety of Lives At Sea Convention (SOLAS). This is a provision in line with the United Nations Convention on the Law of the Sea.

305 The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, known as the Hague Convention on Hot Pursuit, has not been extended to Gibraltar.

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Hon. D A Feetham: Just arising out of that answer, assume that Gibraltar law enforcement agencies are pursuing a suspect in British Gibraltar Territorial Waters – as soon as that suspect goes into international waters, what would happen in that kind of situation?

315

Hon. Chief Minister: The chase can continue.

Hon. D A Feetham: Did he say the chase would continue?

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Hon. Chief Minister: I said the chase *can* continue.

Hon. D A Feetham: I thought he said in answer to the previous question that Gibraltar law enforcement agencies have standing instructions not to leave British Gibraltar Territorial Waters. So the exception is there for hot pursuit, essentially. Sorry. Can he perhaps clarify the confusion on this side?

325

Hon. Chief Minister: Mr Speaker, hot pursuit only applies when you are going into the territorial sea of another state, not into an international sea.

330 **Hon. D A Feetham:** So is he saying that there are standing instructions not to pursue into Spanish territorial waters, for example, but they can pursue if the suspects go into international waters?

Hon. Chief Minister: Mr Speaker, different rules would apply to each of those circumstances.

335 **Hon. D A Feetham:** That may be so. I am just interested to test the information in accordance with the answer he has given me, because I am not clear in my own mind.

In answer to the previous question he said there are standing instructions for the RGP or law enforcement agencies not to pursue into ... I thought it was international waters. It appears that it is into Spanish waters. That must be correct, given that he answered in relation to one of my
340 supplementaries that if the suspect goes into international waters, the law enforcement agencies can pursue into international waters. Is that correct? Is my understanding now correct?

Hon. Chief Minister: No, Mr Speaker, I am afraid he is mixing apples with pears, but I am not here to give him legal advice on public international law, all of which is public and the case law of
345 which he can research. Although it would make for a very interesting debate, this is Question Time.

There are standing instructions that our Royal Gibraltar Police vessels and our Customs vessels should not leave BGTW because their role is to patrol BGTW. There are some instances when they may do so, in keeping with their instructions and in keeping with international law: first of all, for
350 example, if they are liaising with their Spanish colleagues and they agree that they should go into Spanish waters; second, if they believe it is necessary for them to go into international waters, whether or not they have cleared that with Spanish colleagues who have no role there, although they may be co-operating; and thirdly, if there are issues relating to safety of life at sea or there are other good reasons why they should go out, but they should clear that with their command.
355 But all of those things are matters of public international law for which I am not answerable in this House. The hon. Gentleman can look up one of the fantastic texts on this subject and soon learn more than I know about the whole subject.

Hon. D A Feetham: With respect, it is not entirely about international law. I was asking about the standing instructions. He mentioned standing instructions to the RGP, and the standing
360 instruction to the RGP was that they should not leave British Gibraltar Territorial Waters. What he is now saying, as I understand it – please correct me if I am wrong; that is my question – is that there are standing instructions not to leave British Gibraltar Territorial Waters, certainly not to go into Spanish Gibraltar territorial waters but not to leave British Gibraltar Territorial Waters except
365 in a situation where there is a hot pursuit into international waters or where there may be some rescue situation involved in international waters. They can go into Spanish Gibraltar territorial waters if they receive permission from Spanish counterparts and they are perhaps liaising in some form of co-ordinated approach with law enforcement agencies into Spanish Gibraltar territorial waters. Have I got it right?

370 That is not entirely about public international law. It is also about the instructions that they receive from Gibraltar because those instructions may well constrain the position from what the pure international law position may be.

Hon. Chief Minister: Mr Speaker, I do not think it is helpful for the length of the proceedings
375 for the hon. Gentleman to seek to summarise what I have said and ask me to confirm that that is the position I have set out. *Hansard* will show the position I have set out and it remains as set out.

Additionally, I will put it to him again that this is actually just the application of public international law with the interplay of the powers of this House as a legislature known in international law as a colonial legislature and the reach of our jurisdiction and when we can go
380 beyond it and the circumstances which allow our Gibraltar Police to exercise what would otherwise be known as extraterritorial jurisdiction, which is permitted in some instances but not in most. That also is a matter of public international law which the hon. Gentleman can research.

Mr Speaker: Next question.

Q206/2023
BGTW –
Incursions by Spanish law enforcement agencies

385 **Clerk:** Question 206/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many incursions have there been in the last five years into BGTW by Spanish law enforcement agencies which have involved (1) innocent passage, and (2) pursuit of suspects involved in criminal activity?

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Clerk: Answer, the Hon. the Chief Minister.

395 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I now hand over a schedule with the information requested. However, it is questionable whether passage can ever be innocent in the context of a sovereignty claim over the waters which is prejudicial to the peace, good order or security of the coastal state.

Answer to Q205/2023

Innocent Passage Record						
Year						
Month	2018	2019	2020	2021	2022	2023
January	77	80	70	98	42	62
February	97	65	101	129	54	
March	88	105	76	81	70	
April	119	117	100	122	116	
May	130	152	98	147	136	
June	170	101	119	153	129	
July	150	115	126	127	121	
August	142	87	88	140	97	
September	136	102	90	146	189	
October	124	117	114	95	250	
November	87	72	84	69	93	
December	75	42	90	52	28	

Mr Speaker: I do not mind waiting a few moments for you to digest the information.

400 **Hon. K Azopardi:** Sorry, Mr Speaker, I am not sure that that is the answer to the question. That is only the answer to half the question, surely.

405 **Hon. Chief Minister:** Mr Speaker, this is the schedule I have been given, because I believe that this is the only way that we record incursions as incursions. We do not consider them innocent passage, for the reason I have suggested. The question is about innocent passage, but we do not consider these to be innocent passage, (*Interjection*) and we are not able to give a breakdown as to pursuit of suspects involved in criminal activity.

410 **Hon. D A Feetham:** But the problem with this schedule, Mr Speaker, is that it is headed 'Innocent Passage Record' at the very top.

Hon. Chief Minister: Because the question is about innocent passage.

Hon. D A Feetham: No, the question is about innocent passage and pursuit of suspects, so where is the breakdown? This is the –

415 **Hon. Chief Minister:** Mr Speaker, let me see if I can explain it to hon. Members in a way that is more helpful.

We do not believe – and that is what I told him in the answer I was giving him – that there is such a thing as innocent passage through our waters by any state vessel of Spain, so we do not record anything as innocent passage, for a simple reason: there is a maxim of public international law that if a state has a claim on the other state, everything they do around the coastal state is interpreted as being not innocent. Separately, we are unable to give a figure in respect of which incursions relate to any chase that may have been ongoing, because that is not how the figure is maintained by us. And so the only number I can give him is the record of incursions for each year, which is what I am giving him, and that is what the table provides.

425

Hon. D A Feetham: Okay. Just for the purposes of *Hansard*, does he therefore accept that the answer to Question 206 has to be amended so that the table does not reflect innocent passage record, but says ‘Incursion Record’?

430 **Hon. Chief Minister:** For the purposes of *Hansard*, Mr Speaker, I have said what I have said, and I have actually said it in the course of the introduction for the handing over of the table.

Hon. K Azopardi: Mr Speaker, the Hon. Chief Minister earlier said that there was excellent co-operation between the Police and the Spanish police. When they are following a vessel into Gibraltar waters, pursuing someone who they consider has committed a crime, do they notify the Gibraltar Police? And is that number of vessels included in this table, or is that a separate table?

Hon. Chief Minister: Mr Speaker, the answer is sometimes, and I believe that such eventualities would not be recorded on this table.

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Hon. K Azopardi: So if we were to ask for the number of times that that has happened, we would be given a different statistic by year. Is that correct?

Hon. Chief Minister: That is the next question on the Order Paper, Mr Speaker, I believe, or the one after that.

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Hon. K Azopardi: Mr Speaker, I am not going to cut across my learned Friend’s questions because it is his question, but it also uses the word, in the question, ‘incursion’, and what I am trying to establish is in compiling the statistics and giving the explanation that he has given, is he using that explanation under the umbrella word ‘incursion’ to distinguish from a situation where the Spanish authorities have communicated to our authorities that they are following a vessel in hot pursuit; and, if so, whether there is some kind of distinguishing information, table or number as a result of that, which would therefore not come in the answer to the next question.

455 **Hon. Chief Minister:** Mr Speaker, in the circumstances that the hon. Gentleman describes, we should not be dealing with an incursion.

Hon. K Azopardi: Precisely. If he does not consider that an incursion, we are not going to get the information in the next question, so I am asking if we were to table a question asking how many times they have had information that they are pursuing a vessel in the same years that my hon. colleague has asked, over the last four years, we would presumably get a different answer. Is that correct?

Hon. Chief Minister: Mr Speaker, the hon. Gentleman is, in effect, asking me a supplementary to Questions 207 and 208 when we are dealing with Question 206. I think that we need to not pre-empt questions on the Order Paper. It is one of the basic rules.

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470 **Hon. K Azopardi:** I give him a final opportunity because I do not think I am trying to do that at all. I am trying to understand the answer he has given. The answer he has given is, 'I cannot distinguish between innocent passage and pursuit of suspects,' for the explanation that he has given. He also talked about the co-operation of the Police. When I have probed him on that he says, 'Sometimes we get told,' and I want to know whether those stats are here or not. He said some of them might be, some of them will not be, and what I am trying to –

475 **Hon. Chief Minister:** They are not incursions and therefore they are not there is what I said.

Hon. K Azopardi: And therefore, if they are not incursions and they are not there, were we to put a question ... I am trying to understand –

480 **Hon. Chief Minister:** It is one of the next two questions to come.

Hon. K Azopardi: With respect to the Hon. Chief Minister, who is answering from a sedentary position, he said the answer to my question is that they are not incursions and therefore would not be in this table, which refers to incursions. But the following questions also refer to incursions, so they would not be there either, so I am trying to clarify whether if we ask a question that does not mention the word 'incursions' we will get the right statistic for the number of times that the Spanish police or authorities have notified our authorities that they are pursuing a vessel.

485 **Hon. Chief Minister:** And that question, therefore, can only be a supplementary to Questions 207 and 208, and we should not be jumping the Order Paper, Mr Speaker.

490 **Hon. D A Feetham:** The answers are the answers. However inadequate we feel the answers are, they are the answers and we just plough on.

Mr Speaker, just in relation to this table – which, with respect to the hon. Gentleman, should read 'Record of Incursions' – if we look at September and October 2022, we see that in September there were 189 incursions and in October 250 incursions. That is significantly higher than either in previous months in 2002 or indeed in previous months in any of the previous years, and certainly considerably higher than in September or October of previous years. Does he know or has he inquired as to why there is a spike in the number? Does he have a theory as to why there is a spike in the number of incursions in those two months in 2022?

500 **Hon. Chief Minister:** Mr Speaker, sometimes I feel as if hon. Members want to pretend that we are operating in a different world to the reality in which we operate. How do I know why Spanish state vessels came into our waters, contrary to our laws and contrary to international law, 250 times in October instead of 124 times in October 2018? I do not know why they came in 42 times in January 2022 instead of 98 times in January 2021. Neither do I know why they came in 28 times in December 2022 instead of 90 times in December 2020, because they should never be coming in, in a way that is an incursion. I do not believe it is acceptable that Spanish state vessels should come in once into British Gibraltar Territorial Waters, into what is undoubtedly British Gibraltar Territorial Waters and what the United Nations Convention on the Law of the Sea leaves no doubt is British Gibraltar Territorial Waters in respect of a convention where they filed a reservation which has absolutely no legal force based on a dry coast argument, which is medieval. I do not know, but it is nonsense that they should try to pretend that they can stop the application of the United Nations Convention on the Law of the Sea and therefore the very existence of BGTW by coming in 250 times or 2,500 times. I am not going to ask them why they are coming in more. I am going to always tell them that they should not come in, but that they will be very welcome if they co-operate with our law enforcement, communicate with them why they need to come through, and we will work with them to ensure that bad guys do not get the advantage of law enforcement agencies not working hand in hand together.

Mr Speaker: Next question.

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Hon. D A Feetham: No, Mr Speaker, I have a supplementary in relation to this. (*Interjection*) No, I am ... Mr Speaker, may I ...? I have not asked a supplementary.

Mr Speaker: I accept that the hon. Member can pose another supplementary.

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Hon. D A Feetham: [*Inaudible*] incursions to a figure of 250? So that I can give an idea to listeners, it was 95 in the same month in 2021, 114 in 2020, 117 in 2019, 124 in 2018 in the same month, so it is more than double. Does that have anything to do with the Spanish government turning the screws at this moment in time?

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Hon. Chief Minister: Mr Speaker, if they are turning the screw, they are turning it on the wrong guy and on the wrong government because the screws do not hurt and they do not make us blink.

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If the hon. Gentleman wants to give them the opportunity to have that issue highlighted in this House, which is a way that *would* put pressure on people in Gibraltar, because nobody was talking about the figure of 250 incursions until he started talking about it, he had better think carefully about how he deploys his politics for the benefit of the people of Gibraltar, because if he cares to look at the number of incursions and he were to do the addition across the board, he would find that 2022 is not the year when there have been most incursions. It might be a month in October where there is, but in 2018 there were 1,395 incursions. So I wonder whether Mr Feetham might want to think more carefully about what is in the interests of the people of Gibraltar rather than what is, in his view, the way of asking the most provocative question in the most provocative way.

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In 2021, there were 1,359 incursions, more than in 2022, so it does not seem to me that it is a turning of the screw, but what it does seem to me to be is entirely unacceptable. Whether it is not innocent passage because we will not recognise it, whether it is pursuit of suspects without the agreement of Gibraltar authorities, whether it is to come in to see the *OS35* – the hon. Gentleman seems to have forgotten that that happened – or whether it is to come in to see what was happening with the *Grace 1*, all of those things, whatever the justification, if it is not cleared with the relevant Gibraltar authorities or with the Royal Navy, it is just as bad, and I for one will not fall into the trap of justifying, for Spain or anybody else, in the way that the hon. Gentleman has offered me the opportunity to do, any of those incursions or to become an apologist for Spain on why she might be pursuing that. I am not Spain's psychologist, Mr Speaker, but I suggest that some people should visit theirs.

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Mr Speaker: Next question.

Q207/2023

BGTW incursions by Spanish law enforcement agencies – Number involving requests for assistance

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Clerk: Question 207/2023. The Hon. D A Feetham.

Hon. D A Feetham: Thankfully, I have never visited a psychologist myself, but there is always a first time.

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How many incursions, in the last five years, into British Gibraltar Territorial Waters by Spanish law enforcement agencies have involved a request for assistance from law enforcement agencies or authorities in Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.

565 **Chief Minister (Hon. F R Picardo):** Mr Speaker, this information is not currently available. To compile it would require a manual exercise going back, day by day, for five years.

570 **Hon. D A Feetham:** Mr Speaker, I do not understand the rationale behind the answer to the question. He has provided us with all these figures that show incursions into British Gibraltar Territorial Waters, the numbers in detail – although he has not provided the breakdown, but I accept that the numbers are there – and all we are asking is out of these numbers, or, if it is not in this table, what other numbers are there where there has been a call to British Gibraltar Territorial Waters, to put it in a way that everybody understands it ... where there has been a seeking of assistance. I just do not understand it.

575 Let me see whether at least he can be helpful in relation to this. If, for example, I were – *(Interjection by Hon. Chief Minister)* Please do not get upset about the questions.

Hon. Chief Minister: I am not upset.

580 **Hon. D A Feetham:** You are getting upset. *(Interjection by Hon. Chief Minister)* You are getting upset and I am trying to keep calm. You are getting upset and you are then going to get me upset as well. *(Interjection by Hon. Chief Minister)* Okay. All right. *(Interjection by Hon. Chief Minister)* All right. Okay. *(Interjection by Hon. Chief Minister)* All right, the absence of intellect that I put into the question.

585 **Mr Speaker:** It is now getting personal and that is not acceptable.

Hon. Chief Minister: *[Inaudible]* I apologise.

590 **Mr Speaker:** No ...

Hon. D A Feetham: If it was about me, I apologise anyway. I am in an apologetic mood, Mr Speaker.

595 How long would he need for this information to be compiled? If, for example, I was magnanimous and I offered to ask this question in the future, how long would it take the public servants to compile this information in order that he can provide an answer to this House?

600 **Hon. Chief Minister:** Mr Speaker, let me be very clear about the answer I have given. I have not relied, as the Hon. the Leader of the Opposition suggested earlier, on the use of the word ‘incursion’ to not provide an answer to this question, because in fact the question would be improperly phrased, because when a Spanish law enforcement agency makes a request to a Gibraltar law enforcement agency to come into BGTW, then that is not an incursion. It is not an incursion. But despite the fact that this question and the next question refer to incursions and in the next question it *would* be an incursion, I have not relied on that in order to not give an answer to this question.

605 What I want the hon. Gentleman to realise is that in Question 207 he is asking about situations which are operationally as they should be. In other words, a Spanish law enforcement official chasing somebody gets in touch with Gibraltar law enforcement officials and says, ‘I am coming, help me.’ That is not recorded anywhere. It is not recorded anywhere as an incursion or as a non-incursion or as a co-operation. Therefore, it is not an instance which is recorded in the table that I have given him before. It is not one of the 1,395 for the earlier years. It is not there, because that is not an incursion.

615 To go back would require us to check every single record for every single night of operation of HM Customs and of the RGP, to check whether they had a communication from Spanish law enforcement, and therefore it is impossible to do, not just in the time available but impossible to do because we would not be able to check our records going back that time in a way that is a good

use of government resources, and therefore it cannot be done. But it is not an incursion, it is not an improper entry into British Gibraltar Territorial Waters, it is a proper act of co-operation between law enforcement agencies, which would not be recorded as something contrary to either public international law or to our view of how Spanish law enforcement should co-operate with us, or indeed Moroccan law enforcement should co-operate with us.

Hon. D A Feetham: Does he not think that, as the leader of the Government, it would be beneficial to the Government to have the statistics available of incursions into British Gibraltar Territorial Waters in pursuit of suspects where there has been no call to the Gibraltar authorities, which he has already answered – he says he has already answered – in the table, and the statistics for the same period showing where there has been a call for assistance, so that he can then demonstrate the difference between the two scenarios? Does he think there would be a benefit to the Government to have those statistics available? He laughs in an exasperated way, but it is a sensible question.

Hon. Chief Minister: Mr Speaker, first of all, the first type of example that he refers to is in the next question on the Order Paper, which he is now leading me to. The second answer to his question is that I would ask him to once again think a little more carefully. If we were to have such a statistic and we were to publish it, it would tend to demonstrate that Spanish law enforcement officials are acting in a manner that is in keeping with our view of the application of public international law in respect of British Gibraltar Territorial Waters. What does he think – and I ask him rhetorically – would be the effect of that on the behaviour of Spanish law enforcement and their co-operation with Gibraltar law enforcement, or indeed the instructions that they might receive from higher up the chain politically, given the effect that that statistic might have on a Spanish theory of how they should behave in respect of accessing BGTW? And therefore, what would the effect be on law enforcement officials? I think if he reflects on that, he will understand that it is potentially hugely counterproductive to bandy such a figure about in public, and it could create much greater opportunity for those who are criminals seeking to squirm between these issues of jurisdiction and could create much greater danger to our highly prized law enforcement officers.

Hon. D A Feetham: And what would he have to say if I said to him that perhaps the reason for his reticence in providing me with these statistics is that they would show that only in a minority of circumstances do Spanish law enforcement officers actually do things properly when they come into British Gibraltar Territorial Waters in pursuit of suspects?

Hon. Chief Minister: I would say, Mr Speaker, that he has once again failed to understand the dynamic that we are dealing with. I have absolutely no doubt that, unfortunately, it is in an absolute minority of cases that Spanish law enforcement officials communicate with their Gibraltar law enforcement officials timeously and that that is a pity because it is politically driven, it is not law enforcement driven, and it would not be happening on my watch more than it was happening on their watch or on Sir Joe's watch or on Sir Joshua's watch. This is, unfortunately, the part of the world in which we operate. We have not been able to see a change to that in any of the periods of political leadership of Gibraltar, not because of the political leadership of Gibraltar, but political leadership elsewhere. So it is not an issue not to publish those statistics. It is regrettable that it is a minority of instances, and I hope that one day common sense will prevail and that will change.

Mr Speaker: Next question.

Q208/2023

**BGTW incursions by Spanish law enforcement agencies –
Number not involving requests for assistance**

665 **Clerk:** Question 208/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many incursions in the last five years into British Gibraltar Territorial Waters by Spanish law enforcement agencies have not involved a request for assistance from law enforcement agencies or authorities in Gibraltar?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as I have said in relation to the previous answer, this information is not currently available. To compile it would require a manual exercise going back, day to day, for five years.

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Hon. D A Feetham: A supplementary in relation to this: if I asked him at the next session to provide the information for just one year, would that be available? Would he have that information available either publicly or privately?

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Hon. Chief Minister: Mr Speaker, not in a way that is reliable, and therefore I would not want to give it across the floor of the House, but I am happy to consider giving it to him directly.

Hon. K Azopardi: Mr Speaker, for me to understand this answer, he says it is not available for the reasons he has explained in relation to the previous answer, but in relation to Question 206 he has given us this table. Is he saying that someone is recording incursions but the incursions table that we have received under Question 206 is not an all-inclusive log of incursions and that there are other incursions? How are they logged? If you are logging the incursions under Question 206, who is making the decision on not logging other incursions, and why?

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Hon. Chief Minister: No, Mr Speaker, I am saying quite the opposite; in fact, the complete opposite. The answer to Question 206 is all incursions. We will not justify the incursion by saying, 'Ah, but in this case the OS35', or 'Ah, but in this case they were doing this, that or the other.' They are all incursions, as far as we are concerned.

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Hon. K Azopardi: So I understand it now, the table at Question 206 is all incursions, but the only distinction he has made, at least in answer to me, is that if they are pursuing a suspect it is not considered an incursion?

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Hon. Chief Minister: No, Mr Speaker, if they are pursuing a suspect *and* they communicate with us *and* we are working with them in co-operation, then it is not considered an incursion. Or indeed – because we are going down the rabbit hole of chasing suspects – if they communicate with us that they are coming and we are co-operating with them, then it is not an incursion. Whether they are coming to chase a suspect, to come round the Rock to go to the other side of the coast, or whether they are coming to see the OS35 with us or whether they are coming to help us with the OS35, it is not an incursion. But when they come without talking to us and not in co-operation with us, it is an incursion, whatever they may be coming to do. I would have thought it was clear, Mr Speaker.

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Mr Speaker: Next question.

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Q209/2023

**Spanish territorial waters –
Incursions by Gibraltar law enforcement agencies**

Clerk: Question 209/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, how many incursions in the last five years into Spanish territorial waters have there been by law enforcement agencies in Gibraltar either (a) because of
715 innocent passage or (b) in pursuit of suspects?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, this information is highly sensitive. I am asked
720 not to disclose this information as it is data about operational aspects of the work of our law enforcement agencies. However, I am happy to have a conversation with the hon. Member behind the Speaker's Chair.

Q210/2023

**Incursions into Spanish territorial waters by Gibraltar law enforcement agencies –
Number involving requests for assistance**

Clerk: Question 210/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, of those incursions in the last five years into Spanish territorial
725 waters by Gibraltar law enforcement agencies in pursuit of suspects, how many involved a request for assistance from Spanish authorities/law enforcement agencies?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, for the same reasons as referred to in the
730 previous answer, this information is highly sensitive. However, I am happy to have a conversation with the hon. Member behind the Speaker's Chair.

Hon. D A Feetham: Mr Speaker, Question 210 is, in fact, the reverse of the questions that I
735 have been asking about the Spanish coming into Gibraltar territorial waters and seeking assistance. In relation to Spanish vessels coming into Gibraltar, he said it was too difficult to obtain that information for the last five years. That is the answer that he gave. Is this information available to the Hon. the Chief Minister? In other words, in the reverse is it available for the last
740 five years, or is this also too difficult to obtain? As I understand the answer, it is that it is available but he will have a private conversation with me. Just so that I understand it.

Hon. Chief Minister: Mr Speaker, I do object to being asked to stand up to agree or not agree
745 with the hon. Member's summary of the answers that I have given him, which in this instance is not incorrect, but I do not think it helps us at all that hon. Members should get up, replay the answer I have just given and ask me to give a yes or no answer. It is almost as if we were in comprehension back in school.

Hon. D A Feetham: Mr Speaker, does he not agree that it is odd? The reason why I have asked
750 this is that it is just odd, to me. There may be a reason. Maybe he can elaborate on the reason.

755 He tells me that he cannot give me the figures for Spanish vessels coming into Gibraltar seeking assistance from authorities in Gibraltar for the last five years, because, as I understood the answer, there is too much data, it is just not available. But now he tells me, in relation to the reverse, that the data is available and he is willing to provide it to me, or at least have a discussion with me privately. Doesn't he see that there is a ... not an inconsistency but a curious difference in the answers he has provided?

Hon. Chief Minister: No, Mr Speaker, I do not see that there is an inconsistency or an imbalance. One is man bites dog and the other one is dog bites man.

Q211/2023
Incident at Eastern Beach –
Whether Spanish officers called for assistance

760 **Clerk:** Question 211/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, in relation to the recent incident at Eastern Beach, did Spanish officers at any time call for assistance from British Gibraltar counterparts or authorities? I assume he has this information.

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, this forms part of an ongoing investigation. It is not appropriate to comment at this stage on aspects of a live investigation.

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Hon. D A Feetham: I thought it was my lucky day, but obviously it is not. Does he at least have that information, even if he is unwilling to provide me with the answer at this stage?

775 **Hon. Chief Minister:** Mr Speaker, I am not unwilling to provide him with the answer. It is just that that is a live investigation. This is a parliament and a parliament should not be commenting on what is a live investigation. I have information which has been provided to me, but it has been provided to me on the basis of confidentiality, and parliaments do not debate live criminal investigations.

780 **Hon. D A Feetham:** Is he saying that there is a criminal investigation? It is a criminal investigation in relation to which suspects, suspects in this jurisdiction or suspects in Spain? And does it include the Spanish officers as being suspects?

785 **Hon. Chief Minister:** Mr Speaker, it would be highly unusual for a minister to answer a question in a parliament about an ongoing investigation seeking to identify or not identify who is or is not a suspect. I know that the hon. Gentleman is trying to play to the gallery and I recognise why he is doing it, but I am not going to fall into the trap of permitting *this* Parliament to become a place where live criminal investigations are debated. I believe, indeed, it is probably outside of the Rules, although I cannot put my hand on the rule at the moment whilst I am on my feet.

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Hon. K Azopardi: Can I just ask? The Hon. Chief Minister is reluctant to comment on the ongoing investigation, yet the question –

795 **Mr Speaker:** I am not sure whether that is right. He is not reluctant; he has explained the reasons why, and I think the hon. Member should take that on board. I do not agree that the characterisation that he is reluctant is appropriate.

Hon. K Azopardi: I thought that I was expressing the kind of tone that he was using without using the word 'reluctant', but I am not going to put words in his mouth, Mr Speaker.

800 He has said he does not want to comment on that, but on the other hand the question is quite specific about whether there was a call for assistance, and I thought he had commented already, to GBC in the media interviews, on information which is not precisely this answer, but questions that related to whether or not they wanted medical assistance when they were here. It is just a related question. That is as much part of the investigation, surely, as the question that my hon. colleague is asking, but he has not been reluctant to answer those questions.

Hon. Chief Minister: I am not reluctant, Mr Speaker. I would be delighted to have a debate about this issue and share my views, which are no doubt in keeping with his and those of all members of our community. But one thing is what I may be able to say in a media interview – indeed, what we can say about each other in a media interview. It is quite another thing what we are able to and what is appropriate for us to say in this place.

810 When I am talking about whether or not we have tendered medical assistance to individuals who are in Gibraltar, whether they are law enforcement agents or not law enforcement agents, that is not a matter which is subject of a criminal investigation. Did we tender medical assistance? Yes, we did. That is not a criminal investigation. Where did the vessel come from etc. – and there are other questions, which we will come to now – those are part of a criminal investigation. As far as I am concerned, we do not debate live criminal investigations in this House, Mr Speaker.

Hon. K Azopardi: There is a distinction, surely, between ... What I thought was the ambit of the question is if, for example, they were in hot pursuit, did you call for assistance? That is a distinction between the quite separate investigation into whatever happened on Eastern Beach that day. Does the Chief Minister see it all as part and parcel of the same thing and is not making a distinction as to whether or not they made a call first to say, 'We are on our way into Gibraltar waters'?

825 **Hon. Chief Minister:** I am sorry, Mr Speaker, I think I have been abundantly clear about this issue. There are aspects which I am advised are part of a criminal investigation. As a result, I cannot answer questions about that in this House, in order to comply with the conventions and Rules of this House.

830 **Hon. D A Feetham:** The reason why I asked whether the Spanish officers were suspects is precisely arising out of the question that the Leader of the Opposition has asked. If the Spanish officers are not suspects in any kind of investigation, there cannot be any possible reason why the question 'Did they ask for assistance prior to coming into British Gibraltar Territorial Waters?' cannot be answered. The refusal can only be seen in the context of an investigation in relation to the Spanish officers. I have to say I would doubt that there would be an investigation into the Spanish officers in the circumstances of this case, so we are entitled to ask the question. Does the Hon. the Chief Minister not see that distinction?

840 **Hon. Chief Minister:** Mr Speaker, I do not think that repeating myself is going to assist the understanding of the hon. Gentleman of the views that the Government is having to take because of the information put to us, but there is another question on the Order Paper which we will come to, about a diplomatic protest. Diplomatic protests would not be made in cases where Spanish law enforcement officials communicate to Gibraltar law enforcement officials that they are coming into Gibraltar and that they are seeking their co-operation. So there is no question of me not

answering or trying to avoid answering for that reason, because, in fact, all of that is already public and there is another question on the Order Paper, which I will answer.

850 **Hon. D A Feetham:** I do not understand his reluctance because following that answer and in the light of the answers that he has already provided to us during the course of this afternoon, if they had requested assistance prior to coming into British Gibraltar Territorial Waters, on the basis of the answers that the Hon. the Chief Minister has provided they would not be classed as incursions, ergo they would not have been doing anything wrong, so I do not understand on what basis ... Does he not agree with me that there is no logical reason why he should not be answering the question that I have posed?
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Hon. Chief Minister: Mr Speaker, I really do not think that my repeating once again the things that I have said is going to persuade the hon. Gentleman that he should not be, for the sake of being able to say that he pursued me on it ... that he should take another course.
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I am very clear what my views are about this incident. There has been a diplomatic protest already. Indeed, as I will say in answer to another question, a *note verbale* was handed in by the British Ambassador in Madrid. There is, therefore, no question of any of the things that the hon. Gentleman has suggested as my motivation for not answering the question in another way. I have been advised that there is an investigation. Therefore, the information that I have is not information that I can impart because it has been imparted to me in the context of that investigation.
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What I can say in the media to help defend Gibraltar's reputation is different to what I might be able to say in this Parliament, because this Parliament has rules, Mr Speaker.

870 **Mr Speaker:** Next question.

Q212/2023
Incident at Eastern Beach –
Direction from which Spanish customs vessel entered BGTW

Clerk: Question 212/2023. The Hon. D A Feetham.

Hon. D A Feetham: Mr Speaker, from what direction did the Spanish customs vessel involved in the recent incident at Eastern Beach enter British Gibraltar Territorial Waters?
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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as I have said in relation to the previous answer, this forms part of an ongoing investigation. It is not appropriate to comment at this stage on aspects of a live investigation.
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Q213/2023
Beach livestream cameras –
Night time availability

Clerk: Question 213/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, does the Government still intend not to make the beach livestream cameras available for online viewing between 11 p.m. and 6 a.m.; and, if so, why?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as the hon. Gentleman should recall, the Government is acting on legal advice regarding this issue and is therefore unable to extend the live broadcasting of the beach cameras to include the hours he is referring to, due to data protection issues.

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Hon. K Azopardi: Mr Speaker, we struggle on this side to understand those issues, given the report that there has been on the GRA views on the subject, and indeed the fact that at night time it would be less easy to identify someone than it would be during the day. Therefore, we do not understand the position or the advice that the Government is receiving in light of what the GRA has said.

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Hon. Chief Minister: Mr Speaker, what the GRA has said is that as long as individuals are not identifiable, the processing of the footage will not be caught under the data protection legislation. That is what our lawyers sought from them at the time when we were being told by the GRA that we had to remove the cameras – not that we could play them at night if we wanted to or during the day, actually that we had to remove the cameras. In fact, the hon. Gentleman might recall that at one stage we had to take them down and people were complaining, because once the cameras were up, people wanted to be able to check how the Levante was in *el mal del Levante*.

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We have had to change the angle of the cameras, we have had to change the granular ability of the cameras to zoom in. At night. There are other issues, because the beaches are used at night sometimes by young people for eventualities that do not involve tobacco smuggling, where somebody being identified may not be the issue, but they might also be identified, and for that reason we went through a really difficult process internally where we wanted them on all the time throughout the year, 24 hours a day, and we were being told that that could not be the case because of the GDPR issues and because of the feedback that our officials were getting from the GRA. It is absolutely true that our decisions were not based on a ruling of the GRA because, based on the advice we were getting from our officials because of the things that the GRA was saying to them, we had to change the way that the cameras operated. But that is the reason for this.

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None of that relates to illegal activity on any of the beaches because, as I have said in answer to earlier questions, there are better cameras that provide law enforcement functions in respect of the beaches, but we do not want to disclose where they are because otherwise people might know that they can go to one place to commit offences but not another, or what angle to commit the offence and not others.

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The livestream cameras would not enable law enforcement to have better policing of the beaches. We have already offered the law enforcement agencies the possibility of CCTV cameras where they consider them appropriate through Gibraltar. We have rolled out a programme in that respect. They do not think that they need them at Eastern Beach etc. because there is a *really* powerful camera that shows them everything that is happening, and so they do not need this. This is the camera to show us whether there is Levante or not, not to show us whether Johnny and Jane have finally decided that they are going to get it together or whether or not we can all look at whether there is illegal activity on the beach – because this is not CCTV, this is live stream. This is for everyone in Gibraltar. And it is not as if CCTV is necessary for Eastern Beach, because given the affordable housing programme that we have provided for, Eastern Beach is now one of the beaches and one of the areas of Gibraltar which has the most eyes on it. There are about 500 families there already and there will be another 400 families there in coming months, or at least 200 families in coming months and an extra 300 families in other months.

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935 The hon. Gentleman is obviously trying to create this idea that we are trying to stop the cameras from being on at night so that tobacco smuggling activity can go on, when in fact there are really powerful cameras that catch all that area – and the good ones, the ones which show you the brand of the button of the guy who decides he is going to turn up to smuggle the box of Winston.

940 **Hon. K Azopardi:** Is he saying, then, that the decision to remove the cameras at night time is a government decision or a GRA advice decision?

Hon. Chief Minister: A decision made by the Government on the advice of government lawyers after they considered with the GRA the advice of the GRA.

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Hon. K Azopardi: But not that the GRA had advised that they should be removed at night time, but not during the daytime, not specifically?

Hon. Chief Minister: No, because as the Government understood it, the GRA were threatening to rule that we had to remove them completely during the day and during the night.

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Hon. K Azopardi: Was there a specific GRA ruling in relation to the matter? When he says they were threatening to rule, did they actually rule?

955 **Hon. Chief Minister:** Mr Speaker, by working with the GRA and trying to understand their parameters and change the operation of the parameters, we avoided the ruling which everybody would have wanted us to avoid, which was that we had to remove the cameras. So by changing the method of operation of the camera, the ability to zoom, the angle of the camera etc., we were able to avoid a ruling from the GRA to remove the cameras. And so we have the cameras now in
960 a way that the GRA accepts, because the purpose of the camera – and this is key – which is for people to see the weather conditions at Gibraltar’s beaches in order to be able to attend at the beaches during the day, is what the camera has to provide on the livestream. If you do not, and you let it run through the night or you let it focus on a particular individual whose physique might be more attractive to one person or another – and from the control that you have on your
965 computer you can zoom in – you do not comply with the rulings and therefore you are at threat of having to remove them completely, not just at night but also during the day.

Hon. K Azopardi: Does the Government not see that by not having the camera on at night, it looks like simply the Government is trying to avoid the embarrassment that you are going to see fast launch activity more during the night time than during the day?

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Hon. Chief Minister: Mr Speaker, it is possible that somebody might reach that perverse conclusion, it is possible that somebody might be led to that perverse conclusion, but I wonder who it is that would think that that is logical given that there are 350 families overlooking the beach at the moment and there are going to be 750 families overlooking the beach as from July.

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It would be a fool’s errand to think that the decision in respect of these cameras has been made because of activity that is, in any event, greatly reduced, as we will come to when we look at this in the context of other questions. But of course somebody could reach that perverse and incorrect conclusion if they wanted to and if they did not want to hear what I have said about the reasoning in respect of these cameras, and if they believed that everyone in their home is Gibraltar’s law enforcement agent looking through one of the cameras to see if they detect some illicit activity on the beach, when in fact we have two law enforcement agencies who are constantly patrolling our beaches, as I will come to in the context of another question, and we have very powerful, proper law-enforcement-and-beyond cameras, which do the job already of
980 showing those who need the data and the information – that is to say the security services, the
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defence services and the law enforcement agencies – all our beaches in all their glory, day or night. Johnny and Jane should beware.

Mr Speaker: Next question.

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Hon. D A Feetham: But isn't it the case that if the regulator now, as a consequence of the adaptation, has no problems with this livestream being available during the day, it is less likely ...? They have already said that they have no problem at night, yes, but because of the adjustments that have been made you cannot make out people's faces, it is less likely you are going to be able to make out people's faces at night time, so I just do not understand what the problem from the Government's point of view is, switching it off at night when the GRA say there is no problem at night and when people are less likely to be identifiable at night time than during the day.

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Hon. Chief Minister: Mr Speaker, the GRA has said a number of things, not just that. The GRA has said that the processing of footage must have a lawful purpose, a clear and justified purpose, with footage limited so that only the necessary personal data is processed for that purpose.

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These are not CCTV cameras, these are livestream cameras. The purpose is not to make every Gibraltarian a detective of what is happening on the beaches at night. The CCTV cameras in other places do not provide for that. The purpose is not to permit one partner to see whether in fact their partner is having an adulterous relationship with another, where they may not have to identify their face but they might identify their car. The purpose is not to enable us to see the full moon reflected on the glorious Mediterranean. The purpose is to see the weather, to see whether you want to go to the beach during the summer. If you go outside that purpose, you have to explain why you are doing it. On what basis would the cameras run at night? This is the issue we were faced with when we were going to run the cameras through the day and the night, innocently, not thinking of Johnny and Jane and the other things that can go on. And so the purpose is to see the weather during the day.

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Mr Speaker, if hon. Members think it is a huge issue I do not mind asking the Hon. Minister to go back again and try to change the purpose, so that if anybody wants to go skinny dipping at night, they can see whether there are olas or there are not olas on Western Beach, Eastern Beach or anywhere else. I do not really give a monkey's, and neither do I think that having the livestream camera is going to enhance or curtail any activity that there may be on the beaches which may be illicit. But the hon. Gentleman has just made me realise that there is one potential advantage of all of this, that maybe somebody from Madrid could tune in to the livestream camera and be reassured that there is no constant illicit activity going on from our beaches. Maybe that would be a huge advantage.

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Mr Speaker: Next question.

Q214/2023

Beaches –

Whether patrolled at night

Clerk: Question 214/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, do the Royal Gibraltar Police patrol our beaches overnight to prevent unlawful activity, and/or do other agencies such as HM Customs or Borders and Coastguard have such responsibilities?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the Commissioner of Police and the Collector of Customs have informed me that the RGP and HM Customs patrol the whole of Gibraltar, including our beaches and coastline, to ensure Gibraltar's security and curtail illegal activity. They do so regularly and every night.

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Hon. K Azopardi: I am certainly glad to hear that, Mr Speaker, but the Chief Minister will have seen the comments of residents of Eastern Beach, like I have seen them, where, to paraphrase what they were saying, not many authorities were seen down there, and the beaches are used for unlawful activity. How can he reconcile that information that he has been provided with those comments? And has he asked the Commissioner of Police and HM Customs, to understand the regularity of those patrols and the nature of them given the comments that have been made by concerned residents?

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Hon. Chief Minister: Mr Speaker, there is another question on the Order Paper about whether I have given instructions about the regularity of patrols, or anyone. I do not give instructions about regularity of patrols. I do not believe it is the role of the Government to give instructions about regularity of patrols; I express concerns to the Commissioner and the Collector. I have expressed my concerns and I do not think it is appropriate for us to do more than that.

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Hon. K Azopardi: What I was asking was given the concerns that have been expressed by residents and the information that he has received, putting them alongside each other, can he not see that there is obviously some factual disconnection there, and that if the residents' concerns are correct, somehow those patrols are not working the way that they should be, and has that made him have a discussion with the RGP and Customs – knowing that he will not give those specific instructions for the reasons he has just explained, but has he expressed those concerns to the Police and Customs and has he been told that the patrols would be increased?

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Hon. Chief Minister: Mr Speaker, I do not accept the premise of the question and therefore I have not had that discussion in that context. The next question on the Order Paper is about instructions.

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Hon. K Azopardi: When he says he does not accept the premise of my question, is he saying he thinks the patrolling of our beaches is sufficient?

Hon. Chief Minister: Mr Speaker, I am saying that I do not know enough about what frequency of patrolling of our beaches to be sufficient or not be sufficient is appropriate because I am not an expert on security and how it is done, and indeed I leave that to the experts who know how it is done. The fact that we have had one incident in a very long period of time suggests to me that they are getting it right.

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Hon. K Azopardi: Mr Speaker, I was not asking about that one incident. What I was relaying to him is the wider concern that it is not just one incident, that there is unlawful activity from that beach and other beaches, and if that concern is also reaching him, as it is reaching me, and it is indeed in the public domain in the comments that people have been making, the residents, shouldn't he be having that discussion with the Police and HM Customs?

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Hon. Chief Minister: Mr Speaker, for the reasons he has just said, if something is reaching him and it is reaching me – and it is not our job to be on top of those things; and we do not have intelligence feelers out there, we have supporters and constituents – it will be reaching the Collector of Customs and the Commissioner of Police. One has to be very careful, other than to express concerns in light of particular instances. I have expressed concerns about the incident in

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question, but I am not going to express concerns based on ad hoc information put on social media or referred to me which I am unable to test in the way that law enforcement is able to test.

1085 I know that there have been administrations who have told the Police what to do and how to do it and how to manage their shifts and how to change their shifts. We are not that administration, Mr Speaker.

1090 **Hon. K Azopardi:** Mr Speaker, I am not asking him to just ... Of course he is not an expert, nor am I, but he is the Chief Minister and I assume he has discussions with Customs and the Police, because they have relayed this information to him. All I was saying is that during the course of that, presumably, if he had heard the same concerns that I have heard, he would have mentioned to the RGP and Customs, 'This is the information that is reaching us,' and Customs or the Police would say, 'I am sorry, Chief Minister, that is not true, because we patrol the beaches from 11 o'clock until 6 a.m. – we go every hour, we do it in a patrol car, we do it in this way, we do it in that way,' and he would either be assured or not assured. But it does not seem that he has been having those discussions of detail, and I would invite him to do so. Does he not agree that it would be relevant to do so?

1100 **Hon. Chief Minister:** No, sir.

Mr Speaker: We need to move on to the next question.

Q215/2023

Beaches and waters –

Instructions given to RGP and HM Customs re patrols

Clerk: Question 215/2023. The Hon. the Leader of the Opposition.

1105 **Hon. K Azopardi:** Mr Speaker, have RGP officers or HM Customs officers been instructed not to patrol our beaches or waters at night or to lessen the frequency of patrols generally or within certain areas at certain hours; and, if so, why?

Clerk: Answer, the Hon. the Chief Minister.

1110 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the security of Gibraltar and its people must surely be one of the highest importance to any Government. In light of this, His Majesty's Government of Gibraltar does not issue any operational instructions to its law enforcement agencies. We have never done so and we never will do so. They determine independently how best to ensure the security of Gibraltar and its people, and that includes the patrolling of our beaches or waters and the frequency of such patrols and all aspects of such patrols, including but not limited to the areas and hours in which such patrols are or are not conducted.

1120 **Hon. K Azopardi:** Mr Speaker, the question asks whether RGP officers or HM Customs officers have been instructed not to patrol our beaches. It does not ask whether the Government has given those instructions. Is the Government aware whether RGP officers or HM Customs officers have been instructed not to patrol beaches or waters at night in particular areas or to lessen the frequency?

1125 **Hon. Chief Minister:** No, Mr Speaker, and in providing this answer, which we answer on behalf of the Government, we have obviously checked with the Commissioner of Police and the Collector of Customs. But it is frankly perverse to think that that would be the case, and to send a signal to

the world that the Opposition have to even ask the Government whether it or any of our law enforcement agencies with the power to give such a direction would give such a direction.

1130 **Mr Speaker:** Next question.

Q216/2023

Eastern Beach incident –

When Gibraltar authorities became aware of Spanish vessel in Gibraltar waters

Clerk: Question 216/2023. The Hon. the Leader of the Opposition.

1135 **Hon. K Azopardi:** Mr Speaker, when did the Royal Gibraltar Police and/or any other enforcement agency become aware that a Spanish SVA vessel was within Gibraltar waters and so close to shore before the incident on or about 2nd February 2023?

Clerk: Answer, the Hon. the Chief Minister.

1140 **Chief Minister (Hon. F R Picardo):** Mr Speaker, as I have said in a previous answer, this forms part of an ongoing investigation. It is not appropriate to comment at this stage on aspects of a live investigation.

Mr Speaker: Next question.

Q217/2023

Eastern Beach incident –

When Gibraltar authorities became aware of Spanish RIB landing

1145 **Clerk:** Question 217/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, when did the Royal Gibraltar Police and/or any other enforcement agency become aware that a small RIB from a Spanish SVA vessel had landed at Eastern Beach on or about 2nd February 2023?

1150 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, as I have said in a previous answer, this forms part of an ongoing investigation. It is not appropriate to comment at this stage on aspects of a live investigation.

1155 **Hon. K Azopardi:** Mr Speaker, I rise just to ask him this, because again, in his GBC media interview he seemed to be quite relaxed about discussing some of the aspects of the landing and timings of when the RGP had come. There is footage that suggests that the RGP had turned up at the scene somewhere between four and six or eight minutes after the landing, but I was trying to get a more precise timing if the information was had by the Government. Is he still sticking to that original answer, that he is unwilling to do that here but willing to do so outside?

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Hon. Chief Minister: Mr Speaker, I am not unwilling; I am advised that I am unable to provide that information in this House.

1165 **Hon. K Azopardi:** To be clear, he has advised that he cannot give information in this House but he is able to talk about it in media interviews outside this House. Is that correct?

Hon. Chief Minister: No, Mr Speaker, I am advised that the information I provide outside this House, which is not the level of precision that I can give here, can be in keeping with what is in the public domain and represented for Gibraltar, in Gibraltar and outside of Gibraltar. But I am asked, in particular, in this House about when, and I have the information and it is precise. I am unable to provide it in this House whilst there is a live investigation going on.

Mr Speaker: Next question.

Q218/2023
Eastern Beach incident –
Diplomatic action and steps taken

1175 **Clerk:** Question 218/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: Mr Speaker, is Government aware what diplomatic action has been taken in respect of the landing at Eastern Beach of armed Spanish officers and the shooting of firearms at Eastern Beach, and what steps has it taken in relation to the incident?

1180 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir, as has been reported publically, a *note verbale* was issued last week by the United Kingdom government as a formal diplomatic protest to Spain following the incident at Eastern Beach.

Hon. K Azopardi: Mr Speaker, is the Government aware of any response – official response, not just a press release and the comments in the press? Has there been an official Spanish response to the *note verbale*, and has the Government been informed of it?

1190 **Hon. Chief Minister:** Mr Speaker, the Government has been informed of all of the exchanges that have taken place between the United Kingdom and Spain in respect of this matter, but not of any formal response by Spain at this stage.

1195 **Hon. K Azopardi:** Mr Speaker, does the Government agree with me that the landing and the firing of arms by the Spanish officers on Gibraltar land was entirely unacceptable?

Hon. Chief Minister: Mr Speaker, I am very pleased that the Hon. the Leader of the Opposition agrees with me and with His Excellency the Governor, as we said on 3rd February that this incident was a violation of British sovereignty and it was a grave breach of our sovereignty and jurisdiction.

Hon. K Azopardi: Mr Speaker, does the Chief Minister agree with me that it was somewhat incongruous for a Foreign Office source to have been quoted in *The Times* as having apologised to the Spanish officers who had fired arms in Gibraltar, and that was somehow rather inconsistent with the filing of the *note verbale*? And has he asked the Foreign Office whether that represents the official position of the Foreign Office?

Hon. Chief Minister: Mr Speaker, that does not represent the official position of the Foreign Office. The official position of the Foreign Office is set out in the press release provided here and

1210 in the *note verbale* that has been given to Spain, and therefore I would caution that the hon. Gentleman should not believe things which are unattributed to individuals in newspapers.

Mr Speaker: Next question.

Q219/2023
Eastern Beach incident –
Whether any arrests by RGP

Clerk: Question 219/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, have the Royal Gibraltar Police undertaken any arrests in relation to the incident at Eastern Beach on or about Thursday, 2nd February 2023?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, no arrests have yet been undertaken in respect of this matter.

Q220/2023
Eastern Beach incident –
Monitoring, security and enforcement systems

Clerk: Question 220/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, does the Government accept that the incident at Eastern Beach on or about 2nd February 2023 exposes flaws in our monitoring, security and enforcement systems; and, if so, how will these be improved?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, the incident at Eastern Beach is hugely concerning. The Government's concerns in respect of this incident go well beyond concerns about monitoring, security and enforcement systems. We are, therefore, already considering how best to address the issues that permitted such an incident to take place.

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Hon. K Azopardi: Mr Speaker, we share the view that it is concerning, but my question also asked how will these be improved. Does the Government already have in mind the kind of measures that it will take, or is it early days? I accept that it has only happened relatively recently, but given the severity of the incident, has the Government been able to consider and take it to the stage where it now has a view of the kind of improvements it would want to make?

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Hon. Chief Minister: Mr Speaker, the Government has already implemented improvements and will be implementing even more improvements to address all of the issues that concern us, which go beyond the items set out in the hon. Gentleman's question, but of course I cannot go into them and I cannot explain them because then their use would be vitiated.

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Mr Speaker: Next question.

Q221/2023

**Tobacco smuggling –
Number of prosecutions in last five years**

Clerk: Question 221/2023. The Hon. the Leader of the Opposition.

1250 **Hon. K Azopardi:** How many prosecutions have there been for tobacco smuggling offences in the last five calendar years, namely 2018, 2019, 2020, 2021 and 2022?

Clerk: Answer, the Hon. the Chief Minister.

1255 **Chief Minister (Hon. F R Picardo):** Mr Speaker, law enforcement agencies report a major fall in the instances of tobacco smuggling in recent years. This is likely attributable to the pandemic, which led many to wisely give up smoking, and the tobacco MoU under the withdrawal agreement, which set a maximum 32% differential on tobacco prices with Spain. This differential had been upwards of 50% to 60% before that. Indeed, Altadis, the leading tobacco manufacturer
1260 in Spain, has recognised publicly the significant and drastic drop of an estimated 76.7% decrease in the illicit and unlawful tobacco trade in Gibraltar since the MoU on tobacco was entered into in 2018.

In terms of prosecutions, in 2018 there were 25, in 2019 there were 6, in 2020 there were 19, in 2021 there were 5, and in 2022 there were 3.

1265 The number of cases dealt with by Customs is as follows. In 2018, there were 25 cases with 48 arrests. The total amount of tobacco seized was 1,499,710, and the total amount of rolling tobacco seized was 198,350 g. Additionally, there were 69 instances of found tobacco, which resulted in 3,329,880 cigarettes and 144,350 g of rolling tobacco being seized.

1270 In 2019, there were 17 cases, 30 arrests, and the total number of cigarettes seized was 1,303,680. Additionally, there were 38 incidents of found tobacco, which resulted in 1,848,460 cigarettes and 300 g of rolling tobacco being seized.

In 2020, there were 16 cases, 28 arrests, and the total number of cigarettes seized was 820,420. Additionally, there were 27 incidents of found tobacco, which resulted in 2,133,640 cigarettes being seized.

1275 In 2021, there were five cases, 12 arrests, and the total number of cigarettes seized was 329,800. Additionally, there were 28 incidents of found tobacco, which resulted in 1,601,800 cigarettes and 5,000 g of rolling tobacco being seized.

1280 In 2022, there were eight cases and 12 arrests. The total number of cigarettes seized was 515,880 and the total amount of rolling tobacco seized was 1,500 g. Additionally, there were 47 incidents of found tobacco, which resulted in 1,065,220 cigarettes and 46,600 g of rolling tobacco being seized.

1285 Mr Speaker, therefore the total amount of tobacco seized was 4,829,590 cigarettes and 342,700 g of rolling tobacco in 2018; 3,152,140 cigarettes and 300 g of rolling tobacco in 2019; 2,957,060 cigarettes in 2020; 1,931,600 cigarettes and 5,000 g of rolling tobacco in 2021; and 1,581,100 cigarettes and 48,100 g of rolling tobacco in 2022.

1290 **Hon. K Azopardi:** Mr Speaker, can I just understand these statistics a bit better? He has given me the number for prosecutions and also gone into some detail on the cases and so on. Do I understand, when he says ...? For example, for 2019, in the second part of his answer he says there are 17 cases and 30 arrests. And then, if you look at the number for prosecutions, in 2019 there were six prosecutions. Is it because there are more cases than there are prosecutions? Not every case leads to a prosecution – is that the correlation there?

Hon. Chief Minister: Yes, Mr Speaker.

1295 **Hon. K Azopardi:** If that is so, then when we turn to 2020 he says there are 16 cases and 20 arrests, but he has given me the number of 19 prosecutions. How can there be more prosecutions than there were cases in 2020?

Hon. Chief Minister: Some of them may date from an earlier year.

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Hon. K Azopardi: Is he saying that because he has the information in front of him, or is he speculating as to the answer?

Hon. Chief Minister: I think it is pretty obvious, Mr Speaker.

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Hon. K Azopardi: It is obvious that he is speculating, or is it obvious that he has the answer in front of him?

Hon. Chief Minister: No, Mr Speaker, it can only be because they come from earlier years, or indeed because they are more than one prosecution resulting from one case.

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Hon. K Azopardi: Does he think that the number of prosecutions for 2021 and 2022 is quite low?

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Hon. Chief Minister: Mr Speaker, it seems to be inversely in keeping with the activity and with the revenue. There is much less seizure because there is much less revenue and there is much less activity. So the correlation seems to be exactly correct. When we had the revenue that we had, there was much more activity. Now we have much less revenue, there is much less activity, there is much less illicit activity, there are many fewer prosecutions. It is a really neat curve, Mr Speaker.

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Hon. K Azopardi: Government's advice and belief is that there is now far less unlawful activity than there has been in the two or three years before the MoU. That is its position, yes?

Hon. Chief Minister: And even before, Mr Speaker, and that is borne out and justified by the low levels of revenue, which the hon. Member has seen in the Estimates Book, and with the COVID Fund if we were taking 2019 as the year. If he looks at the years afterwards, there is much less activity in respect of tobacco, licit and illicit. It is obvious, Mr Speaker.

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Q222/2023

RGP, HM Customs and Borders and Coastguard Agency – Adequacy of resources and support

Clerk: Question 222/2023. The Hon. the Leader of the Opposition.

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Hon. K Azopardi: Mr Speaker, is the Government satisfied that the RGP, HM Customs and/or Borders and Coastguard have sufficient personnel, equipment, resources and support to monitor and enforce Gibraltar law within Gibraltar waters and at our beaches and curb any smuggling and unlawful activity?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, yes, sir. When we were elected, the RGP had a small launch and RHIBS which were confiscated. We bought the *Sir Adrian Johns* and then even more additional, bespoke RHIBS for the RGP. We then also bought additional, bespoke new assets

1340 for HM Customs. Both the RGP and Customs chose the type of vessels they required. We also
funded jet skis for the RGP. Obtaining, manning and operating these vessels to give our law
enforcement agencies the resources necessary to monitor and enforce Gibraltar law within
Gibraltar waters and at our beaches and thereby curb any illicit activity increased departmental
costs, which we agreed to despite being heavily criticised by our political opponents for such
1345 increases in spending.

Customs now have six vessels, three in use and three for training, one of them acquired just
last year from Damen Shipyard.

Having undertaken a strategic demand assessment arising from the recent HMICFRS inspection
on our marine capability, the RGP sold the *Sir Adrian Johns* and committed to engage with the
1350 Government to ensure that the policing capability and capacity of the RGP continued to be well
resourced. The RGP currently has three operational vessels, one of which is undergoing a refit to
ensure that she can remain in service for another five years. One of the other vessels will then
undergo a similar refit. Additional vessels may be purchased in future. Additionally, we have
developed a new and bespoke facility for the RGP Marine Section and for Customs.

1355 The number of police officers has increased from 253 when we were elected in 2011 to 301
now, an almost 20%, or one fifth, increase in the RGP manning level. Their budget has gone from
£10,566,000 to £17,549,000. The number of customs officers has increased from 113 when we
were elected to 171 now, an increase of 51.3%. That is an increase by half again of customs
officers. Never have such increases in manpower in law enforcement been delivered by any
1360 administration. The Customs budget has gone from £4,724,000 to £11,002,000.

So, having increased customs officers by 58 and police officers by 48, and Customs' budget
going up by £6,278,000 – that is to say approximately 133% – and the Police budget by £6,983,000,
or approximately 66%, the Government is entirely satisfied with both the physical and human
resources available to our law enforcement agencies, which have increased substantially in every
1365 respect since we were elected into government in 2011.

Hon. K Azopardi: Are the Police and Customs telling the Government that they consider they
have sufficient resources, equipment and support?

1370 **Hon. Chief Minister:** Mr Speaker, I do not believe there has ever been a Commissioner of Police
or a Collector of Customs so treacherous as to say to the Government that they do not want any
more. Of course every head of department, whether he is Commissioner or Collector, whether he
is the head of ITLD or the head of the tax department, always wants more resources, but I know
that in the negotiations that we have for budgetary resources the Commissioner and the Collector
1375 are amongst those who leave most satisfied and assured that the Government will fund whatever
resources they need. And indeed, as the hon. Gentleman will know, there are lines in their budgets
which they are able to exceed in respect of investigatory overtime etc., where they are given a
£1,000 provision so that they can exceed those amounts. I have not given the forecast outturns,
which would include those amounts of additional resources, but I have given the amounts of the
1380 estimates, which only provide those £1,000 lines.

Genuinely, the relationship between the Government, the Police and Customs in all budgetary
matters is very strong. We work very closely with them. We ensure that they have what they need
and we will always seek to ensure that they have what they want and not just what they need.

1385 **Hon. K Azopardi:** And given that the answer to the question that I asked a few minutes ago as
to whether the Government is satisfied that the Eastern Beach incident exposed flaws in
monitoring etc. was yes and the Government agreed that that was so and that it was reviewing
certain issues and so on, would that review – without pressing into the operational issues, which
of course I do not want to do – lead possibly to further resources, equipment and support
1390 personnel to the RGP and Customs?

Hon. Chief Minister: Neither Customs nor the RGP who have been advising the Government have suggested that the lacuna is in any of those areas.

Q223/2023
Smuggling –
Whether sufficient is being done

Clerk: Question 223/2023. The Hon. Ms M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Does the Government believe it is doing enough to curb illicit smuggling?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Mr Speaker, since we were elected into Government in 2011, we have increased the price of tobacco very substantially. Additionally, the Government entered into a Memorandum of Understanding with the Kingdom of Spain in 2018 which, amongst other things, limited the difference between the retail price of tobacco in Spain and Gibraltar as well as providing for exchange of information mechanisms concerning tobacco importation and sales. In fact, although the MoU on tobacco is no longer in effect, HM Government of Gibraltar remains fully compliant with it and has continued to honour and give effect to the 32% differential in retail price from Spain agreed in the MoU. Previously, the differential could be upwards of 50% to 60%.

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Additionally, in 2017 the Government introduced tobacco special zones which restricts the sale and possession of significant quantities of tobacco in these areas and further enhances the RGP's and HM Customs' ability to clamp down on any illicit activity that may occur. This has eliminated *matuteras* that blighted the frontier area and the anti-social behaviour related to tobacco that blighted some estates.

1410

Finally, the Government believes HM Customs and the RGP are actively enforcing anti-smuggling legislation in Gibraltar, with arrests and seizures being effected regularly. I have already provided considerable statistical data in this respect and I refer, once again, to the comments from Altadis referring to a 76% decrease in tobacco originating from Gibraltar.

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Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Chief Minister for that answer. I was more interested, actually, on the side of things of the agencies, how he responded to the Leader of the Opposition. What would the Chief Minister say about the perception that many in local authorities or agencies and bodies such as those do not necessarily feel so supported to carry out their duties effectively in order to curb such illicit activity? Could it be that despite the hike in financial support in resources and equipment, these bodies are not being instructed to focus as much as may be required on the smuggling side, but perhaps on other maritime endeavours or chores?

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Hon. Chief Minister: Mr Speaker, any such perception would be utterly nonsensical because a lot of the measures are designed to deal exclusively with tobacco. The tobacco special zones are an idea of a former Collector of Customs with the agreement of a Royal Gibraltar Police Commissioner. The whole structure is designed to ensure that the RGP and Customs can deal with illicit tobacco activity, removing shops from estates where people could scurry away into blocks and putting them in places where they are concentrated and therefore the RGP and Customs have direct eyes on them is part of that operation. Restricting the amount of tobacco that an individual can be in possession of in a particular area is part of that. Giving Customs and the Police the more nimble RHIBS that they have sought and are exactly designed for that purpose ...

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1440 We could not be doing more. We could not be more supportive. We could not say more that is supportive in public and in private. Every customs officer and every police officer knows that what we want is for Gibraltar to be known only for licit activity and not for illicit activity. We have demonstrated that, and indeed, if the hon. Lady does not want to believe what I am saying to her, I once again refer her to what the Spanish tobacco major, Altadis, has said about the reduction of tobacco originating in Gibraltar being detected in Spain – a 76% fall. I think that speaks for itself. It is remarkable. It is not our statistic, it is their statistic.

1445 But as I have also referred to the House, the amount of money that comes into our coffers from the sale of tobacco is greatly reduced, as we debate in the context of import duty when we have our budgets, and, as I have said to the Leader of the Opposition, the number of prosecutions is down but the activity is also greatly down and the reduction in prosecutions is obviously directly related to the reduction in activity. So in fact, anybody who has the sort of perception that the hon. Lady is referring to could not be one of the law enforcement officials in any of the agencies involved in the sterling work that they have done which has seen the reduction, because that speaks for itself as being a fact contrary to the alleged perception.

Mr Speaker: Next question.

Q224/2023
Trade office in Tangier –
Whether yet open

1455 **Clerk:** Question 224/2023. The Hon. D J Bossino.

Hon. D J Bossino: Which was that? *(Interjection and laughter)* Thank you!

Chief Minister (Hon. F R Picardo): Isn't that sinister?

1460 **Hon. D J Bossino:** Sinister? No, it is quite nice.
Mr Speaker, has the planned trade office opened in Tangier?

Clerk: Answer, the Hon. the Chief Minister.

1465 **Hon. Chief Minister:** Mr Speaker, was that Zeffirelli's *Jesus of Nazareth*? *(Laughter)*
The Government has no current plans to open a trade office in Tangier, although this remains under consideration.

1470 **Hon. D J Bossino:** I did not catch the answer because I made a comment and I should not have.
Did he say that the Government has plans to open an office in Tangier?

Hon. Chief Minister: No, Mr Speaker, I said the Government has no current plans to open a office in Tangier, although of course this always remains under consideration.

1475 **Hon. D J Bossino:** The question was whether the planned office ... It was not necessarily a plan of the Government. I am referring to a press report, if I can help the hon. Member, back in August 2019. The Hon. the Deputy Chief Minister was quoted heavily in a *Gibraltar Chronicle* article. It was a proposal not from the Government but the Gibraltar and Morocco Business Association for the opening of an office in Tangier, but the Government was very much in favour of it and welcomed it. That is the office that I was talking about. I think the Government then was saying
1480 that it was interested in developing and exploring new commercial markets in Morocco and

elsewhere, so it would be of governmental interest that an office is open there. Now that I have explained where this comes from, can he give us some further information?

1485 **Hon. Chief Minister:** Mr Speaker, the position remains exactly as I said to him. I have the report of August 2019. I have the press release that we issued at the time welcoming a private sector initiative. It was a private sector initiative. It does not mean that the Government had any such plans, and therefore the answer I have given him is the answer that the Government stands by.

1490 **Clerk:** Next question.

Q225/2023
Gibtelecom Mount Pleasant site –
Plans for construction works

Clerk: Question 225/2023. The Hon. D J Bossino.

Hon. D J Bossino: As with the question I posed yesterday in relation to the former GBC plot, I also wish to express an interest because I live very close to this area.

1495 The question is, Mr Speaker: please state whether Gibtelecom has any intention of carrying out construction works at its Mount Pleasant site; and, if so, please provide details in relation to this, to include what the company intends to do with the site it currently occupies at John Mackintosh Square.

1500 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, there are no plans at present to carry out any construction works at the Mount Pleasant site. Gibtelecom has no plans to leave its John Mackintosh Square site and will continue for the foreseeable future with that as its head office location.

1505

Q226/2023
Bassadone site at New Harbours –
Relocation of government departments

Clerk: Question 226/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please state if there are plans by government departments to occupy office space at the Bassadone site at New Harbours; and, if so, which departments, when they intend to move and at what rent.

1510

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, plans for relocations of some government departments are ongoing. No decisions have yet been made and no leases signed or fully agreed. Negotiations and indeed logistical analysis are ongoing. An announcement will be made publicly if agreements can be finalised.

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Hon. D J Bossino: Just to be clear, we are talking about relocations to the Bassadone building at New Harbours, because he did not specify that in his answer.

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Hon. Chief Minister: I did not, but that is what the question was about and that is what I was talking about, but there are also other sites.

1525 **Mr R M Clinton:** Mr Speaker, as the Chief Minister will be aware, I have asked questions about the continued rental of office space by the Government from the private sector. Can the Chief Minister advise how this makes any economic sense, given that the Government has existing stock of office space, albeit it may need refurbishment?

1530 **Hon. Chief Minister:** Mr Speaker, I cannot at the moment because we have not finished the negotiations, but if we get the negotiations to where we want them to be and we get the rates that we want, then it could be very advantageous indeed for the Government.

The Government of course has stock, which the Government finds very difficult to maintain. We have it in areas where we would require nonetheless to move people out to do very deep refurbishments, and even then, within a few years we might find that we have damp coming again, if not within a few months. And so we are making a decision, in the interests of the modernity of the office space that we offer to our civil servants, to explore this possibility, and if the conclusion of the negotiation is a positive one we think it will be the right result for the modern public service that we believe we should have with the new and modern facilities that we want them to have. Alternatively, we will have to consider refurbishing, which will not necessarily be any cheaper.

1540

Hon. D J Bossino: At what stage does he think he will be able to provide further details to this House? He is saying that he is in negotiations. I just wanted to enquire about a timeline.

1545 **Hon. Chief Minister:** Mr Speaker, exactly at the stage that the Hon. Mr Clinton has asked me to make announcements: when the ink is dry on the paper.

Hon. D J Bossino: Does he have any indication as to when the ink is likely to be dry on the paper?

1550

Hon. Chief Minister: No, Mr Speaker.

1555 **Hon. R M Clinton:** Mr Speaker, I am grateful for the indulgence. If can ask the Chief Minister ... I am not quite sure which Bassadone site we are talking about. Is this a new build? Obviously the current office space – at least the one I saw when they opened it – is occupied. Is this a new build that Bassadone is working on at the moment; and, if so, where is it? I am probably not sighted on – *(Interjection)* No, because the current one is fully occupied. I did have a tour of the building when they opened it – very nice building. I could not see any space available for government offices, so is this a new location or something yet to be built?

1560

Hon. Chief Minister: No, Mr Speaker, the hon. Gentleman is wrong. There is space in that new building.

1565 **Hon. D J Bossino:** Is he aware of how much space is available, so we can perhaps, in the answer to that question, have an idea as to how many government offices may move there and which offices may move there? I know he is not willing to provide that answer until the ink is dry on the paper, but is he aware of how much space is available?

Hon. Chief Minister: Mr Speaker, that also is a subject of negotiation.

1570

Mr Speaker: Next question.

Q227/2023
Glacis children's park –
Reopening

Clerk: Question 227/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please provide an update as to when the children's park at Glacis Estate will be ready for use.

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, the children's park at Glacis is not presently expected to reopen.

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Hon. D J Bossino: Are alternatives being made available?

Hon. Chief Minister: Yes, Mr Speaker.

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Hon. D J Bossino: Which?

Hon. Chief Minister: The adventure playground, Mr Speaker.

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Hon. D J Bossino: That is an existing site, so is the Hon. the Chief Minister saying that there will not be a particular bespoke playground for Glacis Estate children and they will have to go to the adventure playground?

Hon. Chief Minister: Yes, Mr Speaker.

1595

Hon. D J Bossino: Does the Government have any intentions in relation to the site where the playground used to be?

Hon. Chief Minister: The Government is considering many potential uses for that site.

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Hon. D J Bossino: Does that potential usage include the construction of a building on that site?

Hon. Chief Minister: Yes, Mr Speaker.

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Hon. D J Bossino: And is he able to provide the House with any further particulars in relation to that, or is it simply one of the things that the Government is considering?

Hon. Chief Minister: It is simply one of the things the Government is considering. We have asked for plans to add additional housing there, and all of this, Mr Speaker, at the request of the tenants of the area, who have asked us to close the park and use the area for the provision of additional housing.

1610

Hon. D J Bossino: And –

Mr Speaker: One final one. This is the final one.

1615

Hon. D J Bossino: Mr Speaker, I am really trying my best to make my questions as short as possible and follow the Speaker's ruling.

1620 **Mr Speaker:** I fully appreciate that, but how many questions have you asked already? Quite a substantial number, so let's leave it at just one more and then ...

Hon. D J Bossino: The replies are coming through and I think it is very interesting, Mr Speaker. I refer the Hon. the Chief Minister to the question and answer session that we had, I think on the last occasion or two occasions ago, in relation to government housing. Is the intention to build government rented accommodation there? And if that is the case, does he have a number of flats that he is considering?

1630 **Hon. Chief Minister:** No, Mr Speaker, I have told the hon. Gentleman I have just asked for plans, so I do not yet have anything. I do not know how many we could have. I have asked for plans and when the plans come we will have an idea of whether you can fit three flats in or you can fit six flats in.

1635 **Hon. D A Feetham:** Mr Speaker, this is not another question, in the sense that I am asking for clarification to the question I think he has answered. Is it government rented accommodation that is being mooted and considered?

Hon. Chief Minister: It is at this stage, yes.

Mr Speaker: Next question.

Q228-30/2023

New government rental housing stock – Release dates; parking; construction costs

1640 **Clerk:** Question 228/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please state when the 161 flats in the government rental stock will be released following the affordable housing flats becoming available, broken down by each development and phase.

1645 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): I will answer with Questions 229 and 230.

1650 **Clerk:** Question 229/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please state if there will be sufficient parking for all residents in the first phase of Hassan Centenary Terraces when the flats are first expected to be delivered in July this year.

1655 **Clerk:** Question 230/2023. The Hon. the Leader of the Opposition.

1660 **Hon. K Azopardi:** Mr Speaker, what is the current estimated projected construction cost of each of Hassan Centenary Terraces, Bob Peliza Mews and Chatham Views, and how does the current projected construction cost compare with the original contracted construction cost and the original tendered construction cost, if different?

Clerk: Answer, the Hon. the Chief Minister.

1665 **Hon. Chief Minister:** Mr Speaker, in respect of Hassan Centenary Terraces there are 49 government flats being released; 22 units in phase 1 and 27 in phase 2. The numbers of flats due to be released back to housing stock on allocation of Chatham Views and Bob Peliza Mews are 56 and 54 respectively.

The first phase of Hassan Centenary Terraces will deliver 380 apartments and there will be 236 parking spaces available within the footprint of this first phase. This represents an interim shortfall of 144 parking spaces. This will be resolved by the interim allocation of parking spaces in the area.

1670 The tender processes for Bob Peliza Mews and Chatham Views are still active and it is therefore not possible to provide figures for the construction costs for these at this moment. It is anticipated that the Chatham Views process will be completed by the end of this month and that for Bob Peliza Mews next month. The projected construction cost for Hassan Centenary Terraces is of the order of £30 million higher than the original tendered construction cost.

1680 **Hon. K Azopardi:** Mr Speaker, I will ask the Chief Minister, but also, with you leave ... The reason for this question was that when I asked for this before, he said, 'Ask me in February and I will be able to tell you.' I understand what he says, that he is not yet ready, but he is going to get, hopefully, the end of that construction contracting process this month and possibly next month. I would be happy to file a question next month, subject to the six-month rule and Mr Speaker's leave, if the Chief Minister is happy to indicate to me that he would answer that question.

1685 **Hon. Chief Minister:** Mr Speaker, I have been saying consistently that it is expected around February/March. He has wanted to ask me now. I have no difficulty with him asking next month. I have said that there is, as yet, no contract, so I have no answer to give.

Mr Speaker: I will allow the lodging of a question in March.

1690 **Hon. K Azopardi:** I am grateful, Mr Speaker. To be clear, the reason I asked this month is precisely because he asked me to ask him in February; it is not a whim of mine.

1695 The estimated projected construction cost of Hassan Centenary is £30 million higher than envisaged, and the reason for that is presumably the increased general construction costs. Is that the reason why? Is the reason that the construction cost was not fixed for all the phases? Why is any impact, which is in the public domain, of the construction costs in today's market increasing? Why wasn't it locked in?

1700 **Hon. Chief Minister:** Mr Speaker, we have had this debate in the House already on a number of occasions. The advice I have is if we had locked it in, the amounts we would have suffered of penalties because of our inability to comply with obligations etc. would far exceed the amount that we are having to pay because of inflation in building costs. The Hon. Mr Bossino says *comme ci, comme ça* from a sedentary position. The advice I have is "Q.S 'd" In other words, the advice I have has been worked out to the pound and we are confident that this is a better result than the losses we would have suffered if we had entered into contracts, which we would not have been able to comply with because of the many eventualities that have occurred since we signed the first Hassan Centenary Terraces contract. If you look at the inflation that there has been in that period, in particular in the building trade but just general inflation, this is in keeping with those costs of inflation.

1710 **Hon. K Azopardi:** Does this mean, because it is going to cost £30 million more, that the Hassan Centenary Terraces estate is now being constructed at a loss? And will this result in extra financing having to be obtained by the Government?

1715 **Hon. Chief Minister:** Mr Speaker, affordable housing is always constructed at a loss. There has been no project of affordable housing which has not been constructed at a loss, not least because

we lose the value of the land, because we contribute it at no cost to those who are purchasing property there.

1720 Additionally, most of the estates that we have been involved in – *all* of the Governments have been involved in – have not factored the cost of infrastructure into the cost of the affordable homes. When provided, that has been subsidised by the taxpayer. As I previously announced in the context of these estates, we have factored the cost of the infrastructure in, in a way that was not done before, so we had an element of a cushion. Therefore, to work out the absolute loss when compared to the estates that they developed or that the GSLP first developed is not a straight calculation of saying this is £30 million more.

1725 That is the situation that we are in, and I have debated with the Hon. Mr Bossino before how any properties that are likely to come into the market now, if they are handed back in, will be recalculated on a cost per metre, which is in keeping with the cost of the Government per metre now and not as it was at the time when we sold it.

1730 **Hon. K Azopardi:** I am sure he has not answered the part of the question where I asked is it going to result in extra financing.

Hon. Chief Minister: No, Mr Speaker.

1735 **Hon. K Azopardi:** But presumably, given the explanation he has given, the £30 million extra cost would not have been incurred had the project originally kept to the timescale.

1740 **Hon. Chief Minister:** Mr Speaker, if the projects had originally kept to the timescale, it would have been because none of the, as we call them in the law, *novus actus interveniens* would have occurred. That is to say none of the acts that occurred which prevented us from being able to proceed would have occurred, and therefore the question is entirely hypothetical, and I do not think it is appropriate for us to get into hypotheses.

1745 **Mr Speaker:** The Hon. Damon Bossino, who lodged the question.

Hon. D J Bossino: Yes ... [*Inaudible*]

Mr Speaker: The Hon. Roy Clinton.

1750 **Hon. R M Clinton:** Mr Speaker, thank you very much. If I could ask the Chief Minister ... £30 million is not loose change. He will forgive me if my memory is a bit sketchy on this because it was a while back. When we discussed the Eruca structure ... I believe he has raised something like £165 million, which is meant to be, effectively, earmarked for this project development, and maybe whatever is left for others. How has this impacted on that structure in the sense that it
1755 now has £30 million less available to it, which I believe – again, my memory may be sketchy on this – was going to be used for some of the other projects, Chatham and Bob Peliza? With the benefit of hindsight, if he had known of this £30 million extra cost, would he have priced the apartments any differently?

1760 **Hon. Chief Minister:** Mr Speaker, we do not have the benefit of hindsight in politics. That is to ask me to hypothesise.

1765 I cannot speak to the Eruca structure on my feet, other than from memory, like he is doing. As he knows, a lot of money comes back into the structure as people complete on the 50%, because they pay into the structure and the structure once again has cash. If we had done all of the projects at the same time, the project outlay at one moment would have been higher and all of the money would have come back at the same time. Here, by doing it in phases, we have at least the advantage that some of the money from the purchases comes back – that is to say the 50%

1770 completions come back – in respect of phase 1 before you reach the highest part of spending on phase 2. So it is swings and roundabouts. The structure is funded earlier, with 50% completions for part of HCT, than it would have been if we had completed all of HCT at the same time, because we would have had to push a lot more money out before getting half of the money back in.

Mr Speaker: The Hon. Damon Bossino.

1775 **Hon. D J Bossino:** Grateful, Mr Speaker. In relation to that last question, the £30 million excess amount by way of the price tag, unless the information that I have received is doubtful in relation to this point, does that include a reclamation which needs to be done in relation to one of the blocks, the final block, in phase 2?

1780 **Hon. Chief Minister:** No, Mr Speaker.

Hon. D J Bossino: Is he able to confirm the premise of my question that there will require further reclamation to be done in order to complete the final block of phase 2? And if that is the case, how much is that going to cost?

1785 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the agreement in respect of the East Side, where we have already announced publicly that as part of the East Side deal that is being done by the purchaser of the East Side, that reclamation has already been done and the work has already commenced for all of the blocks.

1790 **Hon. D J Bossino:** Is he saying that the purchaser of the East Side is paying for the reclamation on which the fourth block of phase 2 of Hassan Centenary is going to be built? Is that the case?

1795 **Hon. Chief Minister:** Mr Speaker, I would have thought that he reads government press releases, especially on something as important as that, especially when he then comes here to say 'If the information that I have been given ...' The information has been given publicly by the Government in a government press release and I refer him to it so that he reads it, understands it and asks me questions in this House which are not in respect of already publicly available information.

1800 **Hon. D J Bossino:** Mr Speaker, in relation to Question 229, where he has said in answer to the question that in effect there is a 144 shortfall in parking spaces in respect of the first phase of Hassan Centenary, the keys in respect of which are going to be delivered to purchasers in July of this year, does he not accept that there has been a failure to properly plan in relation to that and it is a case of significant mismanagement?

1810 **Hon. Chief Minister:** Yes, Mr Speaker, of course this Government has failed to manage things properly. We are a complete and utter failure. We should not be allowed to continue in office and hon. Members should be ushered in, in great fanfare and with the playing of the *Gloria*, so that they can come back here to do what they did for eight years between 1996 and 2003, which was to build absolutely no affordable houses.

1815 What we have done is deliver more affordable houses in 12 years than they were able to deliver in 16 years. What we have done is to plan properly, and what we have had to do is deal with a pandemic and with leaving the European Union. But despite that, we are delivering. The shortfall is only an interim shortfall and the reason for the shortfall has nothing to do with planning or failing to manage; it is because of design, because the estate is designed as a whole. If it had not been designed as a whole we would be accused of designing an estate that does not hang together as a whole. Because you are still building a second phase, some of the parking is in an area which is common to the first phase and the second phase, and for that reason you will not be able to

1820 have them on the first day. But in order to have them and to have them properly, we will provide
for them in the appropriate way, and nonetheless already have a plan to ensure that those who
are purchasers in phase 1 and who might not have parking exactly where it was designated that
they should have it will have parking that might even be closer to their homes than the one they
will eventually have.

1825 I call that excellent planning. I say it is the right way to deal with the contingency and I say that
not everything is a great party political point. Some things are just logistically difficult and it is
sometimes logistically difficult to deliver in a timeline when you are dealing with reality and not
with the Potemkin village that hon. Members appear to want to be dealing with.

1830 **Hon. D J Bossino:** Mr Speaker, I will continue to ask questions and hopefully elicit responses.
He has said, not only now but I think in the previous session, that the extra floor at the Eastern
Beach car park is designed in part to provide for the shortfall. Is he able to confirm here and now
that those 144 spaces will be available when the keys are delivered to residents in July of this
year?

1835 **Hon. Chief Minister:** To the first part of the question, no. To the second part of the question,
yes.

Mr Speaker: Next question.

1840 **Hon. D J Bossino:** I have a supplementary in relation to Question 228 which I would like to ask,
which related to the 161 flats that are going to be made available. The Hon. the Chief Minister
answered the question very quickly. I think and I hope that I have taken an accurate note of his
replies. He has stated which affordable housing developments are going to be releasing which
1845 number of government flats. If you do the addition, is it the case that it is in fact slightly higher
than the 161, and it is, in fact, 186? Have I taken a wrong note, or is my maths wrong?

Hon. Chief Minister: What number did he say he got – 189? Mr Speaker, I cannot get to that
number however I calculate these. I am sorry.

1850 **Hon. D J Bossino:** Does the hon. Member get to 161, then?

Hon. Chief Minister: In fact, I get to 159, Mr Speaker. I think that may be because of
reallocations etc., but it is 159, 161. Those are the numbers we get. I do not know how on earth
1855 he gets to 186.

Mr Speaker: If I may interject, I think he added the ... said 49 government flats ... released 22
units in phase 1 and 27 in phase 2. Those two together are 49, so he added 49, and 49 plus ... The
hon. Member came up with the higher figure.

1860 **Hon. D J Bossino:** Mr Speaker, maybe the Hon. the Chief Minister could repeat the reply. I get
49, 27, 56 and 54, so I have probably got a number wrong.

Hon. Chief Minister: I see what he has done, because with the numbers you gave I got to 202 ...
1865 208, sorry. So 49 is the composite of 22 and 27: 22, 27, 54, 56, yes.

Hon. D J Bossino: And then it is 49, 56, 54?

Hon. Chief Minister: Forty nine, 56, 54, yes, if he wants it that way. Yes.

1870 **Hon. D J Bossino:** And the number slightly lower than the 161 that the Government in previous replies to this House had given would be the direct release of Government's rented accommodation, which would happen once the affordable flats are made available. So then the question is why is there an, albeit slight, discrepancy.

1875 **Hon. Chief Minister:** Mr Speaker, because people may have pulled out for some reason. I think that is probably what I have seen. I think that there are two who were going to hand over flats, who are the ones who have pulled out.

Mr Speaker: Next question.

1880

Hon. Chief Minister: Mr Speaker, that could lead to having five more flats available because the people who take over might release two or three flats rather than just one, because that is what we give priority to. So that is why everything is an estimation until it is finalised.

1885 **Hon. D J Bossino:** *[Inaudible]*

Hon. Chief Minister: Yes.

Q231/2023
Parliament (Amendment No. 2) Bill 2019 –
Whether similar Bill to be brought to Parliament

Clerk: Question 231/2023. The Hon. the Leader of the Opposition.

1890 **Hon. K Azopardi:** Mr Speaker, does Government intend to bring a Bill to Parliament in the form of or along the lines of the Parliament (Amendment No. 2) Bill 2019?

Clerk: Answer, the Hon. the Chief Minister.

1895 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the Government has no intention of introducing a Bill to increase the number of Members of the Gibraltar Parliament without a further, detailed public consultation process. The question was left to a Select Committee of the Gibraltar Parliament, which has been unable to meet due to the high demands on government time and resources posed by the COVID-19 pandemic and our departure from the European Union, which have logically taken priority. The matter has not been raised by the Leader of the Opposition with me at any time since 2019.

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Hon. K Azopardi: I have raised before the issue of the meetings of the Select Committee on Parliamentary Reform. Presumably he accepts that.

1905

Hon. Chief Minister: Yes, Mr Speaker, we had a discussion about it last month where I said I was surprised that he had not pressed me about it before.

1910 **Hon. K Azopardi:** Mr Speaker, the Government has from time to time said that there were going to be meetings. Indeed, as far as I can recollect, it was said, just after the COVID Unlock the Rock document, that there were going to be meetings, and they did not take place. It is up to the Government to convene the meetings, is it not?

1915 **Hon. Chief Minister:** Yes, Mr Speaker. We got a majority, we can convene the meetings. We did Unlock the Rock and three months after Unlock the Rock we locked down the Rock again because we had something called a second wave. That was 2020, and in December 2021 we had to lock down again and close down every restaurant in Gibraltar. So despite having a majority, what we have not got is a magic wand.

1920 **Mr Speaker:** Next question.

Q232-33/2023
Blue and green ID cards –
Applications filed and granted in 2022

Clerk: Question 232/2023. The Hon. the Leader of the Opposition.

Hon. K Azopardi: How many applications for blue ID cards have been filed and granted in 2022?

1925 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Mr Speaker, I will answer with Question 233.

Clerk: Question 233/2023. The Hon. the Leader of the Opposition.

1930 **Hon. K Azopardi:** Mr Speaker, how many applications for green ID cards have been filed and granted in 2022?

Clerk: Answer, the Hon. the Chief Minister.

1935 **Hon. Chief Minister:** Mr Speaker, a total of 1,786 applications for blue civilian registration cards and 1,025 applications for green civilian registration cards have been filed in 2022.

Hon. K Azopardi: And granted – is that right?

1940 **Hon. Chief Minister:** Yes, Mr Speaker, that is the figure I have been given as filed and granted.

Q234/2023
Tunnel operating services –
Cost

Clerk: Question 234/2023. The Hon. the Leader of the Opposition.

1945 **Hon. K Azopardi:** Mr Speaker, is the tender award of 20th January 2023 to Jebel Tarik Security Ltd in the sum of £1,041,912 for tunnel operating services a fixed per annum cost, and what is the reason for the high cost of the contract?

Clerk: Answer, the Hon. the Chief Minister.

1950 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the sum of £1,014,912 represents the total value of the award for a *three-year* contract and equates to £347,304 per annum. This represented

the most economically advantageous tender in relation to the award criteria published in the tender notice.

1955 **Hon. K Azopardi:** Oh, I see, it is £347,000 per year, not £1 million a year. I see. All right. As I understand the award, this is a contract to run the control room of the tunnel, and the personnel will be concentrated in the control room. Is that correct?

1960 **Hon. Chief Minister:** Yes, Mr Speaker, and the tunnel control room will be manned on a 24/7, 365-days-a-year basis, with two operators manning the control room at all times. They will require extensive specialist training to undertake their role.

Mr Speaker: The Hon. Roy Clinton.

1965 **Hon. R M Clinton:** Mr Speaker, I would be grateful if the Chief Minister could advise the House why this tunnel requires this level of supervision, whereas obviously we have other tunnels, perhaps a lot longer than this one and a lot older, and they have no supervision at all. What is so special about this particular – we call it a tunnel in a loose sense of the word – construction, as opposed to the much longer other tunnels we have in the Rock?

1970 **Hon. Chief Minister:** Mr Speaker, it is almost as if the hon. Gentleman were hearing me making the same point to my officials.

1975 Rules as to how tunnels operate have changed and safety standards have changed, and we are required to be able to demonstrate in respect of a new facility – one that is not grandfathered – that we have in place all of the facilities to be able to remove smoke from the tunnel in the event that it is there.

1980 This particular tunnel is also exposed to wave elements and could be flooded at any time. None of our other tunnels could be flooded at any time. The design of this tunnel, which we inherited, is a tunnel by the sea and therefore wave action could overtop and could flood the tunnel completely. The tunnel then has systems and cisterns underneath to be able to take that water.

If it is filled with petrol because there is an escape of a large amount of petrol or fuel inside the tunnel, then there is another cistern that will take petrol and another cistern that will take water. If there is a fire, there are fire retardant cisterns that will operate.

1985 All of those things require to be monitored, not least because the tunnel is under a live, active runway. All of that criteria means that the tunnel cannot be operated in a way that will be deemed to be safe and in keeping with the Government's obligation to operate a safe system unless it is opened with the tunnel control systems manned in this way.

1990 **Hon. R M Clinton:** Excuse my ignorance, but under what regulations does he refer ...? Are these European regulations or international regulations? What regulations are they?

Hon. Chief Minister: United Kingdom rules which we have adopted in Gibraltar as well, Mr Speaker.

1995 **Hon. R M Clinton:** So these are UK rules or UK standards –?

Hon. Chief Minister: *[Inaudible]*

2000 **Hon. R M Clinton:** But if it is EU rules, presumably it is in our discretion as to whether we want to adopt them or not, if we are no longer in the EU.

Hon. Chief Minister: Mr Speaker, these are health and safety rules, and we can disregard them if we wish. We can simply consider that because it is going to cost £300,000-odd a year, we do not

2005 give a hoot about health and safety and the highest standards and we will put money ahead of people perishing in a barbecue in a tunnel under a runway. However, that is not a serious way to do government, and therefore, having taken advice on the subject, we felt that there was no alternative but to continue to comply with the highest modern UK and European standards of health and safety in respect of the operation of such a tunnel, although we operate much larger tunnels which have opened in previous times when this was not required.

2010 This is not something that we imagined or thought of. When we were elected and we inherited what the Hon. Mr Bossino has called the golden legacy of the GSD, which included the litigation in respect of this tunnel, the litigation in respect of Mid Harbours and the liabilities in respect of the £7 million bond etc., we found a tunnel under construction which included a tunnel control building for exactly this purpose, to be manned in exactly this way, even then priced at a higher per-year amount than the one that we have been able to achieve. So this is what we had. Should we have decided to make a change to the tunnel contract to exclude the tunnel building, we would have suffered a penalty, and so we had no alternative but to progress. Once you have the tunnel building and you have the tunnel control room and you do not operate it, you are exposing yourself to a completely different kettle of liability because you have decided, despite having the safety systems, not to man them if something goes wrong. That would potentially even put the permission that we have obtained from the RAF to go under their runway at risk, because of course we have obtained the permission on the basis that we are going to be able to control a fire in that runway tunnel, if it happens, which protects the integrity of the runway, and that if it floods we are going to be able to deal with it in a particular way, etc. So all of those things are in play and they lead to this part of the golden legacy, Mr Speaker.

Mr Speaker: Next question.

Q235/2023

**Trade union recognition –
Consultation re legislation**

Clerk: Question 235/2023. The Hon. Ms M D Hassan Nahon.

2030 **Hon. Ms M D Hassan Nahon:** What consultation has there been with stakeholders and interested parties regarding the legislation on trade union recognition?

Clerk: Answer, the Hon. the Chief Minister.

2035 **Chief Minister (Hon. F R Picardo):** Mr Speaker, firstly, we consulted the public and got popular support for the introduction of trade union recognition legislation at two successive general elections.

2040 Secondly, as I told GBC in an interview on *GBC News* on Thursday, 2nd February, the Government published a Command Paper on 18th June 2020 in respect of recognition of trade unions, namely the Employment (Trade Union) Regulations 2020, which was Command Paper 2/2020. This is a public document on consultation published in the lifetime of this Parliament, which the hon. Lady should have notice of.

2045 A press release accompanying the publication of the Command Paper invited interested stakeholders to comment on the legislation. To this effect, the Government received multiple comprehensive written submissions highlighting amendments that were subsequently considered by the Government. Submissions were received from Unite the Union; the Gibraltar Chamber of Commerce; the Gibraltar Federation of Small Businesses; the Gibraltar Finance Centre Council, consisting of individual written submissions from the Law Council, the Gibraltar Funds and

2050 Investment Association, the Association of Trust and Company Managers, the Gibraltar Society of
Accountants and the Gibraltar Association of Pension Fund Administrators. Furthermore, the
Gibraltar Finance Centre Council obtained verbal feedback from the Gibraltar E-Money
Association, the Gibraltar Insurance Association, the Society of Trust and Estate Practitioners and
the Gibraltar Association of New Technologies. I also met with Unite and with the Chamber on
various occasions to discuss this matter as part of our regular engagement.

2055 So there has been very considerable engagement and extensive consultation with stakeholders
and interested parties.

Hon. Ms M D Hassan Nahon: Mr Speaker, despite all the examples that the Chief Minister cites,
there are two very unequivocal press statements, as he will know, from the Gibraltar Chamber of
2060 Commerce and the GFSB, where they accuse the Government of no consultation, no reasonable
notice, no mention of implementation for three years, no fair notice of legislative change,
correcting the Hon. Minister Linares regarding detailed consultation, saying it is highly regrettable.

These are things that these two very substantial bodies in the private sector have highlighted
and are black upon white, so my question would be whether the Chief Minister accepts this
2065 disconnect, at best, that he may have right now with these two bodies and whether he is keen to
repair this broken relationship for the sake of future constructivism and consensus.

Hon. Chief Minister: Mr Speaker, I do not recognise any of what the hon. Lady has suggested.
There is no disconnect between the Government and the Chamber simply because we have a
2070 disagreement as to how much consultation they wanted on this particular thing. We are working
with the Chamber on many other things. There is no disconnect between the Government and
the Federation of Small Businesses because they say that they wanted more consultation than we
have done.

Consultation is something that happens, not something that is necessarily ongoing, and in the
2075 context of the way that we have done this – which is to produce a Command Paper and to have
the written submissions and then discuss the written submissions, and then go away and produce
a new Bill, publish a new Bill, which permits at least six weeks, if we do not certify it as urgent, for
consultation, and explain that the new Bill is going to lead to the regulations – I think we have
done more, probably, than any other Government has done in respect of most pieces of legislation
2080 ever passed by this House.

I recognise, of course, that when you take into consideration only part of what you are told by
a particular organisation they want in a Bill, they are not happy that you have only taken into
consideration part and that they want you to take into consideration everything that they are
putting to you. The union feels the same way. The union says it is very pleased with the legislation,
2085 but there are things that they wanted which we have not taken into consideration and things
which they put to us in the consultation that we have not taken into consideration. I also do not
think that the Government's relationship with the union is broken and needs fixing. It is just that
we all have different obligations and we have to push the issues which are relevant either to our
members in the context of a union or the context of an employer representative organisation like
2090 the Chamber or the Federation, and we have to do what is sometimes a Solomonic exercise of
doing what we think is in the right balance between those two entities to deliver the best
legislation for our community. We think we have done that. We think it is appropriate. We have
put it to the people in a general election that we will do trade union legislation for the recognition
of trade unions in the private sector, and that is what we have done.

2095 Our relationship with the Chamber is a very strong one, with the Federation it is a very strong
one and with the union it is a very strong one, but as hon. Members would find if they were ever
in government, in government you have to decide. You have to decide between competing
interests and you have to decide in a way that is balanced, and that is what we have done. Of
course I recognise that people have the right to challenge that and to dispute that we have got
2100 the right balance, but we think we have got the right balance.

As I said also in my interview on GBC, in the United Kingdom this type of legislation was actually done by a Conservative government, a government which therefore is usually the type of government that would be closer to the thinking of a federation of small businesses or a chamber of commerce. In the context of what we are doing in Gibraltar, the union have criticised us because our legislation is sometimes not as generous to them as the UK legislation done by a Conservative government might be, so I think that is a demonstration of us having got the balance right.

Hon. Ms M D Hassan Nahon: Mr Speaker, I thank the Chief Minister for his reply, but I just wish to remind him that this has nothing to do with me. I am not even actually advocating for any of these bodies. I am just taking the press statements word for word and asking the Chief Minister how he plans to take forward these accusations, which are quite substantial.

Is he saying that he is going to let them subside, instead of facing the issue head on? Is his strategy to just leave it until it is forgotten? Or will he actually engage these bodies in a meaningful way? This is about a breakdown in communication, as I can see, and just trying to repair that relationship with relevant bodies – not that I am actually debating with him the policy angle of it, but just how he will repair this situation.

Hon. Chief Minister: Mr Speaker, I just go back to what I have told her. I do not agree with the premise. I do not agree with the way that she thinks that the relationship between the Government, the Chamber and the Federation and the union is at the moment. All of that is entirely wrong. From where I am sitting, we are working very closely with the Chamber and the Federation on other issues and with Unite on other issues, so there is not a breakdown in communication. There is certainly no breakdown of the relationship. Those things are, frankly, fiction and based on *her* reading of the public statements that have been made on one particular issue, the detail of which I have already explained, when in fact the reality of the relationships is completely different.

Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Thank you, Mr Speaker. I do not want to dwell on the subject matter that the hon. Lady to my left has raised about the discontent from various representative bodies, but would the Chief Minister consider the manner in which the amendment was brought through to the House, in that when he stands up and says the Bill was published and there was six weeks' notice, does he not accept that the notice he gave was for a simple amendment to the employment regulations, if I recall, a one-liner in which the various interested parties and stakeholders, whether it is the unions, the Chamber or the Federation, would not have had the benefit of seeing what the ultimate regulations would look like, whereas of course the Command Paper envisaged the Bill that would be doing exactly what the regulations did? If those regulations had been put in the Bill, it would have allowed all the various stakeholders to peruse it, as he suggests they should have done. I know he is shaking his head from a sedentary position, but wouldn't that have been a better procedure, and therefore, if there was any tweaking to be done, it could have been done before the Bill is read at the final stage, whereas by publishing by way of regulation there is no opportunity for this House even to have had sight of it beforehand?

Hon. Chief Minister: Mr Speaker, I am going to assume that the hon. Gentleman has just not understood the procedure that we followed. I will explain it again.

We published a Command Paper. The Command Paper was for a Bill. That Bill became regulations, but it was that Bill, which went to consultation, which people gave us feedback on, which resulted in changes proposed by the Chamber, changes proposed by the Federation and changes proposed by the union to the regulations which we then made.

One of the submissions that we had from one of the parties was that it should be regulations, not a Bill, so that if it required amendment we would be able to provide amendment without

2155 having to bring a Bill to the House to further amend a new Act, and it would be possible for a
Government to make amendments to those parts of the regulations which needed to be changed
in the future without having to go through the legislative process. So the feedback, the
consultation, actually led us to the change in the legislative architecture. And then, when we
published the Bill, which, as he says, was a one-line Bill, we published it saying this is to make
regulations in the form of the Command Paper that we published and was going to be a Bill – we
2160 did not hide away from it – so it was all entirely in keeping with the desire to exchange views with
the Chamber, the Federation and the unions, to have their feedback. Part of that feedback was
the change in the legislative process.

Nobody was surprised by what was in the regulations because it was the Command Paper with
the changes that we had discussed with the parties and we told them we were prepared to make,
and then they saw the regulations. Nobody will be surprised, because if they do a document
2165 compare between the regulations and the Bill they will see that they are almost identical, except
for the changes that have been made as a result of the consultation.

So we think this was a process well done. It was a process in keeping with delivering a manifesto
commitment. The manifesto commitment talks about legislation. It does not talk about principal
legislation or secondary legislation. We are delivering on a manifesto commitment, and I am just
2170 put in mind of the words of the Father of the House, who may or may not be watching us, to say
that this is the only place in the world where one gets criticised in Parliament for delivering one's
manifesto commitments during a general election campaign.

Mr Speaker: The Hon. Roy Clinton.

2175 **Hon. R M Clinton:** Mr Speaker, I am grateful again.

Just a final point. This may be a question of procedure, I guess, for the House in the future, but
if there is a Command Paper and people have a legitimate expectation to see a Command Paper
to produce a Bill, they would have a legitimate expectation to see a Bill, and then if they are happy
2180 or not happy with what is in the Bill, they are able to make representations. What the Chief
Minister is telling us is that representations were made and taken into account. But that is not
ordinarily the way, in my humble view, that a Command Paper should be driven. You should then
produce the Bill, and people then have a final opportunity, where we in this House can debate the
merits of the Bill as to whether it does what it says on the tin. Again, I am not getting into the
2185 merits of what it would have said.

The other point he makes is that by doing it by way of regulation it means we can tweak it later
on. We get many Bills in this House where there is a little clause at the end that says the Minister
may, by regulation, amend this as he pleases, and that is not unusual, so I cannot see how one
representation caused the Chief Minister to change the way in which we legislate in this House.
2190 What stakeholder has such influence over the Chief Minister such that he changes the way we
legislate?

Hon. Chief Minister: Mr Speaker, if I may say so, with the greatest of respect to the hon.
Gentleman, everything he has said is complete and utter poppycock. Nonsense. A Command
2195 Paper can be published in respect of any legislative instrument. Indeed, it could be published
about a policy rather than a piece of legislation. A Command Paper is a consultation. It is
something published by command of His Majesty in order to take the views of the general public.
So, when we published a Command Paper for a Bill, it did not have to lead to a Bill being published
or indeed that Bill. That Bill could have been published with many changes to it, and here the Bill
2200 is published with fewer changes to it but simply not as a Bill.

When we debated the one line and we explained that it was for the purpose of making the
Command Paper through legislation, through regulations, something which was clear from the
notice that appeared on the Bill, none of the hon. Members opposite said, 'Now that you are
about to make this legislation, I would like to talk about what it is that you are going to do with it,

2205 and I would like to know how the regulations you are going to make are different to the Bill that you published in the Command Paper.' None of that. They had the opportunity to do it because we had a debate in this House on that one-line Bill and none of them raised the issue.

2210 And then, of course, the idea that they would happily support a clause in a piece of primary legislation that said that the Minister can change any part of the legislation when he wants is also for the birds, because we have all said to each other that we all believe that that is very bad legislation, that legislation to amend primary legislation through secondary legislation must be maintained within very tight tramlines. It must be used only for very particular purposes. We have only given wide powers on one occasion, and that is the Henry VIII powers that the Deputy Chief Minister and I sought in respect of amendments arising from our departure from the European Union, where we accepted in correspondence and in undertakings to this House that we would only use that regulation-making power to amend primary legislation in very defined circumstances.

2215 And so I think everything the hon. Gentleman has said completely misunderstands the legislative process in its entirety. He is wrong, wrong, wrong.

2220 With that, Mr Speaker, I move that the House should now recess for 15 minutes until 20 past six, when we will take the final set of questions and perhaps move on to other matters on the Order Paper.

Mr Speaker: The House will now recess for 15 minutes and return at 6.20.

The House recessed at 6.10 p.m. and resumed at 6.20 p.m.

BUSINESS, TOURISM AND THE PORT

Q168/2023

Ministry of Tourism trips in 2023 – Details

2225 **Clerk:** We continue with answers to questions.
Question 168/2023. The Hon. D J Bossino.

Hon. D J Bossino: Please provide details of the recent trips conducted by the Ministry of Tourism in 2023, to include the destination, who attended, the cost and the purpose of the visit.

2230 **Clerk:** Answer, the Minister for Business and Tourism.

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, trip 1: destination – United Kingdom; attendees – myself, CEO of Gibraltar Tourist Board Mr Kevin Bossino, and Mr John Reyes for the Ministry of Tourism, who was there for two days of the four-day trip; cost – flights £783.87, and hotel £3,136.50; purpose of the visit – tourism-related meetings and meetings with potential investors.

2235 Trip 2: destination – Italy; attendees – myself and CEO of Gibraltar Tourist Board Mr Kevin Bossino; cost – flights £629.54, and hotel £315; purpose of the visit – cruise related.

2240 **Hon. D J Bossino:** In relation to, as he puts it, trip 2, and he says it is cruise related, is he able to give further information in relation to that? It may be related to the other questions I have on the Order Paper. That is possible because it is related to Royal Caribbean and what the Minister has done in respect of that. Is he able to provide that reply?

2245 **Hon. V Daryanani:** Mr Speaker, the hon. Member is absolutely right, it is related to the next question.

Hon. D J Bossino: Is he able to provide further information in respect of trip 1, where he said that basically he was ...? I think it had to do with potential investments or potential new business.
2250 Is he able to state who he met – he is shaking his head; it is probably commercially sensitive – and whether anything has resulted from that?

Hon. V Daryanani: Yes, Mr Speaker. As the hon. Member will understand, we are always having meetings with potential investors. It is difficult to mention names across the floor ... tourism-related meetings related to marketing and also to introductions with the new CEO. We are still
2255 introducing him to people and our contacts in the industry, so a lot of the meetings are also to do with that and also with the work that he is doing in bringing new contacts to us.

Hon. D J Bossino: Did he provide the House with the dates of those trips? I do not think he did.
2260 That is just a small matter of detail, but is he able to provide to this House any information as to any future visits, or is that not information he would be able to share?

Hon. V Daryanani: Mr Speaker, when it comes to future visits, sometimes they are planned a couple of weeks in advance, and sometimes ... This trip to Italy was planned 24 hours before I
2265 actually left, so it is difficult to ...

Hon. D J Bossino: Just one final matter of detail. I am not sure he has the information as to the precise dates, but does he have the precise destinations? He says UK and Italy, but I am not too
2270 sure that he has provided the exact cities in those countries.

Hon. V Daryanani: Mr Speaker, in the question there is no request for dates. I am happy to provide them, of course, if he wishes.
Insofar as the United Kingdom is concerned, it was London, and Italy was Venice.

Q169-71/2023

Royal Caribbean –

**Enquiries and plans to mitigate re non-inclusion of Gibraltar in itinerary;
last contact with Department of Tourism**

Clerk: Question 169/2023. The Hon. D J Bossino.
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Hon. D J Bossino: What enquiries has the Government made of Royal Caribbean in respect of its decision not to include Gibraltar in any of its itineraries for 2024?

Clerk: Answer, the Minister for Business and Tourism.
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Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, I will answer this question together with Questions 170 and 171.

Clerk: Question 170/2023. The Hon. J. Bossino.
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Hon. D J Bossino: When was the last time that the Minister for Tourism or anyone in his Department had contact with Royal Caribbean before January 2023?

Clerk: Question 171/2023. The Hon. Miss M D Hassan Nahon.

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Hon. Ms M D Hassan Nahon: Does government have a plan to mitigate the departure of Royal Caribbean cruise liner stops in Gibraltar?

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

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Hon. V Daryanani: Mr Speaker, the last time I met with Royal Caribbean officials before January 2023 was three months earlier, in October 2022. Approximately two weeks ago, CEO Mr Bossino and I met with Royal Caribbean to discuss their 2024 itinerary.

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In answer to the hon. Lady, there is no departure of Royal Caribbean, as she puts it. What we have seen is one brand of the Royal Caribbean Group taking the decision not to stop in Gibraltar during 2024 due to operational reasons. This means that Royal Caribbean will not be operating as they used to in the Western Mediterranean. It is not that Gibraltar has been dropped, it is that this brand of the Royal Caribbean family will be elsewhere in the world for that season. Four of the other brands from Royal Caribbean will continue to visit Gibraltar in 2024.

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The Government will continue engaging with all cruise companies to increase calls to Gibraltar, as we have done.

Mr Speaker: The Hon. Damon Bossino.

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Hon. D J Bossino: Mr Speaker, there is quite a lot in that reply which I think is deserving of specific supplementary questions.

When he says that he last visited officials within Royal Caribbean in October 2022, and given what I took as his surprise when I put it to him during the course of the last question and answer session that Royal Caribbean was not coming in 2024, did they not advise him then what their intentions were in relation to the 2024 itinerary?

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Hon. V Daryanani: Mr Speaker, I have answered the hon. Member's and the hon. Lady's three questions. Having consulted with Cabinet colleagues and with the CEO of the Tourist Board, the Government would ask hon. Members not to seek to further address this matter across the floor of the House in further supplementary exchanges.

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The company in question is a publicly listed company. Any reference to it in our Parliament is scrutinised by shareholders etc. and those advising the company. Understandably, a large multinational corporation such as this prefers not to involve itself in politics, especially when the decision to reposition away from the southern Western Mediterranean has nothing to do with politics, the excellent tourist offering in Gibraltar or anything else Gibraltar specific. A lot of the matters which are the subject of discreet discussion at the moment are, moreover, commercially sensitive. Many people abroad are aware and are listening to statements being made in this House. The Government is clear that such remarks are now prejudicing Gibraltar's opportunities and position.

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I am happy to brief the hon. Member and the hon. Lady on a confidential basis in my office tomorrow at 12 noon and answer any questions they may have. Indeed, I believe that we can even work together in some ways that would benefit Gibraltar, and I will not be shy to give them credit if we are able to do so when we see the fruits for Main Street, our transport sector and the whole of Gibraltar.

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Thank you, Mr Speaker.

Hon. D J Bossino: Mr Speaker, there is a lot there that I do not accept the premise of, but I hear what the hon. Member says.

As to a specific time tomorrow – he says 12 p.m. – I am not sure that I will be available, for example, but it is not necessarily a general invitation that I would necessarily shy away from. I am

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not saying no to a possible meeting with him to be briefed in relation to this, but I think this is a matter of public interest. It is a matter of public concern.

2345 Just to press him further, is he telling us that the question I posed, which is what elicited that response – I will not describe the response; if we say it was a response ... is he not able to provide that information? I simply said was he not advised in October 2022 of Royal Caribbean's decision not to come to Gibraltar in 2024? That is the only question I asked. Is he saying that is a veil we cannot pierce because it falls under all the things he has just said, that it is not possible to provide that level of detail? He was surprised when I put it to him in the last question and answer session, so I am assuming and I think he can say that he was not advised in October 2022 of Royal
2350 Caribbean's decision in relation to the 2024 itinerary.

Hon. V Daryanani: Mr Speaker, the hon. Member was asking me what I was told in a private meeting with a commercial entity discussing Gibraltar, and as I said, this is something that not only is Royal Caribbean listening to, but all cruising companies are listening to – our competitors
2355 are listening to. He does not expect me to discuss here, across the floor, what I am discussing with cruise companies so that our competitors can also be aware of that. That is why I am telling him I am happy to give him all the information that he wants on a confidential basis, so he knows the work I am doing. I am happy to talk to him whenever he wants.

2360 **Hon. D J Bossino:** Mr Speaker, this is a matter of public interest. It does impact heavily in respect of one of our main economic sectors, tourism, and it has elicited a lot of public interest. It is my duty to point out to him these things, but he needs to provide us with the answer, in my view. He has provided some information and I would ask him to perhaps develop that a bit further.

2365 He said, during the course of his answer – I am paraphrasing, and if I am wrong he needs to correct me, but I am paraphrasing – that the decision by Royal Caribbean, and I think I took an accurate note, has nothing to do with Gibraltar's excellent tourism offering. Is he able to discard that as a possibility? In other words, it is not that Royal Caribbean is not coming to Gibraltar because of anything in respect of our tourism offering? Is that what he is saying?

2370 **Chief Minister (Hon. F R Picardo):** Mr Speaker, what the Minister has said is that it is not in the public interest of Gibraltar that we continue these exchanges, that he will tell the hon. Gentleman and the hon. Lady why, that there is a way that we might be able to turn this around for Gibraltar but that it has to be relatively discreet at this stage. He has consulted with me and with other Cabinet colleagues. We have agreed that position. It is a position of the Government. It is not a
2375 position that we have taken lightly.

Of course there is interest in people knowing what these issues are. The hon. Gentleman has then asked the Minister to disclose what was said to him in a private meeting with this company. He has then, when the answer has been the same, said, 'Well, can you tell me whether it is this reason or that reason?'

2380 Mr Speaker, I think that we should be very clear with the hon. Gentleman. We have wanted to be very constructive. We think that there are issues in which governments and oppositions can work together. We think this is one of them. We think there is an opportunity of actually producing something very positive for Gibraltar. We are extending an opportunity for him to come and form part of that discussion. The meeting can be tomorrow at 12, or no doubt we can reschedule it for
2385 when his diary permits him to be able to discharge his functions as a public elected official and come and meet with the Minister. No problem. If he has other things to do which are more important than discharging his functions as an elected official, it is up to him, but that is our position. So I put it to the hon. Gentleman that he should consider the Government's position as being a position of good faith and of seeking to take the matter forward together for the benefit
2390 of Gibraltar, which is really the public interest of Gibraltar, and that any other interests that he may wish to pursue, any other curiosity, any other answers that he may wish to have at this stage are of interest but not in public interest, because in public interest we all know what it would be.

2395 Any other questions that will be asked, Mr Speaker, will be politely met with the similar invitation to come and work with us and hear the information that we are willing to impart to him and to the hon. Lady discreetly. If he does not want to come and she does, she will be very welcome, as usual, and we will continue to try to work in the interests of Gibraltar and not fall for partisan traps on issues such as this.

2400 **Hon. D J Bossino:** Mr Speaker, I have to characterise what the hon. Members are doing as nothing but a brick wall response, and I must say I am very surprised because they very often – very often indeed – pray in aid the public interest issue. But this is a matter which is of public interest. It affects and impacts. It is a very serious decision which has been taken by, as he puts it, a very important commercial entity in this sphere, Royal Caribbean, and I think it is proper that this should be fully ventilated in public.

2405 I will continue to ask the questions, which I hope, bearing in mind what the hon. Members have said ... I do not accept their position, but that is the answer that we have had, so I am going to pursue a line of questioning which hopefully will elicit some response. I thought that my previous supplementary question was fair enough and specific. Now I will ask this. I think he said that the Italy visit to Royal Caribbean was to discuss their 2024 itinerary. We know what Royal
2410 Caribbean's position is in relation to 2024, there will be zero visits to Gibraltar, but is he able to provide any information at this stage as to whether Royal Caribbean will change its mind, will change its position in relation to Gibraltar and have visits beyond 2024, which would be something which would be very welcome, certainly by me and on this side of the House?

2415 **Hon. Chief Minister:** Mr Speaker, the Government does not pray in aid the public interest when it is not in the public interest that we should do so. The Government is very careful before praying in aid the public interest. Nothing could make me happier, given what I know and the hon. Gentleman has told me, to see the Hon. Minister deploy the information that we have and batter the hon. Member around this House, but we believe that it is in everybody's interest, the public
2420 interest, the public interest of our tourist sector, the public interest of our tour operators, of our shore excursion agents, of our Main Street, that we share information that we have – some of it may be what the hon. Gentleman is asking us, but discreetly at this stage for the reasons that the hon. Gentleman has already set out.

2425 The hon. Gentleman, in getting up and insisting, despite what he has been told, is, in my view, demonstrating that he does not care about whether something is in Gibraltar's interest or not, and therefore the Government's answer will remain the answer that I and the Hon. Minister gave a few moments ago. However many times we are asked, however many questions we are asked, all of the information we will impart to the hon. Gentleman tomorrow at midday, or at such other
2430 time as he is able to make himself available to discharge his obligations as a public elected official, in an attempt to work with the Opposition to deliver a better result for Gibraltar, which at the end of the day is why we are here in this House.

2435 **Hon. D J Bossino:** Mr Speaker, it is very obvious and clear what the Government is doing. It is as old as the hills. We have seen it before, indeed, in previous administrations when these gentlemen are ... when the hon. Members – excuse me – are in office, but it is very clear what they are doing.

2440 Let me pursue this line of questioning. Is he able to ...? Let me just take umbrage at the characterisation of the intentions, as far as I am concerned. I am not doing this for political reasons. *(Laughter and interjections)* I am doing this because it is an important matter of public policy and it does have an impact on our economic well-being.

Can I ask the Hon. the Minister for Tourism, who I would assume is the one who had allowed his spokesman from his Department to say that, at the moment – and I am quoting from the *Gibraltar Chronicle* article on the matter – the ports of Malaga and Cadiz will only receive one call

2445 from the brand in 2024 ...? Will he accept that that is, in fact, incorrect, and that Malaga will be receiving five calls in 2024 and Cadiz three?

Hon. Chief Minister: Mr Speaker, the hills are alive with the sound of selfishness. I refer the hon. Gentleman to the answer I gave a few moments ago.

2450 **Hon. D J Bossino:** By that, do I take it, Mr Speaker, that the Government is not even willing to accept that it was incorrect and imprecise when it said that only one call had been received in Malaga and in Cadiz, which is totally wrong, and that they are not willing to provide that information by way of confirmation that they were wrong because it is contrary to Gibraltar's public interest. Is that really the position?

2455 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

2460 **Mr Speaker:** We are not making much headway here. Just ask a further question and then we will move on to –

Hon. D J Bossino: Mr Speaker, I –

2465 **Mr Speaker:** I think we need to do things ... I understand, but let's do things as I would like to see them being done. Okay, one final ... and then we will go on to the hon. Lady.

Hon. D H Bossino: Mr Speaker, I agree with the Chair's description that we are certainly making very little headway, but it is what it is.

2470 This is an aspect which, as I have said during the course of my supplementaries, is going to have, I think, an impact in terms of our economic activity in this area. Is he able to confirm across the floor of the House that in fact another commercial entity, Cunard, is not coming to Gibraltar in 2023?

2475 **Hon. Chief Minister:** Mr Speaker, I refer the hon. Gentleman to the answer we gave a few moments ago.

Hon. D J Bossino: I have another question, but ...

2480 **Mr Speaker:** As I said before, I do not think we are going to be moving forward in any practical way, so we will now ask the hon. Lady to ask her supplementary.

2485 **Hon. Ms M D Hassan Nahon:** Mr Speaker, regarding the dimension that I have about a supplementary, it is not actually about Royal Caribbean. They have left, they have taken those slots and it is happened already, but the fact of the matter is that this actually represents a gap for our businesses because they have stopped coming, so my question was moving away from that, actually. Does the Government hold a vision on a strategy to fill this gap at home, be it another tourist product completely?

I am happy to accept an answer now, or I am available to meet the Minister tomorrow.
Thank you.

2490 **Hon. V Daryanani:** Mr Speaker, I thank the hon. Lady for wanting to meet me tomorrow and discuss this further.

2495 **Mr Speaker:** That completes the oral question and answer session. *(Interjection)* I beg your pardon, it is my mistake. There is still one, which is Question 172. I beg your pardon.

Q172/2023

**Termination of easyJet Edinburgh route –
Discussions held with easyJet or other carriers**

Clerk: Question 172/2023. The Hon. Ms M D Hassan Nahon.

Hon. Ms M D Hassan Nahon: What discussions have there been, if any, with easyJet or any other air carriers since the Edinburgh route pulled out, in order to mitigate or replace the loss of travellers from this cancelled route?
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Clerk: Answer, the Hon. the Minister for Business and Tourism.

Minister for Business, Tourism and the Port (Hon. V Daryanani): Mr Speaker, easyJet took the decision to no longer fly the Edinburgh route because it was not financially viable. They have said they will keep the route under review for the future. No discussions have yet taken place with other airlines about this route.
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Hon. Ms M D Hassan Nahon: Mr Speaker, does the hon. Member have any data as to how much tourism – not people from our community, how much tourism – we may have lost? Again, I am happy to discuss this at another time if he considers it something that could be counterproductive to be discussed now, but this is the data that I am after in order to understand how this actually impacts our tourist product.
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Hon. V Daryanani: I will have to check on the exact date for that, but obviously the fact that easyJet have stopped the route is because the route was not popular enough and they actually made a loss on the route.
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Questions for Written Answer

Chief Minister (Hon. F R Picardo): Mr Speaker, I have the honour to table the answers to Written Question W8/2023.

2520 Written Questions W9/2023 to W14/2023 were questions from Mr Clinton to the Hon. Mr Bossano. Those are not yet ready and Mr Bossano is not available to answer questions in this House which are oral questions, so I wonder whether we might have a discussion about how we deal with those within the five-day window for decision, and indeed even the written questions that would usually have been available for distribution at this stage.
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Mr Speaker: The Hon. Roy Clinton.

Hon. R M Clinton: Mr Speaker, I obviously wish Sir Joe well and that he recovers as soon as possible.

2530 I am happy to take the oral questions that I had tabled for Sir Joe as written, and if I can have those as soon as they are available I would be grateful if I would be allowed leave to ask supplementary questions on those in due course.

Mr Speaker: Absolutely. At the next meeting of the House, in March, any supplementary questions arising from the questions which have been converted into written questions will be allowed in the form of questions.
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2540 **Hon. K Azopardi:** Mr Speaker, can I just get clarity? There were a couple of questions of mine that have not arisen, but one of them in particular I would not have thought would ordinarily have been answered by Sir Joe, so I just want some clarity from the Government as to whether they are taken by Sir Joe, because one of them in particular ... There are two questions. One is on changes to the pension rates for married and unmarried couples. That might be a Sir Joe question, I accept that, and might be on his list. But there is another one, where I was asking Government to consider introducing regulations on the registration of personal details of reload or burner phones. I do not know whether that would be taken by Sir Joe.

2545 **Hon. Chief Minister:** Communications.

Hon. D A Feetham: I would opt to defer the questions to the next session of Parliament.

2550 **Mr Speaker:** Does any other hon. Member in the Opposition wish to defer their questions? They can be asked at the next meeting of the House.

2555 **Hon. K Azopardi:** For clarification before I make my decision, Mr Speaker, if we ask for a written answer, will we be able to ask supplementaries on it next time?

Mr Speaker: Absolutely. That is the ruling we did in the past, yes.

2560 **Hon. K Azopardi:** For clarity, on the basis that we file fresh questions or on the basis that we can get up and ask questions?

Mr Speaker: Fresh questions.

Hon. K Azopardi: Well, then, Mr Speaker, I will ask for answers to be supplied to my questions.

2565 **Mr Speaker:** Written answers? This is for the Hon. Damon Bossino also? You want it in written ...?

Hon. D J Bossino: *[Inaudible]*

2570 **Mr Speaker:** Right. And I think in respect of Roy Clinton, yes, the same.
The only change in that is the Hon. Daniel Feetham, who will want to ask the questions at the next meeting of the House.

Adjournment

2575 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I move that the House should now adjourn until tomorrow at 5.30 in the afternoon.

Mr Speaker: I now propose the question, which is that this House do now adjourn to Wednesday, 15th February at 5.30 p.m.

I now put the question, which is that this House do now adjourn to Wednesday, 15th February at 5.30 p.m. Those in favour?

2580 **Hon. K Azopardi:** Mr Speaker, can I just —?

Several Members: Aye.

2585 **Hon. K Azopardi:** Sorry, can I just clarify on a point of order because I thought last time when we had spoken there was quite an explanation given about supplying the business Agenda of the House so that people can plan their diaries. Yesterday we were given the business Agenda, which said that we would take some business today and some business tomorrow, and then about 15 minutes before today's session we were served with a new agenda, which told us that we were taking all the business today. It was only 15 minutes' notice, but if that is the reorganisation on the basis that we had time to do it ... we thought that we were going to take the whole Agenda. But suddenly we are now back tomorrow without any advance notice. It is not what I thought the break and new rules were going to do. I thought that we were going to organise ourselves properly and I do not understand why it is necessary to give us such short notice of it.

2595 **Hon. Chief Minister:** Mr Speaker, there is nothing I can do. They took three hours to ask me questions. Looking at the number of questions and the subjects and the answers I had, I thought we could deal with them in an hour to an hour and a half, and therefore we would have an extra hour and a half to deal with questions. We also have said that we do not want to sit very late if we can avoid it, because that is also not conducive to being able to have the best business practices. People need to be able to go to their families etc. We feel that if we start now with the motion etc., we are going to be here until nine or 10 at night, and that is not conducive. Unfortunately, Mr Speaker, they did not give us any notice that they were going to keep me for three hours instead of one, and so ... I do not mind, I enjoy it, I answer for three hours, but that means that we are three hours closer to the late evening. That is why the timetable says it is published in order to assist the public but parliamentary business may have to change at short notice or may be delayed by the length of debates, and as a result we have to come back tomorrow. I am sorry to impinge on their Wednesday.

2610 **Mr Speaker:** If I may comment on that, I would like to see the system that has recently been introduced, which has been working fairly well, continue.

Hon. D J Bossino: Just insofar as diary management is concerned for tomorrow, if the Government might indicate what their position is on the motion and we can ... It might be helpful.

2615 **Hon. Chief Minister:** We look forward to the debate is our position, Mr Speaker.

Mr Speaker: We are going to continue with the procedure for the adjournment. I believe the hon. Lady wishes to say something.

2620 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I would just like to put on *Hansard* that, to me, this new arrangement gives us no more clarity than it did before. In fact, it is more confusing, I would have thought. We had three days, then we were told two, now it is three. From where I am at, from seeing that yesterday as an example, I thought I had the evening to prepare for the motion tomorrow. Then I came in, I started rushing, I wrote it, and then we were told otherwise from the paper, and then we are back. To me, if anything, it seems a little disrespectful to this side of the House because we keep catching up ... We are supposed to have enhanced communications with this, and it is actually more confusing.

2630 **Hon. Chief Minister:** Mr Speaker, the Government is trying to give hon. Members more notice than we have to of the business of the House, to enable them to plan their lives better. We are also trying not to sit very late, to enable them to have a family life, which is also something that is important. Instead of keeping them here for three days, we tried to keep them here for two days because we thought the business could all be resolved in two days. We are down one Member of the Government, so there is one set of questions less.

2635 I am very sorry that, for what they earn, they feel it is terrible that they have to come three times a month to the House. *(Interjections)* I am very sorry. We will continue to do our best to provide as much advance notice as we can, but if the questions take longer than is reasonable, then the session takes longer than is reasonable and we cannot finish in the time allotted, and that affects their timetable.

2640 The disrespect comes from people who, from a sedentary position, make remarks across the floor of the House designed simply to try to drown out *(Interjections)* why the Government is explaining we cannot keep the standards –

Hon. K Azopardi: [Inaudible] to this House and to the Members of the House.

2645 **Hon. Chief Minister:** Mr Speaker, the Hon. the Leader of the Opposition is behaving like a bar room lawyer. He is shouting from a sedentary position simply because he thinks that coming tomorrow is too much of an effort. *(Interjection by Hon. K Azopardi)* Well, I move that the House adjourn to tomorrow, that we come for three days this month and that they earn their keep for once – that they earn their keep, that they realise that this Parliament is the place where we debate, that we debate properly and that we have a consideration of all of the issues that are relevant, and let us consider what are the issues that are in the public interest of Gibraltar and not what the hon. Member wants to do. *(Interjection by Hon. K Azopardi)*

2650 I put it to him that the best thing he could do is to calm down and settle down and not continue to shout *(Interjection by Hon. K Azopardi)* from the position where he is standing up when another Member is already speaking and on their feet, which is contrary to the Rules of the House, *(Interjection by Hon. K Azopardi)* because in this House, when a Member is on their feet, nobody should be trying to make them [inaudible]. *(Interjection by Hon. K Azopardi)* One Member standing up should be respected and the other Member should sit down. That is exactly what the Rules of the House provide for and what we are not seeing from a Leader of the Opposition who has behaved really like no other Member of this House has behaved in all of the time I have been here, in a boorish and improper fashion.

2655 This is the sort of thing that gives politics a bad name. It gives all of us a bad name out there. We should behave with respect to each other. We are trying to bring a new system to this House so that people know when they have to be prepared, people know when they are going to be facing a Bill. What we are being asked to do by the manner of behaviour of Members opposite is to go back to the way that *they* used to run the House, which was to surprise everyone with the Agenda when they wanted to. We will not behave like that. We will try to continue to act in keeping with your ruling, Mr Speaker, and try to stick to an agenda. But where we cannot, we cannot, in particular where we cannot because they have kept us longer on some subjects, of which we make no complaint – they are entitled to. We make no complaint, but we then cannot stick to the Agenda. If we say something is going to happen at four o'clock and they are still asking us questions at five o'clock, then it cannot happen, and the hon. Gentleman should not be so upset about that. He should realise that there are exigencies that apply to the way the timetable is planned and delivered against and we should really not be giving this sort of show to the public, because that is what turns them off all politicians.

Hon. K Azopardi: Mr Speaker, I am not giving a show to any –

2680 **Mr Speaker:** Hold –

Hon. K Azopardi: I am not cross on the issue.

2685 **Mr Speaker:** Please resume your seat. If the Hon. the Leader of the Opposition wishes to speak, then he seeks my authority to rise and say a few words.

Hon. K Azopardi: I thought I had.

Mr Speaker: Well, you had not, but anyway, you are asking now – fine.

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Hon. K Azopardi: Mr Speaker, I am not cross and I understand when things need to be shifted. The reason for my reaction is because the hon. Member goes beyond making the point that he did, that the Agenda needed to change for a legitimate reason. He made a big song and dance about the rules changing to help everybody, but then he mucks the Members on this side of the House around by moving the Agenda around in the way that has been discussed. That is the issue.

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The more fundamental issue is that the reason I reacted in the way that I did is because he disrespects Members on this side of the House by raising the issue of our salaries and what we earn and all of that. We never make that point. We never say that they earn double or triple what we earn, and for that reason they should be doing this, that and the other. We never raise that because *that* is what gives politics a bad name, when people talk about the salaries of the Members on this side or that side. He does that for effect and he knows it. He knows he does that, and he overextends himself deliberately. So he is the one who is giving politics a bad name sometimes – not always, but sometimes he does, and he does it deliberately, Mr Speaker.

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Hon. Chief Minister: Mr Speaker, in rounding up on –

Mr Speaker: A final word.

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Hon. Chief Minister: Mr Speaker, I am rounding up on the adjournment. I think that the Government's desire to bring a structured timetable to this process is one that is entirely laudable. I think that the Opposition have understood, at least in the way that the Hon. the Leader of the Opposition has now presented it, that where we are unable to keep to the timetable it is not because we want to muck them about, although he has also said that we muck them about. I do not know how it is that we muck them about by continuing to answer their questions, which is what puts us off the timetable that we try to provide for them. The reality is that this is chaff. What matters is that we are going to be dealing with legislation and motions tomorrow, that we want to be able to do that in a way that is efficient.

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And yes, Mr Speaker, frankly, I do not think that it is unfair to refer to the fact that hon. Members earn a salary to be Members of this House and that they come for three days a month. It is not true that our salaries are not referred to. We have had our salaries referred to by hon. Members opposite on a number of occasions, as *Hansard* will disclose. Frankly, I am one of the ones who believes that every Member of this House is entitled to draw a remuneration for being a Member of this House, but they are also entitled to be asked by their constituents and by their fellow parliamentarians to understand that they draw a salary to be Members of this House and therefore, when they are asked to be in this House, they should not be complaining that they are being asked to be in this House.

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With that, Mr Speaker, I move that the House should now adjourn to tomorrow at 5.30.

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Mr Speaker: I now propose the question, which is that this House do now adjourn to Wednesday, 15th February at 5.30.

I now put the question, which is that this House do now adjourn to Wednesday, 15th February at 5.30. Those in favour? (**Members:** Aye.) Those against? Carried.

This House will now adjourn to Wednesday, 15th February at 5.30.

The House adjourned at 7.00 p.m.