



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.07 p.m. – 5.54 p.m.**

**Gibraltar, Tuesday, 23rd May 2023**

## **Contents**

|  |          |
|--|----------|
| Confirmation of Minutes .....  | 3        |
| Communications from the Chair .....  | 3        |
| Challenge to Speaker's authority and suggestion of impartiality by Hon. R M Clinton –<br>Clarification by Mr Speaker .....             | 3        |
| Code of Conduct for Members of the Gibraltar Parliament and Ministerial Code,<br>amendments and revisions – Ruling by Mr Speaker ..... | 4        |
| Tribute to Ernest Britto .....   | 5        |
| Papers to be laid .....  | 9        |
| <b>Questions for Oral Answer .....</b>   | <b>9</b> |
| Business, Tourism and the Port .....   | 9        |
| Q406/2023 Airport toilets – Repairs .....  | 9        |
| Q407/2023 Met Office strike – Measures to prevent closure of Airport .....   | 11       |
| Q408/2023 Cruise passenger tours to Spain – Measures to prevent .....  | 14       |
| Q409/2023 Seatrade Cruise Global Conference in Miami – Delegation, cost, meetings, new<br>business secured, duration .....             | 16       |
| Q410/2023 OS35 – Cost of clean-up operation and recovery of costs .....  | 17       |
| Justice, Equality and Public Standards and Regulations .....   | 19       |
| Q411/2023 Domestic abuse manslaughter – Review of sentences .....  | 19       |
| Q412/2023 Crime investigation – Private consultants .....  | 21       |
| Q413/2023 Mandatory drugs tests at HM Prison – Number undertaken since 2011 .....  | 22       |
| Q414/2023 Hospital orders – Number of patients, length of detention .....  | 25       |

|  |    |
|--|----|
| Q415/2023 Upper Rock – Measures to prevent fires .....   | 25 |
| Q416-17/2023 GFRS heat fire training – Number of hours and location since 2019 .....   | 27 |
| Q418-19/2023 Former Chief Supt John McVea – Payment for services.....  | 29 |
| Q420/2023 FPNs for traffic offences – Numbers issued by year since 2021.....   | 31 |
| Deputy Chief Minister .....  | 33 |
| Q421/2023 Gibraltar Archivist – Expected date of new appointment .....   | 33 |
| Q422/2023 Rooke site – Premium paid .....  | 33 |
| Housing, Employment, Youth and Sport.....  | 34 |
| Q332/2023 Europa Sports Complex – Manning and management levels.....   | 34 |
| Q333/2023 Europa Sports Complex – Ball-stop netting .....  | 35 |
| Q334/2023 Lathbury Barracks Sports Complex – Indoor swimming pool.....   | 36 |
| Q335-37/2023 Employment tribunal chairpersons – Number; claims awaiting appointment;<br>appointments re claims filed in last four years..... | 37 |
| Q338/2023 Government housing stock – Reasons for notices to quit.....  | 39 |
| Q339/2023 Trespassers in government-owned housing – Number of court proceedings<br>issued .....  | 40 |
| Q340/2023 Glacis Estate – Plans for alternative access .....   | 41 |
| Adjournment .....  | 42 |
| <i>The House adjourned at 5.54 p.m.</i> .....  | 43 |

# The Gibraltar Parliament

*The Parliament met at 3.07 p.m.*

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

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

## CONFIRMATION OF MINUTES

**Clerk:** Meeting of Parliament, Tuesday, 23rd May 2023.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the last meeting of Parliament, which was held on 15th and 16th March 2023.

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

**Members:** Aye.

*Mr Speaker signed the Minutes.*

## COMMUNICATIONS FROM THE CHAIR

### **Challenge to Speaker's authority and suggestion of impartiality by Hon. R M Clinton – Clarification by Mr Speaker**

**Clerk:** (iii) Communications from the Chair – the Hon. Mr Speaker.

10

**Mr Speaker:** On 20th April 2023, in the course of an interview on a *Viewpoint* programme on GBC, the Hon. Daniel Feetham was asked to comment on an incident which took place in Parliament on 26th November 2022. This related to an accusation by the Hon. Roy Clinton that I had not been completely impartial when dealing with an expression used by the Hon. Sir Joe Bossano – ‘Well, look, he can either believe it or he can lump it’ – when answering a supplementary question posed by the Hon. Damon Bossino. For the sake of completeness, I shall now proceed to inform Parliament of all the facts of this matter, so that it can be included for the record in *Hansard*.

15

Given the very serious nature of the Hon. Roy Clinton's accusation, I discussed the matter personally with the Speaker of the House of Commons, Sir Lindsay Hoyle, and it was proposed that I should refer this to his legal counsel. I provided the relevant extract from *Hansard*. A reply was received on 19th December 2022 as follows:

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1. In general, I do not think the phrase ‘he can lump it’, if used in the House of Commons, would ordinarily be viewed as unparliamentary and warranting intervention by the Chair. In this instance, it appears that the Member who used the phrase had already tried various other means of making his point and resorted to this as perhaps an inelegant but not necessarily unparliamentary way of driving home his point.
2. I can see nothing in Mr Speaker Farrell's response which could be considered out of order. He is apparently trying to explain the context in which the comment was made, no doubt in an effort to reduce tensions in the

Chamber, and his comments about Members are respectful and measured. He does not appear to be taking a side in the substantive issue under discussion.

3. While it is orderly for a Member to raise a point of order seeking clarification about a decision or ruling from the Chair, it is not for Members to challenge the authority of the Speaker, and in particular the Speaker's impartiality should not be questioned. Reflections upon the character or actions of the Speaker may be punished as breaches of privilege. *Erskine May* says that reflections on the character of the Speaker or accusations of partiality in the discharge of their duties have attracted the penal powers of the Commons.

25 Upon receipt of this advice from the House of Commons, I opted to deal with the matter internally. I spoke to hon. Members Clinton and Bossino in the presence of the Hon. the Leader of the Opposition behind the Speaker's Chair.

**Code of Conduct for Members of the Gibraltar Parliament and Ministerial Code,  
amendments and revisions –  
Ruling by Mr Speaker**

**Mr Speaker:** For my second intervention, on 15th March 2023 the Hon. Roy Clinton raised a point of order and sought a ruling in connection with the laying on the table by the Hon. the Chief Minister of two documents, namely the Code of Conduct for Members of the Gibraltar Parliament and the Ministerial Code.

30 The Hon. Roy Clinton's argument centred on his view that under Standing Order 12, the tabling of such documents was not the appropriate mechanism for their formal adoption and that this should be done by resolution of the House. The Hon. the Leader of the Opposition, in supporting the hon. Member's position, pointed to the relevance of sections 36 and 39 of the Constitution.

35 The Hon. Roy Clinton recognised that the Hon. the Chief Minister had, on reflection, changed his position, and this subsequently led to a motion being moved the following day, giving effect by way of resolution to the Code of Conduct for Members of the Gibraltar Parliament. This procedure was not applied in respect of the Ministerial Code. In coming to his decision, the Hon. the Chief Minister had relied on the recommendations made in the Report to Parliament on Democratic and Parliamentary Reform of January 2013. At my request, the Hon. Roy Clinton wrote  
40 to me, setting out the arguments in support of his request for a ruling. I provided the Hon. the Chief Minister with a copy of such.

In considering this matter, I have looked into the various procedures followed in the House in the past and the current practice in the House of Commons.

45 On 19th April 1979, several amendments to Standing Rules and Orders were approved by resolution of the House. On 31st October 1979, the House approved by motion the report of a Select Committee which contained recommendations for the creation of a Register of Members' Interests. On 2nd March 2007, revised Standing Rules and Orders were approved by resolution of the House following the coming into operation of the new Constitution. On 15th February 2013, the Report to Parliament on Democratic and Parliamentary Reform was tabled. It contained a  
50 number of recommendations, including two which referred to the Code of Conduct for Members of Parliament and the Ministerial Code. In the case of the former, it was recommended that a code should be drafted and that Parliament should determine its introduction by resolution. In the case of the latter, it was recommended that a review of the Code should be conducted and that it should be drawn up along the lines applicable to Ministers in the United Kingdom and that it  
55 should be kept under periodical review.

The position in the House of Commons in the context of the Codes is as follows. The Code of conduct for Members of Parliament is owned by the House in the sense that it is formally agreed by the House, and the House as a whole has to approve changes to it. By contrast, the Ministerial Code is not owned by Parliament. It is the responsibility of the Prime Minister and is approved by

60 the Prime Minister. It is not laid before Parliament, although the Code and its enforceability has been debated in the House of Commons.

In view of the foregoing, I rule that (1) amendments to or the revision of the Code of Conduct for Members of the Gibraltar Parliament and (2) amendments to or the revision of the Standing Rules and Orders of the Gibraltar Parliament can only be given effect by resolution of the House  
65 after presentation of the appropriate motion.

In respect of the Ministerial Code, if I were to follow the procedure in the House of Commons and rule that the Code is a matter for the Hon. the Chief Minister, this would conflict with section 11 of the Code, which states that the Ministerial Code shall be subject to annual review by the Gibraltar Parliament. I therefore rule that changes to the Ministerial Code should be treated  
70 in the same way as for the Code of Conduct for Members of the Gibraltar Parliament.

That ends my interventions.

### **Tribute to Ernest Britto**

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

**Chief Minister (Hon. F R Picardo):** Mr Speaker, thank you, as ever, for those rulings on various  
75 matters.

Before we begin today's session, I rise in sadness to pay tribute to the late Ernest Britto. Ernest, as those of us who had the pleasure of knowing him well knew, was a man of many talents. Although he is, of course, best known to us in this House for his time in Gibraltar politics, hon. Members will know that Mr Britto also enjoyed a long and successful military career. I think in the  
80 old days we used to call him the hon. and gallant Mr Britto as a result. Following that very successful military career, Ernest sought and obtained a seat in this House in 1988 with the AACR, and then he became a Minister from 1996 with the GSD until 2011. He held various portfolios, including the portfolios for health, the environment and the other thing that was very close to his heart, sport.

In his younger years, Ernest was also an avid sportsman and, as a result of his military career perhaps, he discovered a talent for rifle shooting and went on to represent Gibraltar at the 1978 and 1982 Commonwealth Games. Indeed, he earned the happy moniker, in one of Gibraltar's  
85 weeklies, of *'Ernestito mata monos'* because he was charged, whilst he was a member of the Royal Gibraltar Regiment, with the shooting of apes when the numbers were getting too large and the regiment was in charge of that. He and I often enjoyed referring to that moniker behind the  
90 Speaker's Chair when we were enjoying coffee or tea in the afternoon. In 1988 he was also elected the President of the Gibraltar Target Shooting Association and President of the Gibraltar Commonwealth Games Association.

But beyond all of those achievements in this House and outside of this House, if there is one  
95 quality that I will remember Ernest Britto for, it is his humanity and his friendship, because across the floor of the House, when I was first elected and I was starting to do this adversarial thing that we call politics, I found in Ernest Britto a friend and somebody who was always ready to extend the hand of his experience to help along somebody who was on the opposite side but with whom he could get along. That non-partisan nature is what I think makes Ernest Britto somebody who  
100 will be kindly and well-remembered across the floor of the House, across the political divide. I know that if Juan Carlos Perez were still with us he would be referring to Ernest Britto as a friend, and I cannot think of one more dyed in the wool of one side or the other, but both of them people who reached across and had friendships across the floor of the House, and that must be a man's greatest quality.

105 And so, on behalf of His Majesty's Government of Gibraltar and the people of Gibraltar, I now, in this place, once again express my most heartfelt and sincere condolences to Ernest's wife

Madeleine and to his children Germaine and Keith, as well to as all his grandchildren and his many family and friends. If I may say so, Mr Speaker, I thought that Germaine's tribute in the Cathedral on the occasion of the funeral was extraordinarily moving.

110 Mr Speaker, after tributes from other Members of the House, I invite the House to observe a minute's silence in Mr Britto's memory. (*Banging on desks*)

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

115 **Hon. K Azopardi:** Mr Speaker, on behalf of the Members of the Opposition, I associate myself with the remarks of the Chief Minister.

Ernest was not just a colleague but a friend of mine and of many Members on this side of the House, and indeed Members on that side of the House. He was not just a politician; he was a politician, a military man and a sportsman and excelled in all those fields. He always liked to say, 120 when we were Members of the House together, that he was the only Member of the House who was honourable and gallant, and indeed he was a gallant politician as well as gallant because of his military career.

I rise with a mark of sadness, not just noting Ernest's passing but noting that he is now the third member of the 1996 team I served in who has regrettably passed, after the late Bernard Linares 125 and the late Hubert Corby. Years pass and it takes its toll on humanity. Ernest suffered, as his family did, towards the end of his years because of his condition, and anyone who had engagement with Ernest as a friend and colleague felt that suffering, which his family did much more closely, of course.

In politics he was one of the original band of people who came together after 1992 to build the platform that led to the GSD succeeding in the 1996 election. He served as deputy leader of the party between 1992 and 1995. In government, he served in several ministerial posts, as the Chief Minister has said, and excelled in all of them. His particular love of sport showed every time he had to do something ministerial in the sporting field, as indeed was marked in Germaine's lovely tribute to him in the Cathedral, as the Chief Minister has said.

135 Certainly we join the Members of the Government in offering our condolences and reflecting on his death, offering our condolences to Madeleine and all his family.

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

140 **Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, I had the pleasure and privilege of serving with Ernest Britto in this House from 1999 when I was first elected until 2011 when he retired. I was very saddened to learn of his passing because he was in many ways a real parliamentarian, what you would expect a parliamentarian to be, and somebody who behaved in that way certainly in all the dealings that I had with him.

145 As the House knows, he was an ardent supporter of the Commonwealth Parliamentary Association, and indeed on two occasions he served on the committee of the international board of that organisation. In fact, in 1999, just a few weeks after I was first elected, and probably because nobody else wanted to go, I ended up travelling with him to the Caribbean, to a Commonwealth Parliamentary Association conference. I think that is where we hit it off and where we became, I would like to think, good friends. I remember he rescued us from a large creature that suddenly appeared one day. His military training, I think, helped to fend off the advances of this particular large, reptile creature that appeared in the doorway of our hotel one morning.

150 He was always polite, helpful, courteous and, I would like to think, a consensus politician, somebody who wanted to get things done by agreement rather than by conflict. In that role, he would sometimes call me and we would have discussions on the phone about issues which were 155 current. I valued those discussions; as I said, I had just been elected to this House. He was, as the Chief Minister has rightly said, a very human face to politics.

I would like to express my sincere condolences to his wife and to his family. May he rest in peace.

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

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

165 It is with a heavy heart and profound respect that we bid farewell to Ernest Britto, a stalwart of Gibraltar politics and a former MP of the AACR and then the Gibraltar Social Democrats.

Ernest Britto will be remembered for his tenacity and his political courage. He rose to prominence during a period of significant upheaval and change for Gibraltar in the late 1980s and 1990s. It was a time when our land was in disarray and grappling with socio-political and economic challenges, a time of tension and great polarisation in which being in opposition was only for the brave. Ernest Britto stepped forward in the spirit of service and embraced the responsibility to guide Gibraltar towards stability. His courage, like that of many of his peers, shone like a beacon during those tumultuous years, never shying away from making tough decisions or standing firm on principles that he believed would better Gibraltar. His unwavering commitment to serve was clear, a testament to his conviction and unyielding spirit. The contributions of his generation during those chaotic years are the bedrock upon which our current stability is founded.

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Personally, I will always remember Ernest Britto with his charm and that twinkle in his eye, despite being rather unwell in the last years that I did see him.

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Today, we stand united in grief but also in gratitude for Ernest Britto's life and legacy. As we remember him, let us also remember and strive to emulate his courage, his service and his deep love of Gibraltar.

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I extend my condolences to his beloved wife, children and grandchildren. May he rest in peace. Thank you.

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

185

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I knew Ernest Britto in another context, as he was Minister for Environment for quite a number of years when I worked in that field. I was, at the same time, working with him as Director of the Botanic Gardens and adviser to him, and also running GONHS and giving him grief on some issues, but the relationship was always excellent. He always respected my opinion, my point of view, and we worked very well together and made a lot of progress during the years when he was Minister for the Environment.

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When towards the end of his political career I decided to stand for election, he actually, in a subtle way, as Ernest would do, encouraged me and was one of the first to congratulate me when I was elected as a Minister, even though I stood against his party. But that is the kind of man Ernest Britto was.

200

I just want to add my own personal experience to the other words spoken in this House in expressing my own personal condolences, because we spent a lot of time together, working together, and it was a pleasure and an honour to do that.

205

Thank you, Mr Speaker.

**Mr Speaker:** The Hon. Edwin Reyes.

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

205

It must be really touching for Ernest's family to hear the nice words being said about him, especially because it has come through straight away that everyone coincides in having recognised those qualities in Ernest.

I first ended up having quite a close personal and professional relationship with Ernest prior to any interest he may have expressed in politics. We go back to 1974, which is almost 50 years ago,

210 when I first joined what at the time was the Gibraltar Regiment, now a royal regiment, and Ernest  
was already a captain, already the adjutant of the regiment. He also served as an honorary ADC  
to His Excellency the Governor, and I think he did that in respect of successive Governors. Ernest  
certainly came across as someone who knew his position of authority within the military ranks,  
215 but it did not deter him from stretching out his hand of friendship, like the Deputy Chief Minister  
has said, in his way of offering advice, and he would rather resolve things through mutual  
discussion and agree to disagree, if need be at the end of the day, but always in a gentlemanlike  
manner.

He was always well noted for his ability in sport, not only, as the Chief Minister has rightly said,  
his achievements in being Gibraltar's top shooter and therefore representative in successive  
220 Commonwealth Games, but he also made up part of the team of the Gibraltar Regiment playing  
hockey in the old N.O.P. grounds when it used to be tarmac, and even there he always had advice  
to give on how to get the best effect on the ball on a hard tarmac type of surface.

That friendship, that closeness with Ernest, eventually led to ... I do not know whether he  
bribed me or coerced me or not, but he had an interest in amateur dramatics and we ended up  
225 performing on at least three or four occasions in the annual drama festival, in which Ernest was  
always an outstanding actor. I do not think he quite made the top prize of best actor that year,  
but certainly he was very much in the running and certainly was a top performer and had a leading  
role in those plays on more than one occasion at the drama festival. Whatever certificate I may  
still have at home that says I was part of a winning play, I would not say it is to be shared equally;  
230 I would say that more than 50% of that goes to someone like Ernest for not only his own personal  
performance, but he managed to get the best, by hook or by crook, out of anybody else who was  
participating in any event with him.

With those happy memories of regimental days, plus all those happy memories that have been  
expressed across the floor of his parliamentary days, his family can continue to be rightly proud  
235 of him. May we eventually, one day, meet together and go back on parade with Ernest leading at  
the front. The last honorary position he held was as president of the Gibraltar branch of the British  
Legion, so all those who have ever had to wear a military uniform will certainly be called to parade  
and be inspected by Ernest, who I am sure will continue to extend his hand of friendship.

Thank you, Mr Speaker.

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

**Hon. D A Feetham:** Mr Speaker, I too associate myself with all the words that hon. Gentlemen  
and also the hon. Lady to my left have said about Ernest Britto.

245 We served together from 2007 to 2011 in government. He had been in government for  
16 years. He could very easily have retired and simply left politics in 2011, but he opted to stay  
with the GSD as part of the GSD executive; in fact, he was the Chairman of the GSD. I found him  
phenomenally helpful and encouraging during my time as Leader of the Opposition and I  
personally will never forget that.

250 One of the things that has not been mentioned is that Ernest Britto was somebody who had a  
real sense of humour. There was one incident that was probably his favourite, because when I  
spoke to him he would often refer back to it, which shows the character of the man, that he did  
not mind looking at himself and also poking fun at himself. He was not the kind of guy who would  
take himself seriously. It was the incident that occurred when we were in government, when after  
255 the session had been adjourned he asked who was going to be attending the dinner for the GSB,  
I think it was. Luis Montiel said, 'I am going to be attending,' and Ernest Britto said, 'Well, don't  
let Peter find out because *'te va cortar el cocote,'* or words to that effect. What he had not realised  
was that the microphones were still on and it had been broadcast to people in Gibraltar. He would  
often refer back to that and have a laugh about it, and I think that is the measure of the kind of  
260 individual we are talking about – not somebody who was afraid of also laughing at himself.



May I also join with other Members of this House to offer my condolences to his family and all his friends.

265 **Hon. Chief Minister:** Mr Speaker, if others have finished their tributes, I would now invite the House to observe a minute's silence in honour of Ernst Britto.

*Members observed a minute's silence.*

#### PAPERS TO BE LAID

**Clerk:** (iv) Petitions; (v) Announcements; (vi) Papers to be laid – the Hon. the Chief Minister.

270 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I have the honour to lay on the table the Gibraltar Police Authority Annual Policing Plan for 2023 and 2024.

**Mr Speaker:** Ordered to lie.

275 **Clerk:** The Hon. the Minister for the Environment, Sustainability, Climate Change and Education.

**Minister for the Environment, Sustainability, Climate Change and Education (Hon. Prof. J E Cortes):** Mr Speaker, I have the honour to lay on the table the Heritage and Antiquities Advisory Council Parliamentary Report for 2018-19, 2020, 2021 and 2022.

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

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

285 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** I have the honour to lay on the table the Audited Accounts of the Gibraltar Port Authority for the year ended 31st March 2016.

**Mr Speaker:** Ordered to lie.

## Questions for Oral Answer

### BUSINESS, TOURISM AND THE PORT

#### Q406/2023 Airport toilets – Repairs

290 **Clerk:** (vii) Reports of Committees; (viii) Answers to Oral Questions.  
Question 406/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** When will the toilets at the Airport be fixed?

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

295 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the short answer is that the toilets are not broken, nor have they been. To my knowledge, there have not been reports in the media or any written complaints regarding broken toilets. We check these daily and if any faults are found they are rectified as soon as possible. If the hon. Member can tell me which specific toilets he is referring to, I will be happy to have them checked out.

300 **Hon. D J Bossino:** Mr Speaker, I am happy to answer the hon. Member's question, although I am the one who is meant to be asking the questions.

305 The toilets that are broken are in the Airport. That is the only information I have. I have not seen them myself. It is information that has been reliably passed on to me by various sources. Can I ask him, therefore, to check his facts? I think he will establish that he is wrong and in fact the toilets are currently broken. *(Interjection by Hon. Chief Minister)*

**Hon. V Daryanani:** Absolutely. When he asked the question, he said he was – *(Interjection by Hon. Chief Minister)* First of all, let me tell him there are 19 separate toilets in the Airport. I am sure they are not all broken, and from the last information we had, none were broken. If there was some sort of fault in one of them it would have been fixed, but if there was any major fault it would have been brought to my attention. When they are fixed, they are fixed. They do not ask the Minister whether they should fix a toilet; they just get on with it and fix it.

315 **Hon. D J Bossino:** Mr Speaker, he may deal with this matter flippantly, as he deals with most of the matters that are raised across the floor of the House by me. Is he telling me that of the 19 toilets that he says the Airport has ...? I sense that he is qualifying his answers slightly. I ask him, therefore, to confirm that he is saying that as the position currently stands ...

320 At the end of the day, this is an important entry and exit point for Gibraltar, and he is presiding over entry points and exit points in Gibraltar. The cruise terminal is a case in point and the Frontier entrance is a case in point, which are in, quite frankly, a dilapidated state and it is an indictment on his running of his Ministry.

Let me ask him this: can he confirm to me here and now that he is telling us that all 19 toilets are in proper working order and do not require to be fixed?

325 **Hon. V Daryanani:** Yes, sir.

**Chief Minister (Hon. F R Picardo):** Evidence [inaudible] out of order.

330 **Mr Speaker:** Next question. *(Interjection by Hon. D J Bossino)* Next question, please.

**Hon. Chief Minister:** No, you said you were reliably informed.

**Mr Speaker:** Next question.

335 **Hon. D J Bossino:** Based on evidence, hence why it is reliable.

**Hon. Chief Minister:** [inaudible] provided.

340 **Mr Speaker:** Next question!

**Clerk:** Question number –

**Mr Speaker:** Yes.

345 **Hon. Chief Minister:** Mr Speaker, the Hon. Mr Bossino is saying from a sedentary position that  
the Minister is misleading the House and that he has information to show that this fundamental  
issue, which is the state of repair of the 19 toilets at Gibraltar Airport, is not correct. Given that it  
is now 45 minutes after the House started and we have started to deal with this issue, if the hon.  
350 Member has evidence to show that the information provided to the Minister, which the Minister  
is providing to the House, is incorrect, would he care to share it with us, or is it that he has no such  
information?

**Hon. D J Bossino:** Mr Speaker, if the hon. Member is misleading the House, an appropriate  
motion will be brought to this House to that effect (*Interjection*) with the evidence in support.  
355 This is a very important issue. It seems that the Hon. the Chief Minister who leads the  
Government is taking the same attitude as the Minister. I am not surprised by his attitude.

**Mr Speaker:** Right, that is enough. (*Interjection by Hon. D J Bossino*) Please resume your seat.  
Next question.

360 **Clerk:** Question 407/2023. (*Interjection by Hon. Chief Minister*) The Hon. D J Bossino.  
(*Interjection by Hon. Chief Minister*)

**Hon. D J Bossino:** Well, urinals at the bus stop.

365 **Mr Speaker:** Please, I ask the Chief Minister to calm down and also the hon. Damon Bossino.  
Next question.

**Q407/2023**  
**Met Office strike –**  
**Measures to prevent closure of Airport**

**Hon. D J Bossino:** I will take your advice, Mr Speaker.  
What measures, if any, can be introduced by the Government to prevent a repeat closure of  
370 Gibraltar Airport as a result of a Met Office strike?

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

**Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the Met Office  
375 is contracted by the Ministry of Defence to provide meteorological services at Gibraltar Airport.  
The Government, by means of the RAF Gibraltar Commercial User Agreement, has a contract with  
the MoD to provide aeronautical services at Gibraltar Airport.

As can be seen by this explanation, the Government has no direct contractual agreement with  
the Met Office and thus has very little scope to be able to influence matters in this respect.  
380 However, the Government has reminded the MoD of its contractual obligations as a result of the  
Commercial User Agreement. The Government has and will continue to withhold payments due  
to the MoD for services under the Agreement on all days that services are not provided.

The Government has raised the issue with UK Ministers, as well as with the Commander British  
Forces.

385 **Hon. D J Bossino:** Mr Speaker, in exchanges that we have had across the floor of the House in  
the past in relation to this issue as a result of other issues that have provoked the closure of the  
Airport, the Hon. Chief Minister has stood up and provided responses and replies which are very  
similar to the one that the hon. Member has just provided.

390 Just by way of clarification, is it the position of the Gibraltar Government, as a result of the contractual arrangements that it has with the MoD, that each time the Airport is shut – for whatever reason, including on this occasion a strike by the Met Office, which was a UK-wide strike as I understand it, which had a ripple effect on Gibraltar – to withhold the fees that are paid under that commercial arrangement? Is that the position?

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**Chief Minister (Hon. F R Picardo):** Yes, Mr Speaker.

**Hon. D J Bossino:** And other than that lever that can be pulled by the Government, and he also said by way, presumably, of making representations to government ministers, is there any other thing that the Government has within its disposal to exert pressure so that this type of situation does not repeat itself?

400 It seems that for one reason or another – and I understand that there are myriad different reasons and causes – Gibraltar Airport has been shut more often than not. At least on an anecdotal basis, that is something that people are telling me and we can see it from the reporting that we are getting. It just seems to be that Gibraltar Airport, for one reason or another, is being shut. Is there anything else that the Gibraltar Government can do to try to prevent a repetition of this situation?

**Hon. Chief Minister:** No, Mr Speaker, because the Government is not all powerful and we do not control the Airport.

410 It is absolutely to mislead the House to say that the Airport has been shut more often than not. Those are the words that the hon. Gentleman used. The Airport may have been shut on three or four days in the past 180. That is not more often than not, but of course if a parliamentarian gets up and says that Gibraltar Airport has been shut more often than not, it is not helpful to attract airlines to Gibraltar Airport, especially if it is just four days out of 180. So what the hon. Gentleman needs to reflect on is whether he wants, simply for the purposes of trying to catch a headline in the morning, to do permanent damage to Gibraltar Airport and our ability to operate more airlines. If he does, as he indicated a moment ago by his actions that he wants to ... whether he can continue to do so.

415 In terms of the substance, we do not handle Met Office services, we do not handle air traffic control services, and in fact, as is well known, it is only possible for an airfield of the characteristics of Gibraltar Airport to operate because it is an RAF airport subject to the control of the Military Aviation Authority and not a civilian airport subject to the civilian aviation authorities. Under the Gibraltar Constitution, the Government of Gibraltar has no responsibility for military matters, only for civilian matters. Therein lies the answer to the hon. Gentleman's question, an answer that I wager he knew before he asked.

**Hon. D J Bossino:** Mr Speaker, is it always going to be the case that when we are asking questions from this side of the House ...? The hon. Member always seems to suggest that I act in any way which is not on a bona fide basis. If it is when I ask the hon. Member about his trips to Morocco, he tells me to stop because it is not in the national interest. If it is when I ask something which is highly topical and affects directly our economy, he says I had better shut up because, if not, it may have an effect in terms of new airlines coming to Gibraltar. Or if I say something it may have an impact on his negotiations with the EU in relation to Gibexit. Come on, let's get real.

430 Let me ask him this in relation to the substance of this issue, in relation to this particular incident, which was the Met Office strike in the UK. According to press reports, in the past when this has happened, Gibraltar Airport has been safeguarded in terms of closure because Met Office personnel have been able to come to Gibraltar and man Gibraltar's Airport and therefore allow flights to continue, because at the end of the day Gibraltar Airport, in the scheme of things, in terms of the wider UK, is a relatively small airport when compared to the London airports, like Gatwick and Heathrow. So why is it that in this case we were not able to provide that type of

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service? Have they made inquiries of the MoD in relation to this? And can we get a bit more belt-and-braces assurances from the MoD that we get that type of service should there be a future strike of the Met Office?

445 Can I ask the Minister to respond on this occasion? I see that once again the Chief Minister is responding on his behalf.

**Hon. Chief Minister:** I am not going to respond on behalf of the Minister, Mr Speaker, I am going to respond on my own behalf for a simple reason. The person who was the Chief Minister of Gibraltar when he joined that party, Sir Peter Caruana, took responsibility for something called the Customer and User Agreement, which is signed by the Chief Minister of Gibraltar with the MoD, and when it is reviewed it comes to me for review. Therefore, all of the things that the hon. Gentleman is raising relate to my responsibilities, not the Hon. Minister's, because the Airport is in part touristic but it is also a fundamental artery used for Gibraltar more widely. And so the Airport, qua airport, is not the responsibility of the Minister. It is not just a touristic asset. It is an asset which successive Governments of Gibraltar, including the GSD when they were in government – indeed, they were the first to sign the Customer and User Agreement – decided should be something that should be dealt with out of 6 Convent Place. So all of the issues relating to the Met Office strike and to the air traffic controllers' issues relate to my responsibility and my interchanges with the CBF. That is just to deal, Mr Speaker, with the sideswipe that he makes at the end, before he sits down, that I am going to answer on behalf of the Minister and not on my own behalf because this is my responsibility, and he is now taking it beyond tourism – first of all.

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Second, of course CBF in Gibraltar, the Government in Gibraltar, were both seeking to ensure that if it were possible we would have Met Office staff flown to Gibraltar to ensure that the Airport in Gibraltar could remain open. It was not possible and there were a number of operational reasons why it was not possible beyond any pressing that could be done by a Government of Gibraltar. That is to say if the alleged incompetents that are today in government, as the hon. Gentleman sees it, had been replaced by the alleged Senecas sitting opposite us, doing the magnificent job that they will allegedly do if they are ever in government, they would have had the same success in seeking to bring over Met Office staff to Gibraltar to cover on this occasion, for reasons which I cannot disclose across the floor of the House, but I am happy to tell him later because he will know, as I have just told him and he will remember, that this is an RAF airport. The RAF operates a number of different airports and there are a number of different operational imperatives applicable in respect of different airports at different times. Needless to say, there are many different theatres of military operation, not all of which are fed through Gibraltar at a particular time. On that basis, it was not possible on this occasion for us to obtain Met Office staff to come to Gibraltar to continue the operations of Gibraltar Airport. If it had been humanly possible with the advocacy of CBF in Gibraltar and the Government of Gibraltar – of whatever partisan complexion, because I am sure that all of us would have acted in the same way – then the Airport would have remained open, as it has in fact remained open more often than not.

**Hon. D J Bossino:** Mr Speaker –

**Mr Speaker:** No, please resume your seat.

485 Does the Hon. Leader of the Opposition wish to ...? Yes.

**Hon. K Azopardi:** If I may, can I just ask, because the Hon. the Chief Minister says they have other responsibilities in other air terminals and so on ...? It was reported at the time that this happened – or at least it was implicit in one of the reports – that the Met resources were somehow deployed from Gibraltar to concentrate on ensuring that Heathrow continued to work. In the discussions with the Government, was that an issue that came up and was verified in terms of what had happened? Is it that the resources were not deployed to other RAF terminals elsewhere, but rather to ensure that Heathrow in fact continued to work?

495 **Hon. Chief Minister:** That is not the information we had, Mr Speaker. We had the information about other RAF facilities.

500 **Hon. K Azopardi:** If I may, can I invite the Hon. Chief Minister to perhaps look at what was reported in the press on that issue? I believe it came from comments that had been made by the MoD itself. He may want to verify it in his discussions with the CBF, in particular to ensure that this does not happen again, that we are not just left lame, as it were, not because of military issues but rather because they are simply choosing to prefer other air terminals and not ours.

505 **Hon. Chief Minister:** Mr Speaker, when I saw that I took the matter up. I think it is an interpretation of how things have been expressed, but I have seen the source information and I am satisfied that the source information – not the commentary, the source information – is the information that is correct. I do not act on the basis of what I read in newspapers when I have the source information and I can see how things are being translated, or indeed, on some occasions, traduced.

510 **Mr Speaker:** Next question.

**Q408/2023**  
**Cruise passenger tours to Spain –**  
**Measures to prevent**

**Clerk:** Question 408/2023. The Hon. D J Bossino.

515 **Hon. D J Bossino:** Does the Government plan to introduce any measures following the recent excursion to La Linea of cruise liner passengers on a vessel which had docked in Gibraltar?

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

520 **Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, this tour for 20 cruise passengers was organised by a local cruise agent. The Government was not aware of this. We were not asked for permission and neither should they need to do so.

Since this came out publicly, I have spoken to the agents and expressed my concern. Their explanation was fair and I have asked to be kept abreast of these tours if there is any further interest.

525 **Hon. D J Bossino:** The hon. Member talks about the operator not having to seek the Government's consent – I think is the word he used – in relation to possible tours outside of Gibraltar, and I think he is absolutely right if the Government of Gibraltar should continue on the basis that the private sector should do more or less, within certain parameters, what it likes in order to earn profit. But then he talks about expressing a concern. The question really is what is  
530 the Government's policy in relation to this? When he says he has a concern, what concern does he have? And if I may, Mr Speaker, how does he seek to address that concern? It could have been perfectly plausible for him to have said, 'I have no concern about this.' In fact, the Government could take the view that this is not necessarily a bad thing so long as the vessels dock in Gibraltar, but he said he has a concern in relation to this and I would ask him to expand on that, and what  
535 concern, in fact, he does have.

**Hon. V Daryanani:** Mr Speaker, I am always concerned when a tourist comes to Gibraltar and does not spend all his time here. That is what I am referring to.

540 We need to look at the wider picture here. Insofar as this cruise company is concerned, they have four calls coming to Gibraltar. This is information that I am sure he has, because I am sure he read the article in the *Chronicle* on 5th May in which the actual agents said that there were four cruise calls and there was interest from them to have something different, in Spain. They had other events, held here in Gibraltar, and there were 20 passengers who decided they wanted to go to La Linea.

545 We have to look at it in many ways. The agent thinks not exceeding 90 passengers will go to Spain with those four cruise calls, but on the whole we will probably have 3,900 passengers coming to Gibraltar from ships that dock in Spain. This will happen at frontier towns because people come in and will want to perhaps go across and have a look at what else there is on offer. It is the same as somebody coming on a plane, deciding to stay in Gibraltar, spending five nights here but venturing to La Linea for one night's dinner. We cannot stop them from doing that. We cannot say, 'If you come to Gibraltar, you cannot go to La Linea for dinner.' But it is still concerning for me, because I would rather they stay in Gibraltar, so when I speak of concern, that is the concern I speak of.

555 **Hon. D J Bossino:** What the hon. Member is saying is that he has no concern whatsoever that on this occasion, or indeed on possible future occasions, Gibraltar will not be able to continue to provide a sufficiently attractive offering so that people who are on those vessels and dock in Gibraltar will want to come to see Gibraltar. At the end of the day, even if the hon. Member did absolutely no marketing, even if the hon. Member decided not to sell Gibraltar at all, people would still come here on the basis that it is the famous Rock of Gibraltar with all his historical sites and all the rest of it. Is he able to confirm that he has absolutely no concerns, because this is something which is within his remit and within the Government's remit in terms of – as I have said before, in debates with him over the television and in this House – sprucing up and cleaning up Gibraltar to ensure that Gibraltar continues to be the attractive place it should be?

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**Hon. V Daryanani:** We are constantly making Gibraltar more attractive and we will continue to do so, Mr Speaker.

**A Member:** Hear, hear.

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

**Hon. Ms M D Hassan Nahon:** Mr Speaker, just picking up from this interchange, I understand the reasons the Minister has explained about a frontier town perhaps always being attractive on the other side. There are questions that I have posed relating to the issue of litter and rubbish and how Gibraltar looks.

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Can I just ask does the Ministry of Tourism actually explore and perhaps liaise with the Ministry of the Environment at all in terms of what other factors might just be leading to this exodus – for lack of a better word – of tourists visiting La Linea? Does it just close itself in and say, 'We're doing everything we can,' or do they actually talk and say, 'Look, there could be other reasons – can we all work together and try to clean up Gibraltar and do different things?' There are many complaints, in that area of Waterport, of the smell and the grime. Do they talk about this? Do they try to improve the product, at least?

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585 **Hon. V Daryanani:** Mr Speaker, I have just said that we are continuously trying to improve the product and we are continuously trying to make sure that Gibraltar is clean. Let me tell the hon. Lady that there is absolutely no exodus whatsoever. We are talking about 20 people here. We have millions of people coming into Gibraltar from Spain. That is an exodus, but not 20 people going to La Linea for a meal.

590 **Mr Speaker:** Next question.

**Hon. D J Bossino:** Mr Speaker –

**Mr Speaker:** No. Please resume your seat.  
595 Next question. (*Interjection by Hon. D J Bossino*) No. Next question.

**Q409/2023**

**Seatrade Cruise Global Conference in Miami –  
Delegation, cost, meetings, new business secured, duration**

**Clerk:** Question 409/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Please provide the following details relating to the recent visit to the  
Seatrade Cruise Global Conference in Miami: (i) who compromised the Government's delegation;  
600 (ii) the total cost of the trip, broken down into air travel costs, lodgings and entertainment;  
(iii) who the Minister or any member of the delegation met at each event; (iv) what new business  
has been secured as a result of the trip; and (v) the duration of the trip.

**Clerk:** Answer, the Hon. the Minister for Business and Tourism.  
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**Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the duration of  
the trip was five days. We continue to engage with all cruise lines to increase calls and to try to  
extend the duration of their stay in Gibraltar. We also spoke to two new cruise lines who hope to  
launch in the coming years and made them aware of what Gibraltar offers.

610 The rest of the information requested by the hon. Member is in the public domain. I refer him  
to my press release dated 11th April 2023 and statistics on the Government website.

**Hon. D J Bossino:** Mr Speaker, I do have a copy of the press release that he refers to, and I will  
ask him some questions arising from that. I have not had access to the information which he says  
615 is on the website. I will check it, and perhaps I may be able to ask questions arising from that at  
the next meeting of the House.

In relation to that last point, can I ask him when that information was uploaded?

**Hon. V Daryanani:** Before he asked the question, Mr Speaker – before I received the question.  
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**Hon. D J Bossino:** Okay, well, that is a matter of record. I think the information is set out as to  
when it was uploaded and that will be checked because it has been a fact that on previous  
occasions when we have filed questions the information has been uploaded and then the hon.  
Members stand up and say that the information is publicly available. It has happened in the past.

625 Mr Speaker, the hon. Member in his statement states that he 'put forward our case for  
increased calls and set out our ambitions with the industry'. Can he be more specific rather than  
being so wordy and not coming up with specific proposals in relation to this area? What is his case  
and what are his ambitions?

630 **Hon. V Daryanani:** Mr Speaker, in this press release [inaudible] we met 25 cruise lines, so we  
had 25 meetings. Does he really expect me to give him a blow by blow account of each and every  
meeting I had and what I had to say to the cruise lines? Does he expect me to tell him publicly  
what I discuss with other cruise lines? I have told him this before.



635 The thing is – and I say this with the greatest of respect to him – I know he likes to fight about everything, but that is not what I am here to do. My job is to sell Gibraltar, to do my best and bring as many cruise lines to Gibraltar ...

640 Having said that, what he needs to understand is that there is huge competition out there in the cruising sector. There are ports coming out from all over the place, ports that have had nothing to do with cruising before, but now they are in the business of cruising because they see that it is a lucrative business. We need to be out there selling Gibraltar constantly, constantly showing our vision, constantly showing what ambition we have, and I can tell him that is why ... I can only give a summary in a press release and I cannot give him a blow by blow account of 25 meetings that I held.

645 **Hon. D J Bossino:** The hon. Member, each time he opens his mouth, honestly just makes me more and more concerned about the direction of his Department in that area of policy – really, Mr Speaker. I have not asked for a blow by blow account of the supposed 25 meetings he has held. I do not want that. I have asked him simply for his case and the ambitions that he relayed to them, and his vision, at that meeting. He has come up with absolute shallow waffle, and that makes me very concerned.

650 Is he at least able to provide this House with information about the two new cruise liners that are coming, which he says he has managed to secure for Gibraltar? If not the names, is he able to give us an indication of their size in terms of passenger numbers and that type of thing, and when he expects these two new cruise liners that he boasts will be coming to Gibraltar Port?

655 **Hon. V Daryanani:** First of all, Mr Speaker, I never said that I have secured two new cruise lines. I refer him to the answer that I gave him: ‘We also spoke to two new cruise lines who hope to launch in the coming years and made them aware of what Gibraltar offers.’ He should retract that because I have at no point said that we have secured two new cruise lines.

660 My vision is set out in our manifesto of the last elections, which the people decided to vote on. That is for starters. I am working extremely hard, like I said, with our CEO, Mr Bossino, to make sure that Gibraltar has as many cruise lines as possible and extended hours of stay at our port.

665 **Mr Speaker:** Next question.

**Hon. D J Bossino:** I am not sure the hon. Member has –

**Mr Speaker:** I said – (*Interjection by Hon. D J Bossino*) Resume –

670 **Hon. D J Bossino:** I am not certain the hon. Member has answered the question.

**Hon. V Daryanani:** Mr Speaker, he said he has not even read it.

675 **Hon. D J Bossino:** Oh, right, okay, yes.

**Mr Speaker:** Next question.

**Q410/2023**

**OS35 –**

**Cost of clean-up operation and recovery of costs**

**Hon. K Azopardi:** Mr Speaker, what is the cost of the pollution clean-up operation in respect of the OS35 to 10th May 2023, and can the Government update the House on the prospects of recovery of these costs?

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

**Minister for Business, Tourism and the Port (Hon. V Daryanani):** Mr Speaker, the Gibraltar Port Authority has accumulated a total cost of £7,132,641.10 to date in expenses in dealing with and responding to the 0535 incident. We have also received to date an initial payment of  
685 £981,124.45 on account, and are aware that a separate payment has been made to the Gibraltar Supreme Court for the purpose of establishing a limitation fund. This separate payment into the Supreme Court and the use of these funds are all subject to a court case which is still ongoing. Due to that, I will not be making any further comment on the matter.

690 **Hon. K Azopardi:** Mr Speaker, can I ask how much the separate payment made into the Supreme Court ... what was the quantum of that?

**Hon. V Daryanani:** Mr Speaker, the matter being subject to court proceedings, I would rather not make that across the floor of the House, but I am happy to speak to him behind the Speaker's  
695 Chair and give him further detail.

**Hon. K Azopardi:** I will take up his offer. I assume there is no confidentiality in that, necessarily, but if it is subject to some confidentiality regime of the court proceedings, then of course we are happy to – Yes, I am happy to give way.  
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**Chief Minister (Hon. F R Picardo):** Mr Speaker, I tend to agree. I think that was a payment into court made on the basis of an order in open court, not in chambers, so I think it is shareable across the floor of the House.

705 **Hon. V Daryanani:** Mr Speaker, the figure received was £14.2 million.

**Hon. K Azopardi:** £14.2 million is the payment into court and the expenses are £7.1 million, so can I just ask ...? Hearing what the Minister has said – that there is that money in court and there is going to be a dispute, which he does not want to discuss, and I accept that and perhaps we can  
710 have a word behind the Speaker's Chair about that – insofar as the £981,000 which has been paid, can I assume there was no dispute and it is accepted?

**Hon. V Daryanani:** Yes, that is correct. The amount that was paid was not in dispute and the £14.2 million is in dispute, and that is why there are court proceedings.  
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**Hon. K Azopardi:** Testing, if I may – is his preface that he would rather not discuss openly the court proceedings? And if he does not want to answer this question for that reason, then perhaps we can have a word behind the Speaker's Chair. Am I to glean from what he has said that the dispute concerns the entire sum that has been paid into court? Is the Government hopeful that  
720 insofar as the £7.1 million ...? Let me rephrase the question so that he understands what I am asking. That is why I am hopefully not treading into those issues that he is reticent to tread into. Is the balance of the £7.1 million beyond the £981,000 that has been paid ...? Is all of that balance in dispute, or is he hopeful that some of the £7.1 million is not subject to whatever is going on in court?  
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**Hon. V Daryanani:** Mr Speaker, I would rather discuss this with him behind the Speaker's Chair, because I feel it is a little bit delicate.

**Hon. K Azopardi:** Again, this would be searchable information, so perhaps this will not cause  
730 difficulty: the parties to the dispute in court would be who?

**Hon. V Daryanani:** Mr Speaker, the parties are the two owners of the respective vessels and the Attorney General.

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

**Hon. R M Clinton:** Mr Speaker, thank you. I just want to ask two technical questions of the Minister. The first is what entity has paid the £7.1 million? Is it the Port Authority or the Government of Gibraltar, or some other entity? And secondly, the £7.1 million, has it been paid or is it an accrued cost?

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**Hon. Chief Minister:** Can I clarify the question? The hon. Gentleman has asked who has paid the costs so far and who has made the payment into court? (**Hon. R M Clinton:** No.) No? So what is the second question?

745 **Hon. R M Clinton:** I wanted to know which entity or entities are making the payment or have made the payment or accrued the cost, and whether the cost is accrued or has been paid across already.

750 **Hon. V Daryanani:** This has been paid from an advanced account of the Government General Account.

**Hon. R M Clinton:** So they are paid?

755 **Hon. V Daryanani:** They are paid from an advanced account of the Government General Account.

**Mr Speaker:** Next question.

## JUSTICE, EQUALITY AND PUBLIC STANDARDS AND REGULATIONS

### Q411/2023

#### Domestic abuse manslaughter – Review of sentences

760 **Clerk:** Question 411/2023. The Hon. D A Feetham.

**Hon. D A Feetham:** I refer to Question 28/2022 on the Lishman case and the recent changes to the law related to domestic abuse, will the Government also be conducting a review of sentences for manslaughter?

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

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, yes, sir.

770 **Hon. D A Feetham:** And can she perhaps give some information to this House as to whether the review is under way or whether, alternatively, the review is to be undertaken?

**Hon. Miss S J Sacramento:** Mr Speaker, both. The hon. Gentleman will be aware that we recently made significant changes to legislation with respect to domestic abuse. That is what this

775 case was. This new legislation, as the hon. Gentleman knows – in fact, I once again thank the hon.  
Gentleman for praising me on this piece of legislation – includes new offences relating to coercive  
and controlling behaviour. They are now new criminal offences and they will also include threats  
to disclose private sexual photographs and films with intent to cause distress, and strangulation  
or suffocation, and setting out that consent to serious harm for sexual gratification is not a  
780 defence. So, in relation to the first part of my answer, those are changes in the context of domestic  
abuse cases that have already been made.

The hon. Gentleman may recall that last year in my Budget address I specifically said that I was  
commissioning some changes to criminal legislation, so that will also form part of that. In relation  
to the sentencing offences also committed by a perpetrator who is personally connected to the  
785 victim, the hon. Gentleman needs to bear in mind that this will be considered initially by a working  
group that I have set up on domestic abuse and they will then advise and inform the wider review  
on criminal reform that I have just alluded to.

**Hon. D A Feetham:** Thank you to the Minister for that answer, but specifically in relation to  
790 manslaughter, can she confirm that this specifically forms part of the review that is being  
undertaken? That is one question.

If I ask the last one ... I will just wrap it up in one. Does she also not agree with me that given  
the special circumstances of a small community like Gibraltar, where those circumstances may be  
different to the circumstances and experiences of a large country like the United Kingdom and  
795 how they deal with those who are found guilty of manslaughter, we should not be slavishly  
following UK law in relation to sentences?

**Hon. Miss S J Sacramento:** Mr Speaker, I agree with the hon. Gentleman in that when it comes  
to Gibraltar, some things that we do will be different to the UK. However, the courts have always  
800 expressed a desire that we align ourselves to the UK when it comes to sentencing practice.

Sentencing is a matter for the courts. The hon. Gentleman knows that sentencing involves wide  
parameters and when a court makes a decision in relation to sentencing, it will take into account  
the facts and circumstances of the case, and it is for the court to decide where in those parameters  
an appropriate sentence will fall. The hon. Gentleman will know, obviously, what the maximum  
805 sentence for manslaughter is, so it is not an issue of reviewing the sentencing for the offence.  
Ultimately, it is a matter that is in the hands of the court because the sentencing powers already  
exist.

**Hon. D A Feetham:** I apologise, Mr Speaker – it just arises specifically out of that answer  
810 because of course, at risk of not being flavour of the month in that particular part of Main Street,  
in the Supreme Court, the reality of the situation is that it is for elected politicians – in other words,  
those who are elected to this House by the people of Gibraltar – to set the policy, and it is for the  
courts to apply that policy. That is the way the system has always worked. That is the way the  
system works in the future. Therefore, if she – the hon. Lady; I apologise, I did not mean any  
815 disrespect. If the hon. Lady agrees with us that something potentially has gone wrong with the  
Lishman case and that perhaps ... I am not suggesting that the law ought to be changed, but that  
it certainly ought to be reviewed ... then of course it is, does she not agree with me, within her  
prerogative, and indeed her duty as a Minister to reflect on the sentencing guidelines and change  
those sentencing guidelines if the Government felt that perhaps they were too lenient in the  
820 circumstances of this type or any other type of case?

**Hon. Miss S J Sacramento:** Mr Speaker, I have informed the hon. Gentleman that there is a  
general review on the criminal law and I have informed the hon. Gentleman that there is a specific  
working group dedicated to looking at domestic abuse that will inform the wider group of the  
825 criminal law review, so the answer to the hon. Gentleman's last question I answered in my  
previous supplementary. The answer is yes, but as part of that we will also have input from the

830 courts, and ultimately, whereas we may need to look at our circumstances a little bit differently in Gibraltar, the courts prefer to follow the sentencing guidelines in the UK because they are already established. That does not mean we have to follow that strictly, but of course, because I have all the stakeholders who are looking into this, I need to wait for their advice and their guidance and the outcome of the review that I referred to in my first response.

**Mr Speaker:** Next question.

**Q412/2023**  
**Crime investigation –**  
**Private consultants**

**Clerk:** Question 412/2023. The Hon. D A Feetham.

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**Hon. D A Feetham:** Mr Speaker, in the last 10 years how many private consultants have the RGP or any other public body in Gibraltar contracted in order to investigate a potential crime?

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

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**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, none.

845 **Hon. D A Feetham:** None, save for this private company that has been contracted in order to investigate, through the Northern Irish ex-police officer, the charges or investigation into the alleged issues with Mr McGrail?

850 **Hon. Miss S J Sacramento:** Mr Speaker, there are other questions on the Order Paper in relation to a specific person who has been engaged, so in relation to this other question the answer is none, but then there is a separate answer in relation to the other questions.

**Hon. D A Feetham:** I just do not understand. The answer is there is one in the last 10 years?

855 **Hon. Miss S J Sacramento:** Mr Speaker, but for the other two questions that are on the Order Paper that have been asked by the Opposition – the answer would have been one, but because there are two other questions the answer to this one is none, and then there will be an answer to the other two.

860 **Hon. D A Feetham:** I think for the purposes of *Hansard*, Mr Speaker, the answer is one, because of course I have asked for the last 10 years. I do not want to be difficult; it is just for the purpose of *Hansard*. I think the answer is one.

**Hon. Miss S J Sacramento:** Mr Speaker, the answer, of course, which the House will see from the answer to the other questions, will be one.

865

**Mr Speaker:** Next question.

**Q413/2023**

**Mandatory drugs tests at HM Prison –  
Number undertaken since 2011**

**Clerk:** Question 413/2023. The Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, how many mandatory drugs tests have been undertaken at  
870 HM Prison since the legislation allowing it was introduced, which, of course, was 2011?

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

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J  
875 Sacramento):** Mr Speaker, HM Prison is only undertaking a voluntary drug testing programme.  
Mandatory drug testing is not being undertaken.

**Hon. D A Feetham:** Mr Speaker, this is a question that I have asked over a number of years,  
even before Mr Speaker was occupying that Chair, and the answer I was given in the past was that  
880 the Prison did not have the facilities at the time in order to conduct this type of test, but it was  
the Government's intention to facilitate mandatory drug testing. In other words, the Government  
thought that, as a policy, it was something that ought to be done. Can she say whether that policy  
has changed or whether the Government is still in the process of resourcing the Prison in order to  
allow the Prison to undertake mandatory drug testing?

885 **Hon. Miss S J Sacramento:** Mr Speaker, essentially it is both. There is a power in the Act that  
allows for drug testing in prison to be undertaken. How that drug testing in prison is undertaken  
is very much a matter for the Superintendent of Prison.

I have been giving this subject a lot of thought, because ultimately the intention of drug testing  
890 in prison is about the reduction of the use of drugs. The view of the Prison is that the take-up of  
the voluntary drug testing is successful to the extent that they prefer to undertake voluntary drug  
testing over mandatory drug testing. The current take-up of voluntary drug testing in prison, I am  
told, is 70%. That is up 10% from last year because the percentage last year was 60. In order to  
achieve the objective, which is the reduction of the use of drugs in prison, the Prison, I think, is  
895 overall quite successful in achieving this through the voluntary drug testing regime, and  
sometimes an approach such as this can yield the results that you want, as opposed to forcing the  
drug testing through mandatory drug testing.

Mandatory drug testing, of course, also requires additional investment because the chain of  
custody procedure when it comes to mandatory drug testing changes is complex. This has been  
900 the subject of discussion in our previous Parliament questions. We were looking at undertaking  
the mandatory drug testing locally because it would be cheaper than the original option, which,  
because of the chain of custody, was extortionately expensive, but because the success rate of  
the voluntary drug testing has increased, the mandatory drug testing has not been among the  
priorities that the Prison has had. All in all, I think the hon. Gentleman can agree that a 70% rate  
905 of voluntary drug testing is, overall, quite good. It achieves the aim, and that is what it is about. It  
is not about how we achieve it, it is the fact that it is being achieved, and if it is being done on a  
voluntary basis, then I would dare say it is even better because it means that inmates are actually  
engaging in the programme on a voluntary basis, as opposed to being forced to do it.

910 **Hon. D A Feetham:** Mr Speaker, there is a lot to unpack there, and I have a number of  
supplementary questions with your leave.

The first question is does the Prison Service have the resources and the wherewithal to conduct  
these mandatory drug tests?

915 **Hon. Miss S J Sacramento:** Mr Speaker, I am not quite sure what the hon. Gentleman means when he says, 'Does the Prison Service have the wherewithal?' When it comes to the resources, the Prison would not undertake the drug testing. It is something that would be outsourced by the Prison, so it would not be a question of *prison* resources, it would be a question of doing it *for* the Prison.

920 **Hon. D A Feetham:** At the very least, can the Minister answer this? Are the facilities in place in order to allow the Prison Service to conduct mandatory drug testing should they think that is necessary in any given case?

925 **Hon. Miss S J Sacramento:** Mr Speaker, yes, because the Prison has a clinic and it has a medical suite. I will go further for the hon. Gentleman, to pre-empt a further supplementary should it occur to him. In order to do that, there needs to be an element of training of prison officers who would be present at the time of the testing, and that was already under way when I last asked. It may be that that training is now complete.

930 **Hon. D A Feetham:** Can she confirm beyond any doubt – if there is doubt, she can, of course, say it – that everything that needs to be in place is now in place for the Prison Service to conduct mandatory drug testing should the Superintendent of Prison or his officers feel that is necessary in any given situation?

935 **Hon. Miss S J Sacramento:** Mr Speaker, no, it is not, and I said it in my first answer. I said that there were some requirements for the mandatory drug testing because mandatory drug testing requires a higher standard, and that because of the success rate of the voluntary drug testing, it had not been given priority by the Superintendent of Prison.

940 Having said that, the elements that are required in order to do this, I am pretty confident – the hon. Gentleman just asked me if I had any doubt, so I am going to say that I am pretty confident – are extremely advanced. This is about the actual testing, how we are going to test and where we are going to test. So we are quite advanced.

945 I am quite confident that if, say, for example, the Superintendent of Prison next week – next month, to be on the safe side – were to choose to commence mandatory drug testing in prison, he would do so, but at the moment he feels that voluntary drug testing is more successful because ultimately it allows, on a voluntary basis, for 70% of prisoners to remain drug free. At least 70%. It does not mean the other 30% are not, but we know that through positive engagement 70% are.

950 **Hon. D A Feetham:** But of course we come back to the exchanges we had in relation to some of the answers the hon. Lady gave in relation to the court and the judges preferring English sentencing practice. I said then it is the Government that sets policy and it is for judges to essentially apply the law in accordance with that policy. Who is essentially setting policy in relation to mandatory drug testing? Is it the Government or is it the Superintendent of Prison?

955 **Hon. Miss S J Sacramento:** Clearly, Mr Speaker, the Government sets policy and the departments give effect to the government policy, but in setting and devising policy the Government is guided and advised by its heads of department. In this particular case, the Prison has given priority to voluntary drug testing because they feel that is a better way of engaging a positive outcome with the prisoners. By running the scheme in this way, it means that prisoners have buy-in into the scheme and it also gives them an opportunity to do something that gives them a positive reward. This is a very operational decision and if the Superintendent of Prison feels that he wants to give this method a priority and he has a 70% uptake, which I think is good, then I will be guided and influenced by the Superintendent of Prison.

965 Having said that, in parallel I also feel strongly that the provisions and the mechanisms for the mandatory drug testing should be in place should that be necessary, so I have specifically asked

970 the Prison to ensure that everything for the mandatory drug testing is in place. It is just that it is not as simple as one would think on the face of it, and it seems to be quite complicated. I have asked the question because I asked the question a while back and I asked for it to be in place, so if the hon. Gentleman is asking me as the Minister responsible for justice would I like mandatory drug testing in prison, the answer is I would like it to be available but I will be guided by the Superintendent of Prison as to which option he would prefer to take. That is not to say that I would not like everything else to be in place for the other thing.

975 **Hon. D A Feetham:** What would the hon. lady say to those hearing these exchanges who might want to put this criticism to the Minister, that it is all very well for the Minister to say, 'I would like to see it in operation,' – in other words, 'I would like the Prison to have this available' – but they have been in government now since 2011, and 11 years down the line, for this not to be available to the Prison Service does look like the Government does not really have any faith in this particular policy?

980 If that is so, at the end of the day they have been elected in order to govern and they can change the policy, but of course they have got to be clear and they have got to be straight when they explain the policy. This just does not seem – and does she agree with the criticism that I have posed? – as if the Government's heart is exactly in this.

985 **Hon. Miss S J Sacramento:** Mr Speaker, no, I do not agree because this is a matter of priorities and it is a question of the success rate and the buy-in.

990 It is very simple. When this question was first posed – and it was during COVID – and I was told that mandatory drug testing was not happening because it was extraordinarily expensive, because we had to send it out and that in itself was extremely expensive and there was delay, and all sorts of things that I was informed ... And this is operational, because the Government has made it a policy decision, so you are trying to hold officials to account as to why they have done it or why they have not. My question to the superintendent at the time was, 'Currently in Gibraltar we are taking in excess of 1,000 COVID tests on a daily basis; surely it cannot be that difficult to undertake it in Gibraltar – why are you sending it out of Gibraltar?' The person I was speaking to at the time ... it had not occurred to the person tasked with giving the government policy operational effect to have done it in Gibraltar. So then we started exploring it – doing it internally, doing it in house – and since then I have been asking the Superintendent of Prison and successive Superintendents of Prison to sort this out. It seems quite complex in that for some reason the Prison has not completed this process because there needed to be satisfaction in terms of the chain of custody, there needed to be training undertaken and there were several things that needed to be done.

1000 But quite apart from that, even if that were in place, if the Superintendent of Prison prefers to undertake the voluntary drug testing because there are other benefits to this regime, such as giving inmates a positive opportunity to do something for which they are rewarded, and he feels that in the whole scheme of things this is better, I will be guided operationally by what the Superintendent of Prison needs to do. Ultimately, the running and the operation of the Prison is the responsibility of the Superintendent of Prison, and this is very much an operational decision that he undertakes.

1010 **Mr Speaker:** The hon. Member.

**Hon. E J Phillips:** I am grateful, Mr Speaker. I will be very short.

1015 As the Hon. Minister will know, there is a reward system in the Prison which encourages good behaviour within the Prison. Does the Minister understand that should an inmate or a prisoner receive a negative response in relation to a voluntary test, he is rewarded as a result of his negative test? As the Minister knows, there is a reward system within the Prison itself for good behaviour. So for those inmates and those persons serving a custodial sentence, should they be of good behaviour there are rewards meted out – for example, access to televisions etc. as an example of



1020 worldwide rewards by prisons, generally speaking. I will try to explain it so that she understands it – she seems to be confused. *(Interjection)* If I could just finish. If, for example, a prisoner produces a negative result, does that impact on any decision by the Superintendent to grant a reward?

1025 **Hon. Miss S J Sacramento:** Well, of course, Mr Speaker, and to clarify for the hon. Gentleman, I am not confused. He is contradicting himself in his question. The reward is for good behaviour, so how can a test that is not negative be good behaviour, and how can there be a reward that arises from it? *(Interjection by Hon. E J Phillips)* A positive or a negative? *(Interjection by Hon. E J Phillips)* Well, of course, Mr Speaker, that is what I have just said in all my supplementary questions, that the Prison prefers to undertake the voluntary drug testing regime because it gives  
1030 the prisoners the opportunity to buy in and be rewarded. I said it in the first supplementary. It is the hon. Gentleman who is confused.

**Mr D A Feetham:** I just have one more.

1035 **Mr Speaker:** No, I think we really have now exhausted the subject, so we will move on, please.

**Q414/2023**  
**Hospital orders –**  
**Number of patients, length of detention**

**Clerk:** Question 414/2023. The Hon. D A Feetham.

1040 **Hon. D A Feetham:** Mr Speaker, how many patients in Gibraltar are currently subject to hospital orders, providing particulars of when they were admitted and the length of time they have been detained?

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

1045 **Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, on the basis that there are only two and they could be identified, I shall pass this personal information to the hon. Gentlemen in confidence behind the Speaker's Chair.

**Hon. D A Feetham:** Mr Speaker, I am content with that answer, and bearing in mind that there is a decrease from the last time I asked the question, I have no supplementaries.

**Q415/2023**  
**Upper Rock –**  
**Measures to prevent fires**

1050 **Clerk:** Question 415/2023. The Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, I obviously brought the rain with this particular question. This has been a particularly dry year. What is the Government or its agents doing in order to ensure there is appropriate protection against fires for residents of the Upper Rock?  
1055

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

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Well, obviously, Mr Speaker, we made a drain!

1060 Upon commencement of the high-risk season, which commenced on 22nd May and runs through to the beginning of November, the GFRS conducts weekly inspections, every Friday. These consist of checking emergency water supplies, pressure and flow, tank levels, dry vegetation and overgrowth surrounding residential areas, which is of particular concern.

1065 **Hon. D A Feetham:** Mr Speaker, is there any truth in information that has come to me – I do not criticise it, I am not asking for that reason; it is just information only – that there are also potentially afoot engagements of Spanish emergency helicopter services and aviation services of the type that combat forest fires in Spain to also be on standby in relation to fires in the Upper Rock?

1070 **Hon. Miss S J Sacramento:** Mr Speaker, this is something that has been explored and, indeed, quite a long time ago. It is always good to make sure that we have contingency arrangements should things go beyond our capabilities, so the answer is yes, but it is just another arrangement that we would potentially have.

1075 **Hon. D A Feetham:** May I ask – and again, I am not criticising it because I actually think ... I am not an expert, of course, so I cannot say how effective they would be in the context of the Upper Rock rather than a flat situation – in the context of hills or flat forests, for example; I do not know, it has just occurred to me – but it seems to me like a sensible contingency. Is the Government saying that it has considered it, or that this is a contingency in a situation where there is a particularly ferocious fire in the Upper Rock, that those are resources that could be brought to bear to combat fires in the Upper Rock?

1080

**Hon. Miss S J Sacramento:** Mr Speaker, when there are fires or other such emergencies, help is always offered, and it works both ways – it is reciprocal. I know that the GFS, I think from a conversation we had over a year ago – explored this option as a contingency, but as the hon. Gentleman says, because of the landscape of our Upper Rock, and in particular because of the wind challenges, this, although considered as a contingency option, would probably not be ideal in many circumstances anyway. But it is always good to have these contacts, to have these dialogues and to have it as a measure should the need arise.

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1090 **Hon. D A Feetham:** And just finally, although I am not clear whether it is a contingency that is available to the Government or whether it is a contingency that has simply being considered and discussed ... I am sorry, Mr Speaker, I am not being churlish about this. It is just that I am not clear from the answer. Has the Government also considered, for example, having permanent tanks full of water in the Upper Rock that are essentially there as an emergency resource that would allow firefighters to tackle significant fires in the Upper Rock?

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1100 **Hon. Miss S J Sacramento:** Mr Speaker, there are, and that is what I referred to in my substantive answer when I said that checks are undertaken every Friday to check the tanks and to check that the tanks are full of water.

1105 **Hon. D A Feetham:** Perhaps the Minister can correct me if my understanding is incorrect. My understanding is that that is water that the rest of us use as potable water. I was not aware that those are tanks that are designated tanks for the purpose, and if that is the position, please could she confirm it?

**Hon. Miss S J Sacramento:** Mr Speaker, yes, and the GFRS work very closely with AquaGib to make sure that everything is in place should the need arise, in addition to GFRS also working very

1110 closely with the Ministry of Environment and all the relevant stakeholders. It is accepted that we have to be on high alert as from the end of May when the summer season starts, and that is why every Friday there is a check to make sure that all these provisions that need to be in place are in place. I think they should be commended for being so proactive and once a week checking that everything that needs to be in place is.

1115 **Mr Speaker:** Next question.

**Q416-17/2023**  
**GFRS heat fire training –**  
**Number of hours and location since 2019**

**Clerk:** Question 416/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Please state how many hours of heat fire training have been received by each GFRS firefighter, broken down on an annual basis since 2019.

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

**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 417.

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**Clerk:** Question 417/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** Please state the locations used in each case of heat fire training for GFRS fire fighters provided since 2019.

1130

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

**Hon. Miss S J Sacramento:** Mr Speaker, GFRS the firefighters undergo specific hot wear and compartment fire behaviour training at the Fire Service College in London.

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Firefighter training is recorded in terms of frequency – for example, the number of breathing apparatus worn and within a specified timeframe – not in training hours.

**Hon. D J Bossino:** Mr Speaker, is she not able to provide the House with the specific information which was requested? The question is rather specific. It talks about how many hours in respect of each firefighter and the ... The locations she has answered, where she says that the compartment heat fire training is provided at the Fire Service College in London, but in relation to the first question I do not think she has provided a full answer.

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**Hon. Miss S J Sacramento:** That is because, Mr Speaker, the answer they have provided is that it is not calculated in hours. That is not how it is calculated, and therefore they do not have the answer. They have not given me the answer because that is not how it is kept.

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**Hon. D J Bossino:** Mr Speaker, that is a rather odd reply, in the sense that one would have thought that in an area which is so vitally important to the training of firefighters ... a proper audit and account is not made of how many hours they do.

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May I ask her this? Does the answer she has given to the House today now not totally contradict the answer she gave at the last meeting of the House – I think it was the last meeting of the House – when she said that heat fire training was conducted at Lathbury?

1155 **Hon. Miss S J Sacramento:** No, Mr Speaker, I said that training was undertaken at Lathbury. If  
the hon. Gentleman will recall, at the last meeting of the House we were stuck on the particular  
question for over 10 minutes and ... Well, I will tell the hon. Gentleman that I – (*Interjection by*  
*Hon. D J Bossino*) Mr Speaker, the hon. Gentleman has said from a sedentary position that it does  
not matter that we were stuck on a question for 10 minutes. The reason I say that is because we  
1160 were speaking on the question for so long that lots of things were said and debated and other  
supplementary questions were asked during that period, which broadened the scope of the  
question. The hon. Gentleman will recall that the question posed on the last occasion referred to  
training that would occur in the future.

1165 **Hon. D J Bossino:** Mr Speaker, I will check the *Hansard*. I do not think it is available for that  
session – (*Interjection*) Exactly. I do not think it is available for that session yet, but we can always  
look at the video or listen to the audio. I will go back and check. If I recall, I asked a very specific  
question, which was about heat fire training, and I think assisted from a sedentary position by the  
Hon. the Chief Minister she offered the reply that that training was provided at Lathbury. In fact,  
the information I have is that – and I think she is now confirming – heat fire training is in fact not  
1170 provided at Lathbury.

Is she satisfied, therefore, that she has ...? I was going to ask whether she is satisfied that the  
firefighters are receiving adequate training, but actually one needs to take a step back. Is she  
satisfied that she is getting sufficient information to come to a conclusion as to whether these  
officers are receiving adequate firefighter training, which is so important for their role as  
1175 firefighters?

**Hon. Miss S J Sacramento:** Mr Speaker, my information comes from the Chief Fire Officer, in  
whom I have full faith, I and have no reason to question the information that he is providing.

1180 **Hon. D J Bossino:** Can I ask her to go back to the Chief Fire Officer and raise the point that I am  
raising across the floor of the House? My understanding is that in order for there to be a proper  
and adequate audit of the amount of training that firefighters receive, it should be calculated in  
number of hours. She does not have that information. In fact, she has not provided this  
information across the floor of the House, not because she is not willing to provide it, but rather  
1185 worryingly it is because the relevant chief of department that she is seeking this information from  
is not providing it to her. So can I ask her to check whether that information which she is being  
given and is now imparting across the floor of the House is adequate?

1190 **Hon. Miss S J Sacramento:** Mr Speaker, let me clarify for the purposes of *Hansard* and anybody  
listening that it is not a question that I do not have the information or we refuse to provide the  
information. The answer that has been prepared is on the basis of the manner in which the  
question was posed. My advice is that it is not calculated in hours, and therefore that is the  
answer.

I will, in any event, take back that point for the hon. Gentleman and get some further  
1195 information. If I had it now, I would give it to the hon. Gentleman, but I do not have it.

**Mr Speaker:** Final question.

1200 **Hon. D J Bossino:** Mr Speaker, the question was very specific and very particular. I would  
encourage her to put the same question that I pose in this House to the Chief Fire Officer because  
I am reliably told that this information is provided in number of hours and training is provided in  
number of hours. I think this is important information. Many tall buildings are going up around  
Gibraltar and it is important for the community here to understand that our firefighters are  
receiving adequate training. I am reliably informed that dealing with carbonaceous fires is not  
1205 available in sufficient numbers to our firefighters.

Can I ask her this specific question? Is it the Government's intention or policy to, at some point in the future, privatise this area of training?

**Hon. Miss S J Sacramento:** Mr Speaker, no.

1210

**Mr Speaker:** Move on now.

**Q418-19/2023**

**Former Chief Supt John McVea –  
Payment for services**

**Clerk:** Question 418/2023. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, is former Chief Supt John McVea being paid for the provision of his services to or performance of his duties within the RGP at a rate of pay analogued to a particular rank of the RGP; and, if so, what is that rate of pay or analogue to a rank; and, if not, what is he being paid for his services to or performance of his duties within the RGP; and how are the moneys he is being paid calculated?

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

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**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, I will answer this question together with Question 419.

**Clerk:** Question 419/2023. The Hon. the Leader of the Opposition.

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**Hon. K Azopardi:** Mr Speaker, how much has former Chief Supt John McVea or any entity in which he has an interest been paid for the provision of his services to or performance of his duties within the RGP from the commencement of his engagement, contract or appointment to 10th May 2023?

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

**Hon. Miss S J Sacramento:** Mr Speaker, since the commencement of appointment as a sworn member of the Royal Gibraltar Police until 10th May 2023, Mr McVea has been paid the total sum of £39,671.47.

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Former Chief Supt John McVea is a senior investigating officer who, having recently retired from the police service in Northern Ireland was sworn in as a Royal Gibraltar Police officer with full constabulary powers. His contractual arrangements were established following negotiations between the Commissioner of Police and the United Kingdom National Police Co-ordination Centre with terms of reference created for the various strands of investigation. He is remunerated at a rate of £500 a day.

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**Hon. K Azopardi:** I see. So there is a daily rate as opposed to a rate analogued to a specific rank within the RGP – is that correct?

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**Hon. Miss S J Sacramento:** Yes.

**Hon. K Azopardi:** And can I ask whether the daily rate is an all-in rate, or is there another rate in the contractual arrangements?

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1255 **Hon. Miss S J Sacramento:** Mr Speaker, this detail is not something that I have been involved in, nor that I have been consulted on, other than at the outset the Commissioner of Police being of the view that in the interest of independence and transparency of investigating the matter he would seek assistance from a police force outside the UK, and the only reason he mentioned it was to let me know that, obviously, by doing so, there would be a financial implication. But that is for the Commissioner of Police, as the controlling officer of that head, to negotiate. I have not been involved in the detail, nor do I have the answer to the question that the hon. Gentleman asks.

1260 **Hon. K Azopardi:** I was not suggesting that she had been involved in the negotiations. What I specifically asked her is to confirm ... When she says she does not have the answer to my question, my question in writing already should have caused someone to provide her the answer, so what I am asking her to confirm is ... She has given an indication that it is a daily rate of £500, so it is a daily rate and not an analogue to a rank in the RGP – yes or no? And if the answer to that is yes, 1265 is the £500 daily rate an all-inclusive rate, or is there another rate, beyond a daily rate, which is payable for other things, like if he were to work weekends or at another time of the day? How does it work? Is the contractual rate simply that £500 basic per day, or is he being paid a housing allowance? Are there other things being paid?

1270 **Hon. Miss S J Sacramento:** Mr Speaker, I have the breakdown of the total sum, and that includes the services, it includes accommodation, it includes subsistence and it includes flights. That is from the global sum that I gave the hon. Gentleman. In terms of the analogue rate, it is not analogued. I think, from exchanges that I have seen, the Police took the view that there was no other rank to analogue this person to.

1275 **Hon. K Azopardi:** And those payments are being paid to him directly, or to an entity which is owned or controlled by him? Can I ask the Minister to confirm also the length of the contractual arrangements? Is there a specific renewable date in mind, or is this an open-ended arrangement?

1280 **Hon. Miss S J Sacramento:** Mr Speaker, I am afraid I do not have that detail.

**Mr Speaker:** Is it something that you will be able to access?

1285 **Hon. Miss S J Sacramento:** Mr Speaker, I can certainly ask these questions.

**Hon. K Azopardi:** If I may, Mr Speaker, Question 419 asks how much the former chief superintendent or an entity in which he has an interest is being paid. I would have thought that the information would have been provided as to whether the payments came to him directly or to an entity. I think it is within the reasonable purview of the question, so I would invite the hon. 1290 Lady to perhaps obtain that information and write to me on that basis.

I am assuming, but I am asking for confirmation, that the payments being made in relation to this contract are taxable and that tax is either being withheld at source or will be payable by the by the person receiving it. Is that correct?

1295 **Chief Minister (Hon. F R Picardo):** Mr Speaker, discussing the tax affairs of any individual is not something we do across the floor of this House. It is not possible for us to do it. Any amount paid under Gibraltar law in respect of a contract, either for services or of services in Gibraltar for services provided in Gibraltar, is subject to tax. That is just the law of Gibraltar. There is no question of it being otherwise.

1300 These are not arrangements that we have been involved in. They are arrangements of which the hon. Member has been informed on the basis that she has set out. In respect of the details that the hon. Gentleman has sought which she does not have, she said she will ask the question,

but the Government is, for good reason, not involved in these arrangements or in the detail of them.

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**Hon. K Azopardi:** My final question, if I may: the Hon. Lady I think indicated to us that she had a breakdown of that £39,671. Would she be willing to provide that breakdown?

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**Hon. Miss S J Sacramento:** Mr Speaker, yes: for services, £24,500; for accommodation, £10,096; for subsistence, £3,418.50; and for flights, £1,656.97.

**Mr Speaker:** Next question.

**Q420/2023**  
**FPNs for traffic offences –**  
**Numbers issued by year since 2021**

**Clerk:** Question 420/2023. The Hon. Ms M D Hassan Nahon.

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**Hon. Ms M D Hassan Nahon:** Can Government provide a list to the House of the number of fixed penalty notices for traffic offences issued by the RGP in 2021, in 2022 and in 2023 to date?

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

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**Minister for Justice, Equality and Public Standards and Regulations (Hon. Miss S J Sacramento):** Mr Speaker, these statistics are recorded by the Royal Gibraltar Police in policing years, 1st April to 31st March.

A total of 2,172 fixed penalty notices were issued in 2020-21; 2,279 in 2021-22; 2,031 in 2022-23; and 124 were issued between 1st April 2023 and 2nd May 2023.

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**Hon. Ms M D Hassan Nahon:** Mr Speaker, could I ask the hon. Member to repeat the last number she said before the 124?

**Hon. Miss S J Sacramento:** Two thousand and thirty one.

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**Hon. Ms M D Hassan Nahon:** Mr Speaker, I asked for 2021, 2022 and 2023, and the hon. Member has given me overlapping years. I do not quite understand from when to when. Her brackets are included, but from what I think I understand, the 2023 amount is higher than 2022 and 2021 pro rata. Would that be correct?

1335

**Hon. Miss S J Sacramento:** Mr Speaker, the Royal Gibraltar Police does not keep these statistics in calendar years, so in my substantive answer I very clearly said that the statistics are recorded by them in policing years, which run from 1st of April to 31st of March, the financial calendar as opposed to calendar years.

1340

**Hon. Ms M D Hassan Nahon:** Mr Speaker, I thank the hon. Member for clarifying that. In that case, I think it does sound like the number of fines has grown in the last policing year, so I would ask the hon. Member if we have seen more fines being deployed since there has been a hike in the amounts that people are set to pay, and why would this be.

1345

**Hon. Miss S J Sacramento:** Mr Speaker, if the Hon. Lady is trying correlate that there has been an increase in the fine that somebody pays with the increase of fines that occur, then I am sorry

1350 to say that, first of all, that argument does not make any sense, but if that is the argument that is  
being put forward, that there are more fines this year because the fines have gone up, then it falls  
flat on its face because if there are 124 issued in the period of a month, I have multiplied 124 by  
12 and I get 1,488, so in fact it has halved.

1355 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I appreciate that, but we do not have the benefit of  
knowing the five months before and how that correlates with 2023 to date, given that the policing  
years do not run from January to December. So if the hon. Member is doing 124 by 12, that might  
not be accurate either.

1360 **Hon. Miss S J Sacramento:** Well, no, Mr Speaker, but because I do not subscribe to conspiracy  
theories, I am just trying to be helpful and practical on the basis of figures I have before me. If the  
figures I have are figures for 12 months, then the best I can do is multiply the figure that I have for  
a month by 12. The hon. Lady is trying to suggest that there is some kind of a conspiracy theory  
that there are more fines because the value of the fine has increased, and that makes no sense,  
but in any event the figures, on the face of it, do not show that the number of fines has gone up  
anyway.

1365 **Hon. Ms M D Hassan Nahon:** Mr Speaker, I am not actually suggesting anything. I come here  
as a representative of the constituents who put things to me, and I am perfectly entitled to bring  
them to this House. Conspiracy theories will never defy pure mathematics, but of course I  
appreciate that, as the Member gives me dates that are not correlating with how I am trying simply  
1370 to interpret the figures, I cannot make the argument or the question that I would like to make. So  
I would ask her if perhaps when I do look at these figures month by month, I may come back to  
the House with more visibility and ask any questions that might be left within this question.

1375 **Hon. K Azopardi:** Mr Speaker, may I just ask one question? Did the Hon. Minister say that for  
2021-22 it was 2,279? Is that what she said? Okay, so perhaps she can help me with this. If she  
picks up the Policing Plan, which was laid in the House about an hour ago, and to page 8, she will  
see that the traffic fixed penalty notices at the bottom of the page for 2021-22 were 1,412 instead  
of 2,279 reported to the House, and for 2022-23, 1,939, as opposed to the 2,032 reported to the  
House in the answer to the hon. Lady, with a figure alongside saying that there is a 37% increase  
1380 on last year. I would invite her, if I may, to go back to those who provided her those statistics and  
ask how those statistics have been provided, given that the Policing Plan suggests completely  
different numbers and a 37% increase on last year.

1385 **Hon. Miss S J Sacramento:** Mr Speaker, I will ask for clarification because there is a disparity  
and I wonder whether it relates to something that may be potentially classed as something else  
and appears as another statistic elsewhere on another page, because that is what it sounds like it  
could be.

1390 **Hon. K Azopardi:** May I ask as well, are the statistics provided to her when she has provided  
an answer to the question of the hon. Lady provided by the Police or by her Department?

**Hon. Miss S J Sacramento:** Mr Speaker, by the Police.

**Mr Speaker:** Next question.



**DEPUTY CHIEF MINISTER**

**Q421/2023**

**Gibraltar Archivist –  
Expected date of new appointment**

1395 **Clerk:** Question 421/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** When will it be expected that the new Gibraltar archivist will be appointed?

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

1400

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the Gibraltar Archivist retired on 26th March 2023. The process to recruit a new archivist will be commencing shortly. The post is currently being filled on an acting basis by staff from the Gibraltar National Archives.

1405 **Hon. D J Bossino:** The obvious supplementary to that reply is whether the Minister has an idea as to when he expects the substantive position to be filled. And may I ask, when he says staff, how many individuals are discharging the archivist's role on an acting basis?

1410 **Hon. Dr J J Garcia:** Mr Speaker, there is one person acting in one post, so it is one person who is employed at the Archives. In terms of the timescale, this is taken over by the Civil Service and the administration, so I do not know exactly when their process will commence. I have been told it will commence shortly.

**Mr Speaker:** Next question.

**Q422/2023**

**Rooke site –  
Premium paid**

1415 **Clerk:** Question 422/2023. The Hon. the Leader of the Opposition.

**Hon. K Azopardi:** Mr Speaker, has the premium on the Rooke site been paid?

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

1420

**Deputy Chief Minister (Hon. Dr J J Garcia):** Mr Speaker, the Government has entered into a memorandum of understanding with the successful developer of the Rooke site for a total cash premium of £30,025,000. A deposit of £3 million has now been paid.

1425 **Hon. K Azopardi:** Mr Speaker, the successful developer I think is Carlton Properties, or something like that. When I last asked the question in the House in relation to when they were at planning permission stage – it was either my question or my hon. colleague on my left here – I think the answer given was that the Government expected to award the tender once the planning permission was paid, and presumably once that happens the premium is payable. Or is it that contractually the premium is not yet payable? Can he perhaps give us a bit of information as to why there has been a payment of £3 million and not the entire premium yet? And when is the entire premium expected?

1430

1435 **Hon. Dr J J Garcia:** Mr Speaker, the premium, although some developments are different, tends  
to be paid once the developer has the security of having planning permission, because it may not  
happen and then you have to refund the premium. In this instance there are three elements to it.  
One is a deposit, which is normal and is paid in the course of most of these situations. We expect  
a second payment to be paid within the next six weeks or so, and that payment would be  
1440 £17 million. And then the balance of the £30 million would be paid ... Let me just check, but I think  
it will be paid within 14 days of the receipt of the full planning permit.

**Hon. K Azopardi:** Mr Speaker, I am grateful for the hon. Member's indication. I had not  
understood they had obtained outline, which I think is the right situation, but they are still to  
obtain full planning. Are any aspects of the payments returnable if they do not obtain the full  
1445 planning permit? Is that part of the arrangements with the prospective developer?

**Hon. Dr J J Garcia:** Mr Speaker, if there is no planning permission, then there is no development  
and obviously there would be no premium, and we will be obliged to return the premium in those  
1450 circumstances.

**Hon. K Azopardi:** My final question, if I may, Mr Speaker. The Hon. Minister mentioned that  
they had signed an MoU. Are they intending to sign a development licence or a building lease at  
any time before full planning, or is the Government going to wait until full planning is obtained  
before they sign that?  
1455

**Hon. Dr J J Garcia:** Mr Speaker, at this stage we are not entering into a building lease yet, but I  
think, as I said earlier, the developer would want the security of having outlined planning –  
remember there were certain conditions attached last time, which they are now looking at – and  
then having full planning permission before the full amount has been paid.  
1460

**Mr Speaker:** On final supplementary from the Hon. Roy Clinton.

**Hon. R M Clinton:** Thank you, Mr Speaker. If I may ask the Hon. Minister two things: first, the  
date on which the £3 million deposit was paid; and second, in the memorandum of understanding,  
1465 does that include the provision of a new fire station and police station?

**Hon. Dr J J Garcia:** Mr Speaker, I think I explained last time that one thing the Government was  
considering is taking more cash from them and then using that to build the new fire station and  
the new police station. That is what is happening on this occasion as well. *(Interjection)* I am afraid  
1470 I do not have the date with me, but I believe it was in March 2023 that they paid the £3 million.

**Mr Speaker:** Next question.

## HOUSING, EMPLOYMENT, YOUTH AND SPORT

Q332/2023

Europa Sports Complex –  
Manning and management levels

**Clerk:** Question 332/2023. The Hon. E J Reyes.

1475 **Hon. E J Reyes:** Mr Speaker, further to the answer provided to Question 114/2023, can Government update this House in respect of the progress made to permanently settle the management and manning levels at Europa Sports Complex?

1480 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

1485 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, the answer I have, which is that a contract is now ready to be signed by stakeholders and this will taking place very shortly, has been overtaken because this was prepared for Thursday when we came here. I can tell the hon. Member that it has already been signed and they will be up and running as from Friday.

1490 **Hon. E J Reyes:** Mr Speaker, it is good news to hear that it seems to have been signed and settled. Is there any way that I can get sight of what the arrangements or the contractual procedures are and so on, so that one is aware of how the thing should operate?

1495 **Hon. S E Linares:** Mr Speaker, there are two parties to this, and therefore I would have to go back to the other party to see if they are happy for the contract to be made available to the hon. Member. The hon. Member already knows, because it is public knowledge that it was going to be run by a trust, and the trust is basically the sports that have their home there, so I will have to consult with them to see how far they want me to disclose to the hon. Member the contract that we have done with them.

1500 **Hon. E J Reyes:** I understand what the Hon. Minister is saying, Mr Speaker. However, when he does, if he wishes to talk to that party and so on, may I just stress that this is public property on which we have entered into arrangements and so on? There may or may not be consequences or expenses in respect of funding from the public purse, so as much information as possible should be made public. I can wait patiently if the Minister needs to double check some things, and if we can get it on good relationship terms with the trust so much better, but I do expect there to be some accountability to this House for what the final settlement has at long last been.

1505 **Hon. S E Linares:** Mr Speaker, I totally agree with the hon. Member and therefore, once I get back to them, they will let me know exactly how much they want me to disclose.

**Mr Speaker:** Next question.

**Q333/2023**  
**Europa Sports Complex –**  
**Ball-stop netting**

1510 **Clerk:** Question 333/2023. The Hon. E J Reyes.

**Hon. E J Reyes:** Can Government provide an update in respect of the still ongoing works to provide a permanent solution to the ball-stop netting at Europa sportsgrounds?

1515 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

**Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, the permanent ball-stop netting has been completed on all elevations. The last phase was completed two months ago.

1520 **Hon. E J Reyes:** Mr Speaker, I do not doubt that the Minister has been told it has been completed, but I was there the weekend before last and the nets were a sorry sight to be seen. I can provide to him behind the Speaker's Chair, because I do not think it is permissible across this table ... I just took general photographs of the cricket games that I was watching. Certainly I personally witnessed first-hand the ball going over the dropped-down nets, especially the ones at  
1525 the side where the cafeteria is. So I think the Minister may not be as up to date with information, or something had suddenly happened overnight, the day before I turned up. It certainly was not something that one can say just required minor repair. It looked in a really dilapidated state.

**Hon. S E Linares:** Mr Speaker, it could well be that they did not put them up, but I will definitely  
1530 go over there and find out exactly what the hon. Member is saying, because not only does it concern him, it concerns me more than anybody else, but this is the information that I have been given.

**Mr Speaker:** Next question.

**Q334/2023**  
**Lathbury Barracks Sports Complex –**  
**Indoor swimming pool**

1535 **Clerk:** Question 334/2023. The Hon. E J Reyes.

**Hon. E J Reyes:** Can Government provide updated details in respect of the availability and public usage of the indoor swimming pool at Lathbury Barracks Sports Complex?

1540 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

**Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I am glad to report that the Lathbury Sports Complex swimming pool is being used by the Gibraltar Amateur Swimming Association (GASA) since 10th May. We are finalising the arrangements for general  
1545 public usage in terms of staffing in order to ensure a safe environment, but the facility will be available to members of the public imminently.

**Hon. E J Reyes:** Indeed, Mr Speaker, I think I can equally rejoice with the Minister that at long last we seem to have settled this. I am glad to see that GASA now has use of the facilities, which  
1550 leads me on to ... With your leave, Mr Speaker, I can ask for it formally at the next meeting. That would then have released some of the GASA bookings – let's call it that – at the Harbour Views Road facility and so on, so perhaps that ... I know the Minister often says that some information is available on the website, but that, at least from my last check, was not available. And on the public one, does the Minister commit himself that since it is going to happen imminently,  
1555 announcements will be made so that the public is made as aware as possible, not just on the website but through other public announcements to encourage people to go and practice this healthy sport and improve their own health as a consequence?

**Hon. S E Linares:** Mr Speaker, I will gladly go public and tell all the people that they can use this  
1560 magnificent pool. For a start, the hon. Member must realise that we had a 25 m pool with six lanes, which is the pool that is currently running, which is the GSLA-run pool, but I must also tell the hon. Member that the Lathbury pool is not only equivalent to a two-25 m pool, because it is a 50 m pool and it can be divided into two, but it has also eight lanes, so the capacity of the new pool is about two and a half times the capacity that we have currently in the old GSLA pool. So yes, there

1565 are already timetables that are being sorted by the GSLA in order for the public to be able to use this magnificent pool, and I hope the whole of Gibraltar will be able to use it. We are now looking at the triathlon people being able to use the new pool as well, so it is a question of ... We have GASA in there. We now will expand so that everybody can use the pool.

1570 **Hon. E J Reyes:** Thank you, Mr Speaker. Just out of respect to your predecessor, who had been my maths teacher, a 25 m pool that becomes 50 m does double the capacity, and when six lanes convert into eight, that is an increase of two over six, which is a third, which if multiplied by the other 25 m becomes two thirds, or 0.66 in decimal places. Just out of sheer curiosity, to show your predecessor Speaker that he did manage to teach me at least some very basic mathematics.

1575

**Hon. S E Linares:** Glad that he confers with me that I said 2.5 and it is 2.66. Thank you.

**Mr Speaker:** Next question.

### Q335-37/2023

#### Employment tribunal chairpersons –

#### Number; claims awaiting appointment; appointments re claims filed in last four years

**Clerk:** Question 335/2023. The Hon. D A Feetham.

1580

**Hon. D A Feetham:** How many Employment Tribunal chairpersons are there?

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

1585

**Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I will answer this question with Questions 336 and 337.

**Clerk:** Question 336/2023. The Hon. D A Feetham.

1590

**Hon. D A Feetham:** How many claims filed with the Employment Tribunal are awaiting the appointment of a chairperson and when were those claims first filed?

**Clerk:** Question 337/2023. The Hon. D A Feetham.

1595

**Hon. D A Feetham:** In relation to claims filed in the Employment Tribunal over the last four years, please provide a breakdown of who is the appointed chairperson.

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

1600

**Hon. S E Linares:** Mr Speaker, in answer to Question 335, there are currently nine Employment Tribunal chairpersons.

1605

In answer to Question 336, the total number of claims filed with the Employment Tribunal awaiting the appointment of a chairperson stands at 49. Claims awaiting appointment of chairperson by date claim received are as follows: 2020 – October one, November two; 2021 – January one, February two, April one, June one, July three, August three, September three, October four, November two and December one; 2022 – February one, March one, May three, June nine, July five, August three, September one, November one and December one. I will obviously pass this to the hon. Member, so no need to take notes – it is just that I need to read it.

1610 In answer to Question 337, the hon. Member can find the information relating to the appointment of chairpersons on the HMGoG laws of Gibraltar website, Employment Tribunal Judgements page. I will not read it. It is <https://www.gibraltarlaws.gov.gi/industrials>. I will pass it on for the hon. Member to be able to see it on the website.

1615 **Hon. D A Feetham:** Mr Speaker, just one supplementary on Question 335 whilst I look at the information, because I did not quite understand the answer to Question 337, but let me have a look at it.

1620 The answer to Question 335 was nine – how many Employment Tribunal chairpersons are there? I thought there were six permanent chairpersons appointed by the Government, so does that mean there are an extra three who are essentially ad hoc chairpersons of the tribunal, or do I have it wrong and the nine are permanent ones?

1625 **Hon. S E Linares:** Mr Speaker, this was gazetted recently. I do not have to go through the names of the people, but there are nine. This was announced by way of press release as well, Press Release 109/2023 which was issued on 31st March. The hon. Member could well be right that there are six permanent and three doubling up if we need more cases, but there have been nine gazetted to be able to do more cases.

1630 **Hon. K Azopardi:** Mr Speaker, can I just ask this? They gazetted nine chairpersons on 31st March. Six weeks later he says there are 49 claims still awaiting the appointment of a chairperson. When I saw the news that they had unblocked the appointment of chairpersons and I saw that photograph of all the chairpersons, I thought finally we are going to get the appointment of chairpersons. When I have previously asked this question in the House, I was told there were about 59 claims that were awaiting the appointment of a chairperson. In the breakdown of monthly claims he has been given, we are talking about two or three claims a month, so we are really not breaking the back of the problem six weeks later with the appointment of nine chairpersons if we are still hovering around the figure of 50 claims awaiting chairpersons, some of which date back to 2020 and 2021.

1635 So can I suggest that the Minister perhaps ask when the tribunal expects to appoint chairpersons to all these outstanding claims? And does he agree that given there was a reason given for the fact that these claims were not being determined and employees or former employees were awaiting resolution of these employment claims and it is an important matter for them for these resolutions to happen – that matter has been addressed by the Government by the appointment of chairpersons – does he agree with me that it is important, therefore, that this backlog of claims be dealt with by the appointment of chairpersons as soon as possible?

1645 **Hon. S E Linares:** Mr Speaker, I am glad to say that it was 59 and now we have 49, so we have done 10 in this time. I think it will go faster by taking off the backlog, but I completely agree with the hon. Member that the sooner we can take the backlog off ... I am sure that even before the end of the year we will be able to take all this backlog off. It has been there and now we are doing something about it.

1650 **Hon. D A Feetham:** Mr Speaker, has the Hon. Minister undertaken an analysis of how many of the Employment Tribunal chairpersons are actually sitting in cases? Let me explain why I ask the question. Professionally I come across, for example, Joey Nuñez, somebody who does quite a lot of these cases, and it just struck me that we could have a situation here whereby people essentially can market themselves as being Employment Tribunal chairpersons but then may not be doing their bit in doing the cases, and the burden of the cases then falls on one or two individuals. That is the reason why I have asked this series of questions. That is the analysis that I wanted to undertake, because obviously then my next question would have been does the Minister think it

1660 is a good idea to push some of these guys who have the title to also do a bit of the work? Has he done that analysis?

**Chief Minister (Hon. F R Picardo):** Mr Speaker, that is a gross assumption based on no evidence whatsoever. The hon. Gentleman has been told that nine chairpersons have been appointed and the list has gone down by 10. What makes him think that it is just one person who is doing all the work, that one has not been appointed to each chairperson and that that rate is going to deliver, as the Hon. Minister said a moment ago, a complete elimination of the backlog in the next six months?

1670 If the hon. Gentleman has evidence to suggest that there is only one person carrying the burden and all the other appointees have sought appointment simply for the purposes of marketing themselves as chairmen of the Employment Tribunal, that is one thing, but it is quite another to say that he has an analysis based on no evidence whatsoever. But given that it comes from him, I am not surprised.

1675 **Hon. D A Feetham:** He could start an argument in an empty room, I have to say.

**Hon. Chief Minister:** Just try thinking about it.

1680 **Hon. D A Feetham:** Absolutely, just thinking about me. *(Interjections)* Listen, *(Interjections)* if the hon. Gentleman could simply ignore me, I would be more worried than the answer that he has provided, I have to say.

1685 Mr Speaker, I have not conducted the analysis. I am asking the question to be able to conduct the analysis. I have not made the positive assertion that that is what is happening. I have said anecdotally I see one individual and I just want to know whether the workload is being spread around. That is all. Therefore, has the Minister undertaken the analysis to see whether the workload is being spread around and everybody is doing their fair bit? I am not suggesting that they are not.

1690 **Hon. Chief Minister:** Mr Speaker, in that context, if you appoint nine people to a job six weeks ago, there is a list of 59 things to do, and in six weeks you have reduced it to 49, the hon. Gentleman will understand that it is not logical to be prompted to do an analysis of the sort that he is suggesting, so I suggest we stop wasting our time.

1695 **Hon. D A Feetham:** Does the Hon. Chief Minister speak from personal knowledge? Does he know that the workload has been spread around amongst these individual chairpersons?

**Hon. Chief Minister:** Yes, sir.

**Mr Speaker:** Next question.

### Q338/2023

#### Government housing stock – Reasons for notices to quit

1700 **Clerk:** Question 338/2023. The Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, in relation to the answer provided to Question 444/2022, could the Minister provide a brief description of the reasons for the notices to quit?

1705 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

**Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, the reasons for the notices to quit were all notice of termination of tenancy issued by the Housing Department under the provisions of section 8(1) or section 8(6) of the Housing Act 2007.

1710

**Hon. D A Feetham:** Mr Speaker, I am afraid that my memory of section 8 ... Is section 8 the one about trespassers? Could he perhaps enlighten the House and give a brief description of what underpins section 8(1) and (6)?

1715

**Hon. S E Linares:** Mr Speaker, I will read it for the hon. Member. (*Interjection*) Notice of termination of tenancy. That is the one. You have just mentioned notice of termination. In the law it says notice termination of tenancy. Section 8(1) reads ... And then section 8(6) is another arm of what we need to use.

1720

**Hon. D A Feetham:** It strikes me as odd, a termination of the tenancy. Termination of the tenancy on what grounds? With government tenants it is very rare for a tenancy to end, unless of course somebody buys a flat somewhere, in which case he surrenders the lease – there is no termination – or alternatively, if somebody dies, and of course that vacates the tenancy. I am just unclear, and this is the reason why I asked this question. Why are these notices to quit being sent? Technically, he says it is termination of the tenancy, but on what basis? I just do not understand.

1725

**Hon. S E Linares:** Mr Speaker, it is spelt out in section 8(1) and (6). The hon. Member just needs to read section 8(1) and (6) and he has all the basis of why a notice of termination is given to the tenant. I will read him section 8(1):

If the Principal Housing Officer has reason to believe that a tenant has not been or will not be able to be in personal occupation of the public housing for the number of days required under section 6

1730

– which is 270 days; I will give him that for free –

and the tenant has not terminated the tenancy agreement, he may, with the approval of the Committee and of the Minister, serve notice of termination of tenancy on the tenant,

So that is one arm, and I said section 8(1) and 8(6), so there is still 8(2), 8(3), 8(4) and 8(5).

**Mr Speaker:** Next question.

### Q339/2023

#### Trespassers in government-owned housing – Number of court proceedings issued

1735

**Clerk:** Question 339/2023. The Hon. D A Feetham.

**Hon. D A Feetham:** Mr Speaker, in the last four years how many court proceedings were issued against individuals in government-owned flats/homes who the Government considered to be trespassers?

1740

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



1745 **Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, the Housing Department issued the following number of complaints with the Magistrates Court under the provisions of section 14 of the Housing Act 2007: six in 2020, seven in 2021, none in 2022, and none in 2023.

1750 **Hon. D A Feetham:** If the Minister has drilled down in relation to these numbers – six and seven in 2020 and 2021 – are these in the main people who, for example, continue to live there after a family member who is the main tenant dies and they remain in the flat? Or are these people who are breaking into flats and essentially are trespassers? Or is it a combination of both or other factors?

**Hon. S E Linares:** All those factors.

1755 **Hon. D A Feetham:** Does the Minister mean all those factors both? In other words, deceased and people coming into flats, or are there other circumstances, as well as those?

1760 **Hon. S E Linares:** Moved into grandparent's house, was living in the house when they are not supposed to be there, moved into sister's tenancy – these are the things that are being spelled out here.

**Hon. D A Feetham:** May I have the schedule that the Hon. Minister said he was going to be sending over in our direction, so that I can have a look at it?

1765 **Mr Speaker:** That was in answer to Question 337, where the Hon. Minister ...

**Hon. S E Linares:** Mr Speaker, it also includes the website link on that page.

**Mr Speaker:** Next question.

**Q340/2023**  
**Glacis Estate –**  
**Plans for alternative access**

1770 **Clerk:** Question 340/2023. The Hon. D J Bossino.

**Hon. D J Bossino:** What plans does the Government have in respect of an alternative access to Glacis Estate?

1775 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Employment, Housing and Sport.

**Minister for Housing, Employment, Youth and Sport (Hon. S E Linares):** Mr Speaker, I am not aware of any need currently to provide an alternative access to Glacis Estate.

1780 **Hon. D J Bossino:** Mr Speaker, if I can assist the hon. Member, what has been brought to my attention is that the Glacis Estate Tenants' Association was in discussions with the Government, I think in the person of the Hon. the Chief Minister, when certain proposals were put in order to allow, in effect, a left access from Glacis Road into Glacis Estate. At the moment, there is a prohibition because of the shortness of the payment coming from the Frontier in the southern direction. They came up with proposals, which initially the Government found attractive, which  
1785 would have meant the movement of the bus stop and all the rest of it, but then an alternative was

suggested, which was to create a road behind the Royal Ocean Spa development when the St Anne's School gym would be demolished for the new development that is going there.

1790 The reason why I ask this is because it appears that that particular alternative, which the tenants' association found attractive and, I think, the Government also, does not feature in the plans filed by TNG Global. So I put all of that to him to give him an opportunity to reply. It may be that the Government has changed its mind, or maybe he can happily confirm that it has not and it intends to proceed on the basis that I have just suggested in my rather long question.

1795 **Chief Minister (Hon. F R Picardo):** Mr Speaker, the reason the answer that has been given is the answer that has been given is because the question is about plans that the Government has in respect of an alternative access, and the Government has no plans, itself, for an alternative access to Glacis Estate. The Government continues to consider that the route between Royal Ocean Plaza and the new Bayside development should be explored and will be pursuing those matters through the Traffic Commission and the DPC in the context of the outline planning application from TNG.

1805 **Hon. D J Bossino:** Sorry, Mr Speaker, just so I have understood the answer and for the benefit of those watching and listening, and for the sake of the *Hansard*, is it the Government's position that it intends to create that road? As things stand now, as I said earlier, the plans filed with the Development and Planning Commission very clearly do not allow for that. There is what seems to be a massive flowerbed obstructing the possibility of the creation of that very short piece of road which would provide a solution in terms of that particular access for residents in that particular estate.

1810 **Hon. Chief Minister:** Again, Mr Speaker, the hon. Member is asking a question about the Government's plans and then reflecting on what the Government's plans may be by looking at TNG's plans as filed. I have already told him what the Government's view is in respect of those plans and how we intend to pursue it.

### Adjournment

1815 **Chief Minister (Hon. F R Picardo):** Mr Speaker, I am very conscious that I have to recess the House. If the hon. Gentleman is going to go back ... I really need to recess the House now, so he will have to ask his questions tomorrow. If there is one more question to the Minister which we can pursue –

1820 **Hon. D A Feetham:** One to the Minister on the schedule.

**Hon. Chief Minister:** There is one more? You have one more question?

1825 **Hon. D A Feetham:** Yes, I have –

**Hon. Chief Minister:** Yes, you have one more question. If we start going back and forward, we are not going to finish in time and I am afraid Ministers have another ...

Mr Speaker, in that case, I move that the House should now adjourn tomorrow at three o'clock in the afternoon.

1830 **Mr Speaker:** I now propose a question, which is that this House do now adjourn to Wednesday, 24th May at 3 p.m.

I now put the question, which is that this House do now adjourn to Wednesday, 24th May at 3 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

1835

This House will now adjourn to Wednesday, 24th May at 3 p.m.

*The House adjourned at 5.54 p.m.*