



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11 a.m. – 1.10 p.m.

Gibraltar, Friday, 13th December 2024

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The Gibraltar Parliament

The Parliament met at 11 a.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: J B Reyes Esq *in attendance*]

PRAYER

Madam Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament, Friday, 13th December 2024.

Order of Proceedings: (i) Oath of Allegiance; (ii) Confirmation of Minutes – the Minutes of the 11th meeting of the 15th Parliament, which was held on 27th, 28th and 29th November 2024.

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Madam Speaker: May I sign the Minutes as correct?

Members: Aye.

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Madam Speaker signed the Minutes.

ANNOUNCEMENTS

**Congratulations to GBC on success of Open Day
and to Lt Col John Pitto on becoming leader of Royal Gibraltar Regiment**

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

15

Chief Minister (Hon. F R Picardo): Madam Speaker, with your leave, before the proceedings of the House take off, may I start by congratulating everyone at the Gibraltar Broadcasting Corporation for the fantastic job that they did yesterday on their Open Day, which is a focal point of the community's activities in December and is a focal point of charitable giving for the whole community. May I congratulate them on behalf, no doubt, of the whole House and the whole community, for having collected the record-breaking sum of £300,000. May I extend those congratulations not just to those who are the familiar faces that we see in front of the camera but also the less familiar faces to those who are not involved in the business of politics, for example, who are behind the cameras and who are such an important part of getting that show on TV last night and the recordings that go on throughout the year, as well as those who join the GBC in this period to manage the auctions etc. A massive congratulations on behalf of the whole community for that record breaking amount.

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Also, Madam Speaker, I had a call yesterday with CBF and Lt Col John Pitto, who today takes over the leadership of the Royal Gibraltar Regiment; a Gibraltarian once more in charge of the

Royal Gibraltar Regiment, something I am sure the whole House will also be very pleased to hear.
My congratulations to all of them. (*Banging on desks*)

Madam Speaker: Any ...?

Hon. D J Bossino: Simply to associate the Opposition bench with every word that the Hon. the Chief Minister has uttered in respect of the GBC Open Day. It is now one of the features, as he rightly points out, of our social calendar. Not only does it provide large doses of fun for everybody during the course of the day and then watching overnight on their television sets, but it also gives a lot of money to charity, which is the focal point of that event. It is something that we, certainly on this side of the House, support the GBC on, and those who made their donations. I am glad that the Hon. the Chief Minister also made his own personal donation. He dedicated a song to me – I think it was *War Is Over* – and encouraged me to make an equal donation, which I did; mine was *Living on a Prayer*.

Leaving that to one side, I do not know what the final figure is; I am not sure that the Hon. Chief Minister himself does, (*Interjection*) which is a record breaker – he is not misleading the House, is he? – and it seems that the donation of the registration number plate did certainly pay dividends on this occasion. I think they managed to raise in excess of £100,000 for G1B, and that is something on which we congratulate the Government in terms of that particular initiative, because at the end of the day it is all good money for charities.

Finally, Madam Speaker, I also associate this side of the House with the words of the Chief Minister in respect of Mr John Pitto's current role at the Gibraltar Regiment. Mr Reyes will be very pleased with that. It is good to see a Gibraltarian discharging that responsibility once again. He is well known, I think, to many of us. He is certainly well known to me, I know his family very well, and I have absolutely no doubt that he will discharge that role and responsibility diligently and with his usual panache and flair, so I look forward to Mr Pitto discharging that responsibility into the future. (*Banging on desks*)

Clerk: (vi) Papers to be laid; (vii) Reports of Committees; (viii) Answers to Oral Questions.

Questions for Oral Answer

INDUSTRIAL RELATIONS, CIVIL CONTINGENCIES AND SPORT

Q1014/2024

**Bayside Sports Complex –
New hockey pitch**

Clerk: Questions to the Hon. the Minister for Industrial Relations, Civil Contingencies and Sport.
Question 1014. The Hon. E J Reyes.

Questions to the Hon. the Minister for Industrial Relations, Civil Contingencies and Sport.
Question 1014. The Hon. E J Reyes.

Hon. E J Reyes: Good morning, Madam Speaker. Can Government provide details, together with costs and timeframe, in respect of the new playing surface it hopes to provide for the hockey pitch at Bayside Sports Complex?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Civil Contingencies and Sport.

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Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon): Madam Speaker, the project is still subject to the tender process, so at present I am not at liberty to discuss this as information may be subject to change.

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Hon. E J Reyes: Thank you, Madam Speaker. I made a note in the tender process. However, I am told by those very actively involved with hockey that it is affecting their timetable a bit. Therefore, I ask the Minister for Sport: is he aware that this could have a knock-on effect and consequences on the Hockey Association's preparations and participation in international competitions? Hockey is one of those associations that in the past has been very actively involved in international competitions, and even though the game may be played away from home, it is the preparation, the build-up, the coaches being able to try, on home ground, the new tactics, to try and catch their opponents out by surprise. So, can the Minister try to give us some assurances on timetable, which I asked for? I think the cost element of the question cannot be answered because of the tender process, and even to try to probe further would hinder the competition – we always try to get the best value for money – but at least on the time frame is there any possible commitment from the Minister?

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Hon. L M Bruzon: Madam Speaker, I cannot give a commitment because the process is ongoing. I can assure the hon. Gentleman that the GSLA is in constant contact with the Gibraltar Hockey Association, and I believe that the president of the association recently gave an interview to GBC on the matter.

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Madam Speaker: Next question.

Q1015/2024

Netball World Youth Cup 2025 – Venues and accommodation facilities

Clerk: Question 1015. The Hon. E J Reyes.

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Hon. E J Reyes: Can Government provide details of the sporting venues and accommodation facilities it will provide to the Gibraltar Netball Association in connection with their hosting the forthcoming international games in 2025?

Clerk: Answer, the Hon. Minister for Industrial Relations, Civil Contingencies and Sport.

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Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon): Madam Speaker, all of the GSLA's sporting facilities, where relevant, will be made available to the local organising committee. There may be a need to use school sports halls as well. In terms of accommodation, the local organising committee has been liaising with local hotels, who have been very supportive of the event.

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Hon. E J Reyes: I note the answer given, Madam Speaker, but the Minister has not made any mention whatsoever of the manifesto commitment to build a purpose-built facility for netball, something that we will call their home. I believe it was within the Bayside Sports Complex area. Can we have an update on that as well, please?

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Hon. L M Bruzon: Madam Speaker, I agree that an announcement has not been made, but I can assure the hon. Gentleman that it will not affect the World Cup in 2025.

Hon. E J Reyes: I do not quite understand the answer, Madam Speaker. I am asking for an update on that commitment. In fact, I believe, if I am not mistaken, that the Hon. the Chief Minister has even sent a letter out to the association with some sort of preliminary design drawings and so on. What is the update specifically relating to that project?

Hon. L M Bruzon: Madam Speaker, the update is that we are working on the project.

Hon. D J Bossino: I think it is an important point that my hon. Friend raises in respect of the venues and accommodation. The Hon. the Minister says that he is in discussions with hotels but is he looking at any other venues beyond the hotel offering? His colleague the Minister for Tourism, I think at the last session of the House, alluded to the fact that the hotels were 100% at full capacity only a few weeks ago. So, in that context, whilst it will be a success, I am sure, that the Minister for Tourism will attribute to him and to his work, how will this be addressed by the Hon. the Minister for Sport in respect of this particular sporting event?

Hon. L M Bruzon: Madam Speaker, the organising committee met with the Gibraltar Hoteliers Association over a year before the event and were able to secure all of the rooms that they require, as well as booking Airbnbs on the Rock.

Madam Speaker: Next question.

Q1016/2024

Ottawa Chambers shooting range – Compliance with international regulations

Clerk: Question 1016. The Hon. E J Reyes.

Hon. E J Reyes: Is Government satisfied that the new shooting range and auxiliary facilities to be provided at Ottawa Chambers, 20 Dudley Ward Way are or will be fully compliant with international regulations set out by the governing body of the sport?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Civil Contingencies and Sport.

Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon): Madam Speaker, the new shooting range the hon. Member refers to is a purely private and commercial project. There is no involvement from HMGoG or the local shooting fraternity.

Hon. E J Reyes: Thank you, Madam Speaker. The developers of these new range facilities are promoting the venue in such a manner that it will be an attraction not only for tourists but for local people. Since there is going to be an investment in infrastructure and so on, my question was referring to the international regulations set out by the governing body because should we be able to host an international event – the example was just the previous question on netball – then there is the question of having as many venues as possible, and that can only take effect if they meet the international regulations. I may build in the patio of a housing estate a small five-a-side football pitch for youngsters to kick a ball around, but will it meet the international regulations, looking ahead and hoping to see further development in the sport?

160 **Hon. L M Bruzon:** Madam Speaker, with regard to investment, it is important to remember that it is a private and commercial company, but I am assured by the company that they are in communication with the National Rifle Association of the UK to be affiliated with them as part of the international regulations and as set out by the governing body of the sport in the UK.

165 **Hon. D J Bossino:** Is the Hon. the Minister able to divulge to this House which company is involved in this?

Hon. L M Bruzon: Madam Speaker, I am sure that it came up in the DPC, but I cannot recall the company. They did apply for planning, so it would have been public information, but I do not know.

Q1017/2024
Pickleball facilities –
Update re progress

170 **Clerk:** Question 1017. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide updates on the progress made in the last quarter of this year in respect of possible plans to provide pickleball sports facilities in Gibraltar?

175 **Clerk:** Answer, the Hon. the Minister for Industrial Relations, Civil Contingencies and Sport.

Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon): Madam Speaker, the answer remains as set out in answer to Question 499/2024. In addition, pickleball is currently being played three times a week at the Europa Sports Complex.

180 **Madam Speaker:** Next question.

Q1018/2024
Lathbury Sports Complex –
Repairs to swimming pool

Clerk: Question 1018. The Hon. E J Reyes.

185 **Hon. E J Reyes:** Can Government provide details of costs in respect of problems recently experienced at Lathbury Sports Complex swimming pool, indicating how long the pool was out of use whilst repairs were carried out?

Clerk: Answer, the Hon. the Minister for Industrial Relations, Civil Contingencies and Sport.

190 **Minister for Industrial Relations, Civil Contingencies and Sport (Hon. L M Bruzon):** Madam Speaker, the pool at Lathbury was reopened a few days after I provided the answer to Question 654/2024. It had been out of use for approximately three weeks and, as explained at the time, there are no costs for the repairs.

195 **Hon. E J Reyes:** I am grateful for that, Madam Speaker. I take it, because I have not had any other feedback, that there have been no further setbacks or problems. However, we believe

something that has come to my notice only this morning. It now seems that the other swimming pool, the one we affectionately know as the GASA swimming pool, seems to be out of action. I know it is short notice, but is the Minister aware of what the problems are this morning in respect to that swimming pool?

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Hon. L M Bruzon: Madam Speaker, I do not know; I am sorry.

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Hon. E J Reyes: I accept that, Madam Speaker. May I ask the Minister, would he make a commitment to investigate that, when possible, through his CEO and so on? And, because there are no further meetings of this House this side of 2024, can the Minister commit to at least make a public statement so that regular users of that pool – it is very popular, especially with those of my age and the elderly – can plan ahead rather than have their schedules totally disrupted, turning up at the premises only to find it is closed?

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Hon. L M Bruzon: Madam Speaker, I will look into it, yes.

Madam Speaker: Next question.

HEALTH, CARE AND BUSINESS

Q1019/2024

Ocean Village and Marina Bay – Oil spillage and rubbish pollution

Clerk: Questions to the Hon. the Minister for Health, Care and Business.
Question 1019. The Hon. G Origo.

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Hon. G Origo: Madam Speaker, what programme does the Government have in place, if any, for the cleaning of Ocean Village and Marina Bay from oil spillage and rubbish pollution?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

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Minister for Health, Care and Business (Hon. G Arias-Vasquez): Ocean Village and Marina Bay are private marinas and as such the Gibraltar Port Authority is not responsible for any clean-up operations inside the marina. This falls under the respective marina's responsibilities. However, the Gibraltar Port Authority are always available to render assistance if this request is received.

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Hon. G Origo: Madam Speaker, Ocean Village and Marina Bay have a pontoon walkway which I pass through most days to work. It is located behind Water Gardens. It is a popular destination for people to make their way to work, and it is also popular at night in terms of culture and the social life that takes place in the marina area. My understanding is that it is too big a job for the Ocean Village management to carry out, in particular with respect to the policing of rubbish pollution. The marina essentially is a public place. Can enforcement be better carried out to prevent the influx of rubbish in particular? Most of the plastic is human waste. These offences are punishable. What is the point of having these offences if we are not enforcing them properly? So does the Minister have any plans to assist and address this issue?

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Chief Minister (Hon. F R Picardo): Madam Speaker, is the hon. Gentleman in that question – I ask rhetorically – suggesting that we should retake possession of the marina, that we should compulsorily purchase it and deprive the owner of his rights in respect of it? Or is the suggestion

235 that we should clean someone's private property for them, that somebody who has a large area
and is making a very large amount of money from having that area – because they are charging
berthing fees, they are charging rental fees and they are charging licence fees for the external
240 areas there – should be bailed out by the taxpayer? I am sure that that is not the hon. Gentleman's
suggestion, and when he thinks again about the question he has asked he will realise that if
somebody takes a large demise from the Government for the purposes of making large amounts
of money, then they also take on obligations to maintain the cleanliness of that area, obligations
which they often pass on to those who are letting, licensing or buying from them, and they
themselves need to enforce the covenants. The Government is not going to be able to do any of
the things that the hon. Gentleman has suggested, and on reflection I think he will realise that he
245 was wrong to even suggest that we might.

Hon. G Origo: Madam Speaker, I thank the Hon. Chief Minister for his answer but the premise
of my question stems from the fact that this is a public walkway where members of the public,
tourists and anyone can walk through. The Ocean Village management company does not have
250 the power to prevent access. They cannot lock up the access ways which members of the public
have the right to walk through.

I think this is an issue that has a simple solution and I am surprised by the answer. I think a few
months ago we had answers to questions in Parliament and I believe two litter wardens were
employed by the Government. Wouldn't a simple solution be just to employ and have one of these
255 litter wardens situated here, in a public place where people are essentially littering and carrying
out offences? Is that not something that the Hon. Chief Minister is willing to consider?

Hon. Chief Minister: Madam Speaker, the last time I checked, the hon. Gentleman was
qualified as a lawyer, and therefore he will know, although it must have escaped him, that the
260 litter wardens do not have jurisdiction in those areas. They are demised. They are private. Because
there is an easement of access for the public does not make them public areas. Of course, one
cannot commit an offence against other individuals in those areas because that is an offence
under our law even if one does it in one's own home. Offences like assault, for example, are
offences wherever they may be committed, but littering of a public place is not littering of a place
265 to which the public have access. Those are two completely separate things.

I do note that the hon. Gentleman is suggesting that we should employ a warden for that
place – that is what he said, and when he looks back at *Hansard* that is what he will realise he
said – and with the cost consequences of that, what he is suggesting is that the public finances of
Gibraltar should further be subjected to the employment of another individual, paid for by the
270 taxpayer, to clean the area that belongs to a private entity. Again, on reflection, the hon.
Gentleman will realise that he is wrong to even suggest this. But I say this to him gently. I know
that that he is a lawyer; this must have escaped him. Perhaps he did not understand the
consequences of the leases that were granted by the GSD Government in that area; the rights that
were passed by the GSD Government to the owner of that area; indeed, the rights that were in
275 the control of the previous tenant, which the GSD Government consented to the assignment of,
at a very large premium; and the other consequences of what the hon. Gentleman is saying in
terms of the officers of the Department of the Environment being able to enter into any other
private place and enforce the Government's laws as to litter in public places, in private places to
which the public have access, which are two, in law, completely different things. I am not giving
280 the hon. Gentleman the Government's answer. He needs to understand. I am giving the hon.
Gentleman – perhaps I should not – the law, and he, of course, is just as able as I am to look it up
and understand it.

Madam Speaker: I know that there is a request for a further supplementary. I do not know
285 what is in the hon. Member's mind, clearly, but I am just going to flag that supplementaries have
to relate to areas of Government responsibility. If this is a private entity and Government does

not have responsibility over it, I am not minded allowing any further supplementaries on that subject.

290 **Hon. E J Reyes:** Thank you, Madam Speaker, because in listening –

Madam Speaker: I hear what the hon. Member says, but I may disallow it.

295 **Hon. E J Reyes:** I am going straight to it. The Government does have a specific responsibility for the area closer to the Water Gardens, which the hon. Member referred to before. Those are pontoons that berth boats that come under a Minister's responsibility, not the private ownership of the developers of Ocean Village and so on. Those more towards the south end are berths that are licensed out to locals. They are part of a Government Department's responsibility and not the private sector, so the impact of the pollution at sea does affect those licensees of the berths that
300 come under the Government's responsibility.

Madam Speaker: The question is?

305 **Hon. E J Reyes:** The question is: further to what the Chief Minister was explaining about the private ownership and so on, the part that refers to Government ownership and responsibility, what measures to help alleviate this pollution of the area is Government planning to tackle?

310 **Hon. Chief Minister:** None, Madam Speaker, because the pollution does not appear to affect that area. All of the complaints relate to the area which is to the east. The hon. Gentleman's reference is to the south west; this is all to the east. It is against the quay, where the commercial area is, in the area of what one might call deep Ocean Village and deep Marina Bay. Those are all private and there is no complaint of anything affecting the area of the berths and the pontoons there, all of which have recently been redone, by the way, by the GPA and the Ministry for the Port and is now looking absolutely fabulous. I understand that the berth holders there are
315 delighted with the work being done on their behalf by the GSLP Liberal Government I am proud to represent its 14th year.

Madam Speaker: Next question.

Q1020/2024
Electricity generation –
Breakdown for period 1st January to 30th November 2024

320 **Clerk:** Question 1020. The Hon. G Origo.

Hon. G Origo: Madam Speaker, can the Government provide details as to the actual amount of electricity generated in Gibraltar, in megawatts, between the period 1st January to 30th November 2024, broken down by the source from where the electricity was generated?

325 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I now hand over schedule with the information requested.

Answer to Question 1020/2024

Date	Temporary North Mole Power Station		South District Power Station		North Mole Power Station		Renewables	
	Units Gen kWh	Percentage	Units Gen kWh	Percentage	Units Gen kWh	Percentage	Units Gen kWh	Percentage
Jan-24	1,847,747	9.73	2,159	0.01	16,977,500	89.38	167,500	0.88
Feb-24	2,745,662	15.97	48,718	0.28	14,195,500	82.57	202,000	1.17
Mar-24	3,183,804	17.06	22,038	0.12	15,218,300	81.56	233,800	1.25
Apr-24	3,051,988	17.89	6	0.00	13,639,700	79.95	369,300	2.16
May-24	3,610,487	20.32	2,335	0.01	13,703,300	77.14	448,100	2.52
Jun-24	3,431,977	19.25	9,000	0.05	13,991,400	78.49	392,800	2.20
Jul-24	3,830,890	19.60	7,425	0.04	15,330,200	78.43	378,700	1.94
Aug-24	3,961,275	16.31	12,675	0.05	19,983,100	82.29	326,100	1.34
Sep-24	3,150,849	16.48	21,578	0.11	15,640,800	81.81	304,200	1.59
Oct-24	2,958,835	16.15	681,770	3.72	14,442,200	78.85	234,200	1.28
Nov-24	1,576,232	8.93	1,456,832	8.25	14,473,500	82.01	141,700	0.80
Dec-24								

Madam Speaker: We will move on to the next question and come back to the schedule when the hon. Member has had a chance to look at it.

Q1021/2024

**National Focal Point for Tobacco Control –
Individuals and departments to be involved in consultation**

Clerk: Question 1021. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, can the Hon. Minister outline the individuals or departments who will be involved in the National Focal Point for Tobacco Control's intended consultation to explore the opportunity to strengthen tobacco legislation in Gibraltar?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the consultation has been developed by members of the National Focal Point for Tobacco Control, these being a Parliamentary Counsel from the Office of the Parliamentary Counsel, the Collector of Customs, the Director of Public Health and a Health Promotion Officer with the lead for tobacco control.

The intention is that the consultation is published online and for paper copies to be provided at the Primary Care Centre for any member of the public to submit a response. There will also be an invitation for any organisation, Government department, professional group or charity to submit a more detailed response. The responses will be analysed by the Public Health team and a summary of the findings provided to the National Focal Point for Tobacco Control for discussion and consideration.

Hon. J Ladislaus: I am grateful for the answer. Does the Hon. Minister have a timeline as to when this consultation is due to begin?

Hon. G Arias-Vasquez: Imminently, Madam Speaker, but we do not have a firm date yet.

Hon. D J Bossino: Did the Hon. the Minister for Health say how long the consultation process is expected to be open for?

Hon. G Arias-Vasquez: Madam Speaker, I do not have that information available, but the National Focal Point will be deciding on that.

Hon. D J Bossino: I am not alighted on the detail – I am sure that my learned and hon. Friend Mrs Ladislaus is – but may I ask what the focus of the Focal Point for Tobacco Control is? What is it trying to achieve? What are the terms of reference behind this, if I may ask?

Hon. G Arias-Vasquez: Madam Speaker, the National Focal Point for Tobacco Control is a statutory body set up by statute.

Madam Speaker: Next question.

Q1022/2024
GHA Zero Tolerance Policy –
To whom applicable

Clerk: Question 1022. The Hon. J Ladislaus.

Hon. J Ladislaus: Does the GHA's Zero Tolerance Policy extend to its own staff's treatment of one another and of service users?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the GHA's Zero Tolerance Policy applies to 'all members of the Authority's Staff, including those on contract and those working primarily for other organisations but on the Authority's premises' and 'all persons on the Authority's premises including patients and visitors.' The policy 'shall not apply to any persons who, in the expert opinion of the relevant clinician, are not competent to take responsibility for their actions.' It otherwise applies across the board.

Hon. J Ladislaus: I am grateful, Madam Speaker. I raise this, to give the context, because it has been raised with me by a few members of the public now, that sometimes they do not receive treatment that they are happy with, particularly from across the counter and on the telephones. This is why I raise it. Could the Hon. Minister perhaps give some information as to what the consequences are in the event that there is a complaint made by a service user about a member of staff?

Hon. G Arias-Vasquez: Madam Speaker, the Zero Tolerance Policy states that each individual complaint is raised internally. The issue is that often members of the public are unable to receive a breakdown of what the internal procedure has been. The matter is handled by Clinical Governance and it is part of the role of Clinical Governance. The consequences are usually that the individual member of staff is brought in and spoken to and is sometimes handed what is called a zero tolerance letter after it is passed to the Review of Harm Group. So, there is a procedure on this currently in place. However, the GHA is currently reviewing and redrafting its Zero Tolerance Policy with a view to mirroring the NHS Trust Equivalent Violence and Aggression policies and procedures.

Hon. J Ladislaus: I am grateful. Could the Hon. the Minister perhaps give a little bit more information also as to the protocol when a member of the public is abusive towards a member of staff at the GHA?

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Hon. G Arias-Vasquez: Madam Speaker, the same process applies. It goes internally to Clinical Governance, it is then reviewed by the Review of Harm Group; and, on the odd occasion, a letter has been provided to a member of the public on issues raised.

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Madam Speaker: Next question.

Q1023/2024
GHA staff dealing with service users –
Guidelines and training

Clerk: Question 1023. The Hon. J Ladislaus.

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Hon. J Ladislaus: Does the GHA have guidelines in place as to how its staff are to deal with service users and the public? Is training in place for staff dealing with service users and the public; and, if so, how often does that training take place and in what format?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

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Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, no, we do not have guidelines in place. Administrative grades working within the GHA are offered the opportunity to apply, by the Department of Personnel and Development, yearly, to training prospectuses, to undertake customer care training, which is designed for employees to enhance their service delivery skills and communication.

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Hon. J Ladislaus: I am grateful again for that reply. Could the Hon. the Minister perhaps confirm to the House who delivers the training that is commented upon?

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Hon. G Arias-Vasquez: Madam Speaker, it is the Department of Personnel and Development that delivers the training.

Hon. J Ladislaus: May I just confirm that it is not compulsory training; they are given the option as to whether they opt in or out?

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Hon. G Arias-Vasquez: Madam Speaker, the question relates to GHA guidelines on the issue. We have to distinguish here between the GHA guidelines and what members of staff are required to do. GHA guidelines are not in place, for example, for doctors, nurses and nursing assistants because they have their own bodies which they respond to. For example, doctors have annual appraisals and revalidation every five years. This ensures that there is training in the same way that there is continuous professional development for most other careers. Doctors and nursing and allied health professionals will have training that is required by their own regulating body rather than by the GHA, and the admin staff have annual training which is on customer service etc. So, guidelines per se are not issued by the GHA for the clinical staff, but there are guidelines in place that are set by each and every statutory body that regulates the different professions. Admin staff are regularly undergoing training on customer care etc. The GHA is currently working on setting mandatory training for all grades, and this will include customer care training.

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Hon. D J Bossino: If I may, I think what my hon. Friend was asking was whether, as far as the admin staff are concerned, it was mandatory. I think the current position, if I can glean that from the two answers that the hon. Lady has given, is that those in that category of employee within the GHA framework are not guided by their own professional bodies because they will not have one. As it currently stands, it is offered to them by the Department that she referred to and they can seek to receive that training, but at some point it is going to become mandatory. So the question is at what stage does the hon. Lady think that that offer will become a mandatory one with which the admin staff will have to comply?

Hon. G Arias-Vasquez: Madam Speaker, the GHA is currently working towards a programme in order to implement it, but we have no timelines in place yet.

Hon. D J Bossino: And just to be clear, this is to be provided by the GHA and not – I cannot remember the name of the Department that she referred to – by the Department that offers this? I had assumed, because it impacted on the administrative grades, it would be provided under the Civil Service umbrella, as opposed to the Gibraltar Health Authority umbrella, which is, as the hon. Lady knows, a separate statutory body. Is it the idea that this mandatory training will be imparted by the GHA as opposed to the Government service?

Hon. G Arias-Vasquez: Madam Speaker, the answer that I have been provided with confirms that the training that is currently provided is provided by the Department of Personnel and Development. I do not have specifically stated where the mandatory training is going to be provided, and I would not wish to be accused of misleading Parliament.

Madam Speaker: Next question.

Q1024/2024
GHA medical records –
Format

Clerk: Question 1024. The Hon. J Ladislaus.

Hon. J Ladislaus: Are all medical records for GHA service users held electronically, and do they include test results? If so, since when have medical records been held electronically and are any records still held in hard copy?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, at present we have a hybrid system as we are in the process of transferring all hard copy records electronically. I can confirm that we have about 70% of all of our records in electronic format to date. This process started two years ago. Test result records are already coming electronically, so this data is saved according to our system when received.

Hon. J Ladislaus: Madam Speaker, could the Hon. the Minister confirm who is working on the digitisation process, please? Is it something that could be perhaps outsourced, given that it has already taken two years?

Hon. G Arias-Vasquez: Madam Speaker, I would imagine that it is the GHA's Informatics and Digital Services Department that is carrying out this procedure. Given the nature of the data, I think is preferable that the process remains in house.

Hon. J Ladislaus: Would the Hon. the Minister be able to provide a timeline as to when this is expected to be completed? We are having reports constantly of loss of chunks of medical records and medical records not being provided to medical practitioners, and it is causing serious issues. Just to provide a real-life scenario, I recently had somebody come to see me and they had been experiencing significant issues. One of the issues happened to be because on her records a test that was carried out many years ago was missing, and that would have provided the doctor with an insight as to the medical background. That is why I urge for a timeline.

Hon. G Arias-Vasquez: Madam Speaker, the timeline that I have been provided with is that within 12 months this should be completed.

In order to assuage some of those concerns, currently all blood tests, radiology results and, for example, nerve conduction results are received electronically by the clinician that requests the results. We have numerous systems that do that. Any tests which are carried out from this date onwards will be received electronically. The remaining 25% to 30% of the records that are outstanding digitally should be put on electronically within the next 12 months.

Hon. J Ladislaus: When the Hon. the Minister says that they are received electronically, can we assume that they then go straight into the patient's digital folder, so to speak; they are not just received and then action has to be taken in order to put it under that folder? Is that correct?

Hon. G Arias-Vasquez: That is correct. There are numerous systems now. There is HIS, there is MODULAB and there are numerous other systems. When those records are received they go directly on the patients' records.

Madam Speaker: Next question.

Hon. D J Bossino: May I ask ...? Sorry. There is one point, only because of the way that the Hon. the Minister has answered, as to whether this provision of services, digitalisation of these records, is being done internally or externally. The hon. Member said – I am trying to avoid the word 'she'... She imagined, rather, that it was going to be done by the GHA internally, but may I ask the Hon. the Minister for Health whether, given I think it is a legitimate question that my learned and hon. Friend has raised by way of supplementary, this answer can be provided at some point during the course of this session. Alternatively, my friend would no doubt need to file a specific question for the next meeting.

Hon. G Arias-Vasquez: Apologies, Madam Speaker, but I thought I had answered the question. The digitalisation process will be carried out in house. The Department carrying it out is either Informatics or Digital Services, but it will be carried out in house and it will continue to be provided in house.

Hon. D J Bossino: Yes, it may have changed because I do not personally recollect that, but my hon. Friend Mr Clinton says he does. It may have been from answers, in the previous Parliament, provided by her predecessor in post, Mr Isola. I think the information that we had was that this was being done by an outsourced company. The name may be Micro Business Systems or something like that. This is why we on this side of the House seek to pursue the point. But if that is the answer, then then that is the answer.

535 **Hon. G Arias-Vasquez:** I wish to clarify that. That may have been the position in relation to Ocean Views, but to my understanding, the digitalisation of the records in St Bernard's have always been carried out in house. But I can confirm that.

Madam Speaker: Next question.

Q1025/2024

**Radiology results from Spanish providers –
Waiting period and when chased**

540 **Clerk:** Question 1025. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, on average, how long do scan results take to be received by the GHA from Spanish medical providers? What period must lapse before outstanding results are chased by the GHA?

545 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, on average it takes just over 3.5 days to receive a result for a routine appointment from Spanish centres.
550 Radiology clerks usually chase results twice a week.

Hon. J Ladislaus: I am grateful, Madam Speaker. Could the Hon. the Minister clarify whether the average time varies between Spanish providers?

555 **Hon. G Arias-Vasquez:** Yes, Madam Speaker, the average time does vary between Spanish providers.

Hon. J Ladislaus: Does the Hon. Minister have the lower end and the higher end of the range within which it varies?

560 **Hon. G Arias-Vasquez:** Madam Speaker, Scanner Sur takes three working days, usually, to get back to us, HC takes three working days to get back to us, Quirón takes five working days to get back to us, Xanit takes seven working days to get back to us, PET takes two working days to get back to us, and *Parque San Antonio* takes two working days on average. All the figures provided
565 are average.

Hon. J Ladislaus: Just one further: is the Hon. the Minister aware that there are some service users, who have actually come to see me as well, who are complaining that there are some results that have been completely lost? They have not had calls. I believe one of them was about five
570 months. The tests had been undertaken, they had been chasing and there had been no results forthcoming. Is the Hon. the Minister aware of such instances, and what is being done to look into these instances of results being lost or just not arriving?

Hon. G Arias-Vasquez: Madam Speaker, any such complaints should go to the PALS system in the Hospital, or indeed to the complaints system in the Ministry. If these complaints are flagged to us, we will of course action them on a very speedy basis. Any complaint that arrives at my office, if there are any results missing, for example, we will try to get to the bottom of where the fault lies in order to ensure that (1) those results are obtained, and (2) if there is a flaw in the system, that flaw is corrected. So, I would strongly advise members of the public, if they do feel that scan
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580 results are missing, to either attend the PALS office, which is located on the ground floor of the Hospital, or to send an email to the Ministry at complaints@gha.gi, in which case we can action any such issue and we can make sure that there are no flaws in the system.

Madam Speaker: Yes?

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Hon. C Sacarello: Thank you, Madam Speaker. Does the Minister know if the GHA has a policy which is clear and transparent on how the results, once received by the local authority, are relayed to the general public?

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Hon. G Arias-Vasquez: Madam Speaker, we have systems in place in order to ensure that there is an adequate system. There are two systems, to my understanding. One is called ICRIS and one is called PACS. The scans are requested through a through a system called ICRIS. Whenever a clinician requests a scan for an individual, there is an audited system in place called ICRIS. The results are requested, the request is audited by the radiologist, the time of appointment is notified within the system and then, in house, it appears in the ICRIS system. This then generates an email to the relevant clinician once the scan is done and the results are available, at which point there is a separate system, called PACS, which then enables the clinician to view the scan. The clinician can view the scan on the PACS system and a report from the external provider – and the translation, where necessary – is provided within the system.

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These systems are fully audited. This is the reason why I would urge members of the public to contact PALS or my office if a scan result is not received, because the systems are fully audited, so we can actually go into the system and look at where the fault lies, if indeed there is a fault.

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Hon. C Sacarello: Madam Speaker, I would like to thank the Minister for the extensive and detailed answer, which did not quite answer the question. My question was more about the communication with the general public, who often leave appointments not knowing exactly how and when they will receive their reports. This, I am sure she will appreciate, is of huge concern to some people and certainly a worry for the rest of their family. I will repeat the question: is there a clear policy and one that is publicly available to view as to how patients will be communicated?

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Hon. G Arias-Vasquez: Madam Speaker, there is a clear procedure that is in place in order for systems to go through and in order for the patients to receive their scans and their records. If there is a flaw in that system, again I would urge members of the public to go to PALS, to go to my office. The answer to the hon. Member's question is that yes, the results should be delivered as quickly as possible, as quickly as a clinician has them. Whether there is a need or not for a policy – which I am not aware of; I do not have any information of such a policy being in place – the answer is that the clinicians will give the results to the members of the public as soon as they are available to the members of the public.

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Hon. C Sacarello: Thank you, Madam Speaker. Following that reply, where clearly there is no structure in place as to how to inform people and members of the public are not aware of how they will be ... In order to allay their worries, would the Government commit to addressing this flaw in the system and coming up with a policy that addresses far better communication to allay people's fears and stresses?

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Hon. G Arias-Vasquez: Madam Speaker, that is precisely what we think we are doing. We think we are coming up with a procedure that actually sets out in an audited fashion exactly what the system is and exactly what the timeline for the system is. We cannot get any more accurate information than we already have on the system. You are required as a clinician to input on the system, to request the scans, to request everything, and then we see exactly the timeline from

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that system. I already believe that we are putting in place everything necessary in order to ensure that the results get to the public as quickly as possible.

Madam Speaker: Next question.

Q1026/2024
Clinical practice guidelines –
Platform providing access to medical professionals

635 **Clerk:** Question 1026. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, does the GHA have a platform where medical professionals are able to access clinical practice guidelines? If so: (1) since when has that platform been up and running, and what preceded it; (2) what was the cost of setting it up; and (3) how is it maintained and by whom?
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Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the GHA provides medical professionals access to clinical practice guidelines through a variety of platforms. These include online international and NHS-based systems, the hospital intranet, and mobile applications available to all doctors. These platforms have been implemented at different times over several years. Prior to their introduction, clinicians primarily relied on printed guidelines and direct consultations with colleagues. The costs associated with setting up these platforms vary
645 widely, depending on factors such as licensing fees, infrastructure development and training. Specific financial details would depend on the particular platform in question. Maintenance of these platforms is carried out by a combination of the GHA's IT Department, clinical leads and external service providers, ensuring that the systems remain current and functional.
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The GHA covers an extensive breadth of clinical services, each with its own set of guidelines. This breadth, while ensuring comprehensive care, makes it challenging to provide a succinct answer to such a broad question. The platforms range from specialty-specific guidelines to overarching clinical resources, making it important to clarify which platform or service is being referred to. Should the hon. Member wish to narrow down the scope of the question, I would be more than happy to provide detailed information on the specific area of interest.
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Hon. J Ladislaus: Madam Speaker, could the Hon. the Minister perhaps comment as to whether we rely on any of the free online resources provided by UK providers – I am looking at resources such as the National Library of Medicine's free search service – or whether we rely on resources like Embase or the Cochrane Library, which I believe attract fees?
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Hon. G Arias-Vasquez: Madam Speaker, if the specifics of those two platforms are provided in a question next time, I am very happy to provide details on whether we rely on it. I would not wish to stand here and say whether or not we rely on it. We do rely on two platforms, for example – the BMJ Best Practice platform and a platform called Up to Date, which supports clinical decisions made by our clinicians on the ground. If the hon. Member would provide us with the specific reference tool that she wishes to have the answer on, I am more than happy to provide the information.
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675 **Hon. J Ladislaus:** Can the Hon. the Minister perhaps confirm whether there are any guidelines which are specific to the GHA, to Gibraltar, that have been produced in house, and whether we have a platform for medical experts to turn to those guidelines?

680 **Hon. G Arias-Vasquez:** Madam Speaker, because it is quite a specific question, I would need notice of that question.

Madam Speaker: Next question.

Q1027-28/2024
St Bernard's Hospital –
Meal provision for in-patients

Clerk: Question 1027. The Hon. J Ladislaus

685 **Hon. J Ladislaus:** Are in-patients of St Bernard's Hospital given meal options between which to pick, or is it the case that they must eat the one option on offer on that specific day?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

690 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I will answer this question together with Question 1028.

Clerk: Question 1028. The Hon. J Ladislaus.

695 **Hon. J Ladislaus:** What was the average monthly cost of meal provision to in-patients at St Bernard's Hospital, broken down by month from January 2019 to date?

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

700 **Hon. G Arias-Vasquez:** Madam Speaker, the catering department prepares four menus, which consist of normal, soft and light/low fat options and a vegetarian diet. Patients are served the appropriate menu option, adhering to the patient's dietary requirements and as clinically indicated. The situation in Rainbow Ward is slightly different, as the patients there are offered a choice. All the diets are based on the feeding requirements of the patient's needs. This process is carried out daily with updates received from the ward sisters. If there is a dislike on the set menu,
705 the availability of another option is offered adhering to the patient's dietary requirements. A three-week rotation of the menu allows a variation so that menus are not repeated.

In answer to Question 1028, it is not possible to provide the average monthly cost of meal provisions to in-patients, as all provisions are ordered jointly for the internal and external meals.

710 **Hon. J Ladislaus:** Madam Speaker, drilling down on what the Hon. the Minister has just said, in respect of external meals, could the Hon. the Minister perhaps confirm what encompasses those external meals?

715 **Hon. G Arias-Vasquez:** Madam Speaker, the kitchen provides meals to St Martin's, HM Prison, Bruce's Farm, Waterport Terraces, to Cancer Relief and St Bernadette's. *(Interjection)* Apologies, to Waterport Terraces day centre, not Waterport Terraces per se. *(Laughter)*

Hon. J Ladislaus: I am grateful for that clarification because I was about to order, if that was the case! (*Interjection by Hon. Chief Minister*) Exactly, this is what I raise.

720 **Madam Speaker,** I rise because, again, I have had various complaints brought by members of the public that hospital food is perhaps not the most tasty. I understand that it is prepared in big batches and it is very difficult, but could the Hon. the Minister give some information as to where the ingredients are bought from, and are they bought on a daily basis fresh?

725 **Hon. G Arias-Vasquez:** Madam Speaker, to my limited understanding, the ingredients are bought on a daily basis and bought fresh.

Hon. J Ladislaus: When the Hon. the Minister says that that meals provided externally and internally, are all those meals the same? Are the meal options the same, for example, for the
730 Prison, as for the Hospital?

Hon. G Arias-Vasquez: Madam Speaker, to my understanding, yes, they are.

Madam Speaker: Next question.

Q1029/2024
Wound Care Clinic –
Location

735 **Clerk:** Question 1029. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, where is the Wound Clinic at the PCC located, and is it located there throughout the year?

740 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the Wound Care Clinic is situated on the ground floor of the PCC next to the main waiting area and it is located there throughout the year.

745 **Hon. J Ladislaus:** I am grateful. Could the Hon. the Minister confirm whether that clinic has ever been moved out in order to accommodate, for example, the programmes rolled out during the winter for the flu jabs or the Covid jabs?

750 **Hon. G Arias-Vasquez:** Madam Speaker, my understanding is that the Wound Clinic was moved to its present location during Covid. It was elsewhere before Covid, but since the Wound Clinic has been moved to its present location, it is permanently in the present location.

Hon. J Ladislaus: Does the Hon. the Minister believe, or has she had information to the contrary, that the Wound Clinic is adequate in space and resources for staff to carry out their work effectively and efficiently?
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Hon. G Arias-Vasquez: Madam Speaker, I have had no complaints from staff or clinicians in respect of this.

760 **Madam Speaker:** Next Question.

Q1030/2024
Minor Injuries Unit –
Average waiting times

Clerk: Question 1030. The Hon. J Ladislaus.

765 **Hon. J Ladislaus:** Is the GHA's Minor Injury Unit, which is/was located in A&E, still in place: and,
if so: (1) how many patients have been seen from 14th May 2023 to date; (2) what was the average
waiting time from triage to being seen between 14th May 2023 to date; (3) what was the average
waiting time from arrival to triage between 14th May 2023 to date; (4) what was the average
waiting time from being seen to discharge between 14th May 2023 to date; and (5) what was the
770 average total time spent at A&E by a service user who had been seen by the GHA's Minor Injury
Unit between 14th May 2023 to date?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

775 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, yes, the
Minor Injuries Unit is still in place and the answer to the specific questions are as follows: (1)
12,122 patients have been seen in the Minor Injuries Unit from 14th May 2023 to 6th December
2024; (2) the average waiting time in minutes from triage to being seen is 23 minutes from 14th
May 2023 to 6th December 2024; (3) the average waiting time from arrival to triage is 13 minutes
780 from 14th May to 6th December 2024; (4) the average waiting time from being seen to discharge
is 53 minutes from 14th May 2023 to 6th December 2024; and (5) the total average time spent by
a service user who has been seen by the GHA's Minor Injury Unit is 88 minutes from 14th May
2023 to 6th December 2024.

785 **Hon. J Ladislaus:** Madam Speaker, is it the case that the GHA's Minor Injury Unit will continue
in place for the foreseeable future, or are there any plans to stop this department's service?

790 **Hon. G Arias-Vasquez:** Madam Speaker, not only as the Minister for Health and having that
responsibility but as a mother of two small boys, I can assure the hon. Lady opposite that the
Minor Injury Unit is one of the most successful units in the A&E department; it is extremely
successful. The A&E department also runs extremely well and there are no plans whatsoever to
change the Minor Injuries Unit.

Madam Speaker: Next question.

Q1031-33/2024
St Bernard's Hospital Intensive Care Unit –
Breakdown of staff complement; nurse-to-patient ratio; staffing issues

Clerk: Question 1031. The Hon. J Ladislaus.

795 **Hon. J Ladislaus:** How many staff, broken down by titles and responsibilities, make up the
complement of staff at St Bernard's Hospital Intensive Care Unit?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

800 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I will answer
this question together with Questions 1032 and 1033.

Clerk: Question 1032. The Hon. J Ladislaus.

805 **Hon. J Ladislaus:** What is the nurse-to-patient ratio at St Bernard's Hospital Intensive Care Unit?

Clerk: Question 1033. The Hon. J Ladislaus.

810 **Hon. J Ladislaus:** In the past six months, have there been any issues with staffing levels or of a staffing nature at the Intensive Care Unit of St Bernard's Hospital? If so, please outline the nature of those issues, whether there has been a resolution and how longstanding those issues have been.

815 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

Hon. G Arias-Vasquez: Madam Speaker, in answer to Question 1031, the GHA's Critical Care Unit currently has 30 registered nurses in its complement.

820 In answer to Question 1032, a comprehensive summary of critical care levels nurse-to-patient ratios is as follows. Level 1 patients are those that do not require organ support or one-to-one care; for example, they may need IV therapy, oxygen or monitoring. These patients are on a 2:1 patient to nurse ratio or less. Level 2 patients are those requiring high-dependency care needing single organ support excluding mechanical ventilation, such as renal hemofiltration or close monitoring. These patients are on a 2:1 patient to nurse ratio. Level 3 patients are those requiring
825 intensive care and requiring two or more organ support or needing mechanical ventilation alone. These patients are on a 1:1 patient to nurse ratio. The Critical Care Unit in St Bernard's Hospital has 13 beds and caters for intensive care patients, coronary care and high-dependency patients. The minimum staffing levels during a day shift are seven to eight registered nurses and one to two nursing assistants. During a night shift the unit is staffed by five registered nurses at a minimum.

830 In answer to Question 1033, there have been no issues relating to staffing levels at the CCU in the past six months. Staffing rotas are reviewed continuously to ensure the unit is safely staffed at all times. As the House is aware, as a matter of policy, HMGoG does not comment on conduct, disciplinary or grievance matters. If issues of a staffing nature are reported, these are investigated and actioned upon, where necessary, by GHA Workforce.

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Hon. J Ladislaus: I am grateful and I do understand and appreciate that specific matters are not commented on, but could the Hon. the Minister confirm whether there have been any such issues raised generally by staff?

840 **Hon. G Arias-Vasquez:** Madam Speaker, as stated a second ago, there have not been any issues related to staffing levels at the CCU, and that is as far as we can comment.

Madam Speaker: Next question.

Q1034-35/2024
ENT appointments –
Average waiting times to see a specialist

Clerk: Question 1034. The Hon. J Ladislaus.

845 **Hon. J Ladislaus:** What was the average waiting time, broken down by month, for a child to see an ENT specialist at the GHA from the time of referral to the first appointment with the ENT specialist as from 1st October 2023 to date?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

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Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Question 1035.

Clerk: Question 1035. The Hon. J Ladislaus.

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Hon. J Ladislaus: What was the average waiting time, broken down by month, for an adult to see an ENT specialist at the GHA from the time of referral to the first appointment with the ENT specialist as from 1st October 2023 to date?

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Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Hon. G Arias-Vasquez: Madam Speaker, I now hand over a schedule with the information requested.

Answer to Questions 1034-35/2024

Year	Month	Median Wait Time for child (Weeks)	Median Wait Time for adult (Weeks)
2023	October	12	17
	November	7	17
	December	7	19
2024	January	7	19
	February	8	19
	March	8	21
	April	9	20
	May	10	19
	June	10	21
	July	8	19
	August	10	18
	September	9	17
	October	6	15
	November	6	15

Madam Speaker: We will move on and revert to supplementaries on this later.

Q1036-37/2024

GHA legal proceedings – Negligence claims; out-of-court settlements

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Clerk: Question 1036. The Hon. J Ladislaus.

Hon. J Ladislaus: Aside from negligence claims, how many claims have been issued against the GHA annually since 2011, broken down by year? Of those claims, how many (1) concluded in an out-of-court settlement; (2) concluded following a trial; (3) were discontinued by the claimant or claimants; and (4) were struck out by the courts?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Question 1037.

Clerk: Question 1037. The Hon. J Ladislaus.

Hon. J Ladislaus: How much has the Government of Gibraltar paid out since 2011, broken down by year, in respect of (1) out-of-court settlements following pre-action letters to the GHA and/or its legal representatives in respect of claims against the GHA, excluding negligence claims; (2) out-of-court settlements following discontinued legal proceedings against the GHA in respect of claims, excluding negligence claims; and (3) court orders arising from claims against the GHA, excluding negligence claims?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I have been informed by the GHA that the requested information for Questions 1036 and 1037 is not readily available and is not possible to provide in the timeframe available. However, the GHA has started gathering all the relevant information. I would be happy to provide this to the hon. Member if she is permitted to ask again in the February session or thereafter. Going forward, these records will be updated regularly by the GHA in order to provide this information as and when requested by questions in this House.

Hon. J Ladislaus: I am grateful. I imagine that the question is for the Hon. Speaker: would I be allowed to file such a question again in February? I would be minded to do so.

Madam Speaker: Yes, I would have no objection to that but I would ask the hon. Member to remind me of that if I were to hold it inadmissible, because I may forget.

Chief Minister (Hon. F R Picardo): Madam Speaker, may I make a caveat that whenever hon. Members ask about anything to do with insurance – and I had this issue when I was a Member of the Opposition – I am conscious that we will have to check whether we can disclose that under the terms of the policy, and that there may be that issue. Again, it is not an issue that we will want to keep from hon. Members but we may not be able to disclose it publicly. I am not the expert in insurance, he is sitting at the end of the Government bench, but if we are not able to disclose it publicly we will no doubt be able to at least give the hon. Lady the indication behind the Speaker's Chair on the covenant that she should not disclose it publicly. It is being compiled but it may not be shareable across the floor of the House is all I am saying. If it is, we will; if it is not, we will share it behind the Speaker's Chair.

Madam Speaker: All right. Next question.

Q1038, 1041-43, 1046-48/2024

**GHA industrial grade domestic staff and labourers –
Numbers employed; pay for experience and loyalty;
recognition of efforts during pandemic; responsibilities;
industrial action and impact of 10% allowance sought**

Q1039-40, 1044-45/2024

**GHA cleaning –
Number of cleaners employed, hours worked, equipment provided;
frequency of cleaning hospital theatres**

Clerk: Question 1038. The Hon. J Ladislaus.

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Hon. J Ladislaus: How many domestic staff and labourers make up the GHA's complement of industrial grade employees?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

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Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I will answer this question together with Questions 1039 to 1048.

Clerk: Question 1039. The Hon. J Ladislaus.

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Hon. J Ladislaus: How many cleaners does the GHA employ on (1) a full-time contract and (2) a part-time contract; and how many cleaners are on the GHA supply list?

Clerk: Question 1040. The Hon. J Ladislaus.

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Hon. J Ladislaus: What are the working hours for GHA employed cleaners who are assigned to work at St Bernard's Hospital if they are on (1) a part-time contract and (2) a full-time contract?

Clerk: Question 1041. The Hon. J Ladislaus.

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Hon. J Ladislaus: Is there a pay scale in place in respect of the GHA's domestic staff and labourers which reflects experience and employee loyalty to the GHA?

Clerk: Question 1042. The Hon. J Ladislaus.

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Hon. J Ladislaus: Were domestic staff and labourers who were employed by the GHA during the Covid-19 pandemic recognised for their efforts in the wake of the pandemic? If so, in which way have their efforts been recognised?

Clerk: Question 1043. The Hon. J Ladislaus.

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Hon. J Ladislaus: Please provide details as to the exact responsibilities the GHA's domestic staff and labourers are assigned, to include responsibilities which they may take on themselves to assist other GHA staff.

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Clerk: Question 1044. The Hon. J Ladislaus.

Hon. J Ladislaus: What equipment are GHA employed cleaners provided with to carry out their responsibilities within the Children's Primary Care Centre, the Primary Care Centre and St Bernard's Hospital.

Clerk: Question 1045. The Hon. J Ladislaus.

Hon. J Ladislaus: How often are operating theatres at St Bernard's Hospital cleaned?

Clerk: Question 1046. The Hon. J Ladislaus.

Hon. J Ladislaus: When did the GHA first become aware of the issues being raised by Unite's industrial grade members who are employees of the GHA and who have taken industrial action as from 29th November 2024? Please provide specifics as to the nature of the issues raised.

Clerk: Question 1047. The Hon. J Ladislaus.

Hon. J Ladislaus: How have the recent strikes by the GHA's domestic staff and labourers impacted upon the running of St Bernard's Hospital and service users?

Clerk: Question 1048. The Hon. J Ladislaus.

Hon. J Ladislaus: What is the cost to the GHA's budget of agreeing to the 10% allowance increase which Unites industrial grade employees are seeking?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Hon. G Arias-Vasquez: Madam Speaker, in answer to Question 1038, the GHA currently employs a total of 134 domestics and labourers.

In answer to Question 1040, part-time workers are on a 20-hour contract; full-time workers are on a 37 plus 8 conditioned working week contract. That is 45 hours in total.

In answer to Question 1041, there is no pay scale for this grade. Domestic and labourers are paid at a fixed annual rate of £22,874.

In answer to Question 1042, all GHA staff, including domestics and labourers, were praised and recognised for their efforts during the pandemic. This praise and recognition was both external by the Government specifically and by way of our communities, and internal by management supporting and recognising their valuable contribution to patient safety. This was the way in which all of our public servants were recognised.

In answer to Question 1044, the cleaning equipment provided to domestic cleaners are trolleys with strainers and storage as part of the units. They have heavy-duty mops together with other specific equipment such as microfiber cloths, disinfectant sprays, sanitisers, etc.

In answer to Question 1045, theatres are cleaned daily, in the afternoons, after all procedures have been done. Deep cleans are done on request together with the programmed deep clean roster. Theatre cleanliness is maintained to the highest possible standard at all times.

In answer to Question 1046, these issues now being raised by Unite are longstanding and go back many years. However, the current detailed conversations started in December 2023 and relate to the following issues: (1) additional or outstanding posts, (2) cleaning materials, plant and equipment, (3) uniforms, (4) departmental leadership, (5) shift patterns, (6) night shifts and cover, (7) additional pay claims, (8) bonus allowance and (9) allocation of overtime.

In answer to Questions 1047 and 1048, any strike will have an impact upon the running of a hospital. However, due to the derogations agreed and those staff not on strike, the Hospital remains safe at all times and all clinical activity continued as normal.

The cost to the GHA's budget of agreeing to the 10% allowance to basic pay is £203,432.63 per year. This excludes any consequential increases in costs to the GHA as a result of overtime being paid at a higher rate. This is not affordable and it will not be agreed by the Government. I am surprised that the GSD appears to be supporting this claim, although they appear to be brazenly supporting the claim, which would increase costs, and say that the costs are too high, despite the obvious contradiction.

I would like to take this opportunity to thank all GHA staff for ensuring that services continued during the duration of the strike. I would also add that strikes achieve very little and individuals who withdraw their labour are not paid whilst they are on strike, although I do defend the right to strike. We are already talking and will continue to do so, but not while industrial action is on foot.

In answer to Questions 1039 and 1043, I now hand over a schedule with the information requested.

Answer to Questions 1039 and 1043

Breakdown of GHA employed cleaners working at St Bernard's Hospital:

Grade	Full Time	Part Time
Domestic Supervisor	4	
Domestic Supervisor Part Time		0
Catering Assistant — Domestic Part Time		16
Domestic Part Time		10
Domestic Full Time	16	
General Operative — Domestic	33	
General Operative — Domestic Part Time		29

There are currently 18 individuals in the GHA Domestic Supply List.

Madam Speaker: Leaving aside Questions 1039 and 1043, does the hon. Member have any supplementaries on the others? Then I will allow her to consider the figures before coming back.

Hon. J Ladislaus: Madam Speaker, moving down to Question 1040, the working hours for a GHA-employed cleaner who is assigned to work at St Bernard's Hospital, I am not sure I had an answer to that one specifically. *(Interjection by Hon. D J Bossino)* Right. Is it the 32? Could the Hon. the Minister then perhaps confirm the actual hours within which the cleaners work? What I mean is when they start and when they finish normally, the working hours.

Hon. G Arias-Vasquez: Madam Speaker, I think this is determined by way of rota. I do not think it is a fixed time. I am not certain of that answer, though.

Hon. J Ladislaus: So may I ask, then, is there always a cleaner, or more than one cleaner, on shift at St Bernard's Hospital at all times?

Hon. G Arias-Vasquez: Madam Speaker, I would imagine that there is a cleaner in St Bernard's Hospital at all times.

Hon. J Ladislaus: Madam Speaker, I ask this question because it has been raised with me that at times there are not enough cleaners on shift, or perhaps there are no cleaners on shifts. I raise this because I am asked what occurs to something that may need to be cleaned within the Hospital when a cleaner is not there. For example — it is a hospital — someone may come in with a cut and there may be blood on the floor. I ask on that basis.

1040 **Hon. G Arias-Vasquez:** Sorry, Madam Speaker, I am just trying to find the information, if I could have two seconds.

We have domestics on rota permanently and we have night-working supervisors who also fulfil that task overnight. I would have to confirm it, but I would imagine that given that there is designated supervisor, they must be supervising the staff that are in the Hospital. The staff would be in the Hospital on shift in order to ensure that any such spills of bodily fluids are able to be cleaned.

1050 **Hon. J Ladislaus:** Does the Hon. the Minister have the number of workers that would be on hand for this for this overnight?

1055 **Hon. G Arias-Vasquez:** Madam Speaker, there is a certain level of independence that is maintained from the GHA, which the hon. Members opposite require. I am not involved in the rotas of the domestics on a daily basis. If the hon. Member is asking me so, I can take Civil Servants away from tasks at hand and ensure that they are providing these rotas to me daily. However, I would suggest that the rotas of the domestics are left to people who are properly qualified to determine what rotas the domestics require, in the same way that it has always been determined which domestics need to be on duty at every point in time.

1060 **Hon. J Ladislaus:** I am grateful, Madam Speaker. I am simply asking the question because it is of interest to the public whether there are any on duty, how many there are and whether there are enough within the Hospital. So, I pose the question: does the Hon. Minister have information as to whether there are enough domestic staff on shift overnight, once normal hours have ceased? Normal hours are, I believe, between around 8 or 9 a.m. and 4 in the afternoon, as per the information that I have been provided with.

1065 **Hon. G Arias-Vasquez:** Madam Speaker, it is a hospital; normal working hours do not apply. There is the staff that is required as per clinician and as per GHA requirements. It is the same working rotas that have always been provided, and the rotas are determined in the same way as they have always been determined.

1070 **Hon. J Ladislaus:** Madam Speaker, if I may ask a supplementary to Question 1041 on whether there is a pay scale in place? I am told there is not. Why is there no pay scale in place? We are talking about some cleaners who have been working there – and I spoke to some – for 15 years-plus versus a cleaner who may have come in just yesterday and has not as much experience, has not as much loyalty to the organisation. So, I ask: why isn't there a pay scale in place to reward that loyalty, the hard work, the commitment?

1080 **Hon. G Arias-Vasquez:** Madam Speaker, this is across the public service departments. There is a single point in the pay scale across the board, a that is the way it works across any grades within government departments.

1085 **Hon. J Ladislaus:** I appreciate that, but I ask because within the Domestics department, the cleaners ... What the Hon. the Minister is homing in on, I imagine, is that within other departments there are EOs and HEOs, but for the cleaners themselves, where is the room and the motivation for working hard to achieve the next pay grade up? There is no room, as we can see here, for movement, so I ask that question again because it is important.

1090 **Chief Minister (Hon. F R Picardo):** Madam Speaker, the point that is being made is that that is not a question about cleaners in the GHA. This is across many departments. In fact, across all departments across the Government there are, not just in the cleaning grades but in other grades, single points on the scale. The hon. Lady says, 'How are we recognising contribution etc?' Well,

look, we gave the GHA the Freedom of the City. We recognise the work done by the industrial grades, the cleaning grades, the domestics. This is huge and fantastic work, but there is huge and fantastic work in many sectors, and in many sectors there is a single point in the scale. The hon. Lady gets up and says, 'Why don't you add points to the scale and give more money? She says it sitting next to the Hon. Mr Clinton, who says that we are spending too much money. So, what the hon. Lady is encouraging us to do, presumably because she thinks it is popular with Unite and those grades who are making this claim, is to spend more money, add more steps, and the consequence of that is not to do it there, it is to do it in all of the grades across the Government which are a single point in the scale because everyone is important in this. Of course, the Chief Minister is important because they are the Chief Minister, but not more important than the domestic person who cleans in the GHA when there is a spill in the GHA; they are more important in the GHA than I am in the GHA. Everybody in the structure of the public service is equally important, and many of those are on a single point scale. What the hon. Lady is saying is expand them and add more money based on the years that you are there. Well, there is a reason why there is a single point on the scale in some grades: because the obligations do not change. In most areas, the obligations change. In many areas, there is a single point of the scale because the obligations do not change, and people tend to promote out of those scales to other areas where there are points in the scale; some do not, because some want to do the job that they are doing, but it is a single point scale. That is the answer, Madam Speaker. It is not just about the GHA; this is something that can catch fire and cost millions. That is the point.

Hon. J Ladislaus: Madam Speaker, I take that point, but then could I ask whether the GHA cleaning staff or domestic labourers were invited to the annual awards ceremony that the GHA holds? Here we have an answer saying that they were recognised after the Covid pandemic; they were recognised internally, they were given praise. The information coming back is that other departments were recognised formally, be it with certificates, be it in a different manner, be it at award ceremonies, and that the GHA cleaning staff were not, in fact, recognised in a similar manner. So, Madam Speaker, could I perhaps ask the question: have they been invited to these awards ceremonies, and in respect of the Covid pandemic were they recognised formally, as other departments have been?

Hon. G Arias-Vasquez: Madam Speaker, the GHA awards ceremony that the hon. Lady alludes to was an event that was organised by the GHA independently entirely of Government. I have not requested their guest list. Again, if the hon. Lady would like me to get information on the guest list as organised by the Director General of the Hospital in 2022, I believe, I am very happy to get that information for her when she asks the proper question in Parliament.

Hon. J Ladislaus: Madam Speaker, if I may move on to Question 1044, the equipment that GHA-employed cleaners are provided with, could the hon. Lady confirm that all the equipment that they are provided with is industrial rather than equipment that would be used in a domestic setting?

Hon. G Arias-Vasquez: Madam Speaker, yes, I can confirm that the equipment provided is industrial equipment. I believe that that was one of the claims that was outstanding and has been settled in negotiations with the Unions.

Hon. J Ladislaus: I am glad to hear that, Madam Speaker. Could the Hon. the Minister perhaps confirm, therefore, whether trolleys will be widely available to all cleaners now, rather than just a select few trolleys for the entirety of the Hospital?

Hon. G Arias-Vasquez: Madam Speaker, the information that I was provided and made available to the hon. Lady was that the equipment provided to domestic cleaners generally are

trolleys with strainers. That is the information that I have been provided. I do not believe that it is provided only to a select few.

Hon. J Ladislaus: Madam Speaker, I do not know if the Hon. Minister has the information in front of her, and I appreciate it is a very specific question, but are the trolleys that are provided to move around all equipment, or is it simply the case that the trolley is attached to the buckets which cleaners use to mop?

Hon. G Arias-Vasquez: Madam Speaker, I do not have the information available. If the hon. Lady would like to put to Parliament a specific question on the nature of the trolleys available in the GHA, I would be delighted to answer it next time.

Hon. J Ladislaus: Madam Speaker, in respect of Question 1045, the next one down, the Hon. the Minister stated that the operating theatres are cleaned daily in the afternoons and that deep cleans are undertaken on request. Does the Hon. Minister have any information as to how often deep cleans are requested on average?

Hon. G Arias-Vasquez: Madam Speaker, I do not have information as to how often they are provided but I know that they are provided whenever it is requested that they are specifically provided. I know there is a regular deep clean of let's call it a more normal nature, in which case the theatres are cleaned rigorously. However, if there are any concerns raised by the theatre staff, we have specific fogging machines – I believe they are called; the fogging machine is in the theatre – which are set up and go into every nook and cranny in the theatre. So, there are specific deep cleans that are done as and when they are requested by theatre staff, and theatre staff, as you can imagine, are extremely thorough in the way that they request that the theatres are cleaned, but as and when the theatre staff request that there is a specific need to go further, we have special equipment that is provided specifically to the theatre to defog the theatre. So, there is a specific procedure that goes on in order to deep clean the theatre in a certain way.

Hon. J Ladislaus: Madam Speaker, could the Hon. the Minister confirm whether domestic staff are on hand over the course of the weekend to provide such cleaning services if they are requested to do so?

Hon. G Arias-Vasquez: Madam Speaker, clearly the hon. Lady is desirous of getting information as regards the rota. If the hon. Lady were to ask specific questions in relation to the rota, I would make that information available across the floor of the House in the next session.

Hon. J Ladislaus: Madam Speaker, it is not as to the rota; I simply ask the question ... Put more simply: are the operating theatres cleaned over the course of the weekend by individuals rather than by a fogging machine?

Hon. G Arias-Vasquez: Madam Speaker, I would imagine that the answer is yes but given the propensity to accuse us of misleading Parliament, I would request that that specific question is put to me and I will answer the specific question next time.

Hon. J Ladislaus: Madam Speaker, if I may move on to Question 1046, as to when the GHA first became aware of the issues, I asked the simple question 'Why were these issues allowed?' I quote the Hon. the Minister: 'the longstanding issues go back years'. Why were these issues allowed to fester for so many years, and why, after a claim was introduced last year, did it take the GHA 10 months to deal with the issues raised in any meaningful way?

1195 **Hon. G Arias-Vasquez:** Madam Speaker, the claims, insofar as I can determine, were raised in conversations that the GHA had with Unite. There are conversations which span from December through to July through to ... We cannot say that there is a specific request for this domestic claim in any correspondence. What we can determine is that it was mentioned in meetings with the GHA and Unite. We are currently trying to get to the bottom of exactly that. We have, since the
1200 beginning of November, been in in-depth discussions on this specific issue, because that is when this specific issue came to the forefront, and therefore, from late October, beginning of November, the GHA and Unite have sat and discussed this specific issue and how it can be dealt with in the most responsible way for the taxpayer and keeping the staff of the Hospital happy.

1205 **Hon. J Ladislaus:** Madam Speaker, is it then the case that there was not a formal claim submitted by Unite members in December 2023?

Hon. G Arias-Vasquez: Our understanding – and I have requested this from Unite as well – is that ... I have not seen, yet, the letter of claim. It may have been submitted. I have not seen that
1210 formal letter of claim.

Hon. J Ladislaus: Madam Speaker, can the Hon. Minister agree that perhaps mistakes have been made in how the matter has been handled in being left for so long? And perhaps the results would have been different, I venture to comment upon.
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Madam Speaker: Well, that is a hypothetical question. I will allow the first part of the question but not the second.

Hon. G Arias-Vasquez: Madam Speaker, no, we do not believe the matter has been handled
1220 badly, and we will not conduct industrial relations across the floor of the House.

Q1020/2024
Electricity generation –
Breakdown for period 1st January to 30th November 2024 –
Supplementary questions

Madam Speaker: Before we move on to the Hon. C Sacarello, I would ask the Hon. G Origo whether there are any supplementary questions on Question 1020.

Hon. G Origo: I am grateful, Madam Speaker. May I ask the Hon. Minister if she could provide
1225 some more detail on the column pertaining to the South District power station? I believe, from answers to questions posed last year, that this power station was not operational, so my first question is can she confirm when the station was commissioned and is she able to tell me who is running this power station? I will have a few more supplementaries following that.

1230 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I do not think this is a question that arises from the main question, but the South District power station and its establishment is a matter of public record.

Madam Speaker: Any other questions?
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Hon. Chief Minister: Just to refresh his memory, it was part of the deal that I greatly criticised that the GSD did with the MoD and, in doing that deal, eschewed other investment that was going to be into Gibraltar. The hon. Gentleman might recall – although, Madam Speaker, I will give him

1240 the benefit that perhaps he might be too young – the documents that I published on the night of my leader's debate with Sir Peter Caruana on 7th December 2011, which disclosed all of that and he can perhaps go back and look at them.

1245 **Hon. G Origo:** Madam Speaker, I just asked because this power station was not really producing any energy as at 31st December last year, in 2023. So, may I ask the Hon. Minister is she able to say whether this is a Government-owned station producing energy, or is this a service that is contracted out, and therefore, are we in a situation where basically we are purchasing for the energy being produced? Is that the arrangement, or is it a GEA?

1250 **Hon. Chief Minister:** Madam Speaker, I refer the hon. Gentleman to the answer I gave a few moments ago.

1255 **Hon. G Origo:** Madam Speaker, very unhelpfully, having asked for the answers to be provided in megawatts, I think I have been given a table with all of the energy outputs in kilowatts, but it is okay; there are a thousand units from one to the other, so I have been able to ascertain percentage points.

1260 Can the Minister confirm whether she was able to double the amount of renewable energy produced, as indicated that she would in answers to Question 29/2024, in January? At the time, the total output of renewable energy in Gibraltar was 1.14%, and the Hon. Minister was quoted as saying, 'This is primed to more than double in the course of this year alone.' Did she achieve this?

1265 **Hon. G Arias-Vasquez:** Madam Speaker, in several months, yes, this was achieved. Admittedly not in all of them, as the table shows, and I am sure that the hon. Gentleman is able to look at the percentages and determine their meaning. I believe, though, that there is a project that is ongoing which will double this amount throughout the year.

1270 **Hon. G Origo:** Madam Speaker, having taken the averages and looked at the amount of megawatts produced, I can see that the total average for the year is 1.55%, which is a bit shy of actually doubling it and very shy from the target that we have under the Climate Change Act. Can I ask the Minister, given the statistics that we have today, does she think that we will reach our targets as set out in the Climate Change Act to reduce our emissions and achieve net neutrality in the time envisaged?

1275 **Hon. G Arias-Vasquez:** Madam Speaker, yes, we believe we will.

Madam Speaker: Any other supplementaries? The Hon. R M Clinton.

1280 **Hon. R M Clinton:** Thank you, Madam Speaker. If we look at the schedule in the answer to Question 1020, I wonder if the Minister could provide some information to the House, because if you look at the electricity generation for the temporary North Mole power station, which by its description must be temporary – and I assume these are the skid generators that, if I recall, were being moved to make way for the battery station – and if we look at the column for the South District power station, which, as my colleague has pointed out, seems to have been almost in mothballs in the past, again I may have faulty recollection but I thought the MoD and OESCO power stations were effectively being decommissioned some years ago. My question is are we going to see the temporary North Mole power station effectively go down to zero and the power that was transmitted by the North Mole power station taken over by the South District power station, as in this column? And are the existing MoD or OESCO – I am not sure which ones are being used – generating sets or is this as a result of the transfer of skid generators from the North Mole site to the South District power station and these being connected up to the grid? I distinctly

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remember the Minister for the Environment at the time saying how it would be great that the emissions of the South District are being reduced, but this would seem to suggest that emissions are going to be increased in the South District.

1295 Madam Speaker, I apologise – I have probably rolled three questions into one there, but I would be grateful if the Minister could clarify.

1300 **Hon. G Arias-Vasquez:** Madam Speaker, I am very grateful for the opportunity to answer that question because, indeed, the temporary North Mole power station is the skid generators that are there at the moment. The idea of the BESS is that this North Mole power station goes down to zero because the battery-operated system is what is going to kick in, in the instance that there is a fault at one of the six engines of the power station. It is not envisaged at all that this is picked up by the South District power station. The idea is that the BESS and the BESS alone, in a very environmentally friendly manner, will pick up the energy that was previously generated by the temporary North Mole power station if and when required. So, if there is a fault at the North Mole power station, as was discussed in a video that I did a couple of months ago, what is envisaged is that the BESS kicks in, not the temporary North Mole power station generators that currently kick in. So, as soon as the BESS is operational, the table which says 'Temporary North Mole power station' will go down to zero, but that is not going to be picked up by the South District power station, which will remain in situ in case of a contingency being required but will not replace the North Mole power station. It is very important that the BESS will replace the North Mole power station and will have no impact on these figures whatsoever. So, the North Mole power station will go down to zero and the BESS will pick up the slack, which will be *far* more environmentally friendly. That is the idea of the project.

1315 **Several Members:** Hear, hear.

Hon. R M Clinton: Madam Speaker, may I just ask one further question? Yes, I appreciate that, but until the BESS battery system is operational, is it not the case that there will be the operational requirement to have this extra generating capacity, whether at the North Mole power station or the South Mole power station?

1325 **Hon. G Arias-Vasquez:** Up until the BESS is in operation, yes, we will require that capacity in order to make sure that there is backup power in place. Once the BESS is operational, then absolutely we will lose the North Mole, we will lose the South District and it will all be picked up by the BESS.

Hon. R M Clinton: I appreciate the Minister –

1330 **Madam Speaker:** Six supplementaries on this one.

Hon. R M Clinton: I know. I am just trying to –

Madam Speaker: And the hon. Member did say 'One last', so I am holding him to his word.

1335 **Hon. R M Clinton:** Yes, Madam Speaker. I did ask about the South District power station – whether there was an existing power plant or is it the case that the skid generators have been transferred to the site of the South District power station? Is it an existing mothballed plant that is being brought back into life, or is it the case that the skid generators have been transferred over and then plugged in?

1340 **Hon. G Arias-Vasquez:** Madam Speaker, I am very pleased to be able to tell the hon. Gentleman across the floor that the skid generators will no longer be required and therefore any costs arising

from the North Mole generators will no longer be required. So, it is not the case that those will be moved to the South District. In the South District there is a plant, which is currently a contingency planning plant, which will not be operational, will only be required in cases of extreme circumstances. I can confirm to this House that the idea is that the temporary North Mole power station is removed in its entirety and is not moved to an alternative location, thereby saving the taxpayer the cost of those skid generators.

Madam Speaker: Next question.

Q1049/2024

**Companies incorporated in Gibraltar –
Breakdown of those trading principally in Gibraltar and those not**

Clerk: Question 1049. The Hon. C Sacarello.

Hon. C Sacarello: Could the Minister kindly provide a breakdown to the best of the Government's knowledge of the statistics for companies incorporated per month in Gibraltar, separating out the companies whose principal trading business takes place in Gibraltar versus those whose principal business takes place abroad? Please provide these for the years 2021-22 to date.

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I hand the hon. Gentleman a table showing the number of companies incorporated in Gibraltar since January 2021 to the end of November 2024 that is based on Companies House records.

The Companies Act 2014 does not require that Companies House distinguish between companies whose principal trading business takes place in Gibraltar and those whose primary activities take place abroad. We are, therefore, unable to provide the further information requested.

Answer to Question 1049/2024

Table showing the number of companies incorporated in Gibraltar since January 2021 to end of November 2024 that is based on Companies House records.

Year Month	2021	2022	2023	2024
January	101	81	89	59
February	91	90	85	78
March	138	125	124	85
April	106	86	77	98

May	130	99	76	99
June	116	81	96	95
July	100	67	91	88
August	100	90	71	90
September	101	82	60	69
October	117	73	69	92
November	108	96	94	94
December	108	89	91	-

Madam Speaker: If the hon. Member needs time to look at it, although it is on public record, I will come back to it.

Q1050/2024

**Zero Carbon Footprint Company Ltd –
Loan to North Mole BESS One Ltd**

1370 **Clerk:** Question 1050. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise whether Zero Carbon Footprint Company Ltd has made or intends to make a loan to, or purchase loan notes issued by, North Mole BESS One Ltd; and, if so, in what amount and on what terms?

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Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health Care and Business (Hon. G Arias-Vasquez): Madam Speaker, Zero Carbon Footprint Company Ltd loaned £1,027,154.71, to date, on 20th August 2024 to North Mole BESS One Ltd. Further contract details cannot be disclosed.

1380

Hon. R M Clinton: I am grateful to the Minister. Can she advise the House is that the total extent of the facility that is being advanced? Also, could she provide the House with the terms of the facility, interest rate and duration?

1385

Hon. G Arias-Vasquez: Madam Speaker, I can confirm that that is the amount that has been advanced to date, which was advanced, as I stated, on 20th August 2024. I do not have specifics on the details of interest rate and term, but I am happy to provide that if the hon. Member opposite asks the House in the next session.

1390 **Hon. R M Clinton:** Madam Speaker, my question was quite clear. I did ask on what terms. I would have thought the Minister would have that information available. Also, I did not hear in her answer what is the total amount of the facility.

1395 **Hon. G Arias-Vasquez:** Madam Speaker, unfortunately I do not have that information available and I will make it available in the next session.

Hon. R M Clinton: Madam Speaker, I am not quite sure how making the information available at the next session will work. Perhaps Madam Speaker can assist me.

1400 **Hon. G Arias-Vasquez:** Madam Speaker, I am happy to provide it later on in the session.

Madam Speaker: Next question.

Q1051/2024
GHA insurance cover –
Current limit

Clerk: Question 1051. The Hon. D J Bossino, on behalf of the Hon. the Leader of the Opposition.

1405 **Hon. D J Bossino:** What is the current GHA insurance cover limit and does it operate on an annual basis in respect of claims arising or made in any given year; and, if not, how does it currently operate?

1410 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the information the hon. Gentleman opposite is asking for is commercial in confidence and as such I am unable to provide this across the floor of this House.

1415 **Hon. D J Bossino:** That is the answer that the Hon. the Minister for Health has provided. I do not make a judgement from this side of the House as to whether that is correct or not; one needs to rely on the veracity of what the hon. Member has just said. Indeed, if that is the case, then it would offend one of the rules of the House if it is information which is commercially sensitive. But is it information that the hon. Member would be willing to provide behind the Speaker's Chair on a confidential basis, at least?

1420

Chief Minister (Hon. F R Picardo): Madam Speaker, this is an issue that cuts across the Government and is about insurance cover for all of the Government. I have absolutely no difficulty sharing the information with hon. Members behind the Speaker's Chair on an undertaking of confidentiality, not otherwise.

1425

Hon. D J Bossino: If we were to proceed down that route, the Hon. the Chief Minister should surely understand that that would be a given, that if information is imparted to us on a confidential basis we would most definitely, as the honourable Members that we are, comply with that request. He should have no doubt about that.

1430

Madam Speaker: Next question.

Hon. Chief Minister: Madam Speaker, it is not that I have any doubt about it, it is that I am making it explicit. The hon. Gentleman should not think that his honourability is being challenged. If that were to be something I intend to do, I would do it in keeping with the Rules of the House and I would put a motion for that purpose. What I am doing is ensuring that the Government continues to comply with its obligations only to share something which is confidential on explicit terms that the confidentiality will be respected.

Madam Speaker: Next question.

Q1052/2024

**GHA Accountability Agreement –
Status and intention to publish**

Clerk: Question 1052. The Hon. D J Bossino, on behalf of the Hon. the Leader of the Opposition.

Hon. D J Bossino: Has the GHA Accountability Agreement been concluded? If not, what is the state of play in relation to the same; and if concluded, will it be published?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the Accountability Agreement is currently being drafted. Once this is completed, I intend to consult the Unions before publishing the document.

Hon. D J Bossino: The Hon. the Minister has indeed provided an answer to the second limb of the question, which is that the agreement, when concluded, will be published in the way I have understood the hon. Member. Is she able to provide any information as to the timeline, as to when it is expected that the agreement will be in a settled form and therefore concluded? The hon. Member says it is currently being drafted, but is she able to say when the end date is going to arrive?

Hon. G Arias-Vasquez: We would expect that this is no later than the second quarter of next year.

Madam Speaker: Next question.

Q1053/2024

**Covid public inquiry –
Whether still Government's intention to convene**

Clerk: Question 1053. The Hon. D J Bossino, on behalf of the Hon. the Leader of the Opposition.

Hon. D J Bossino: Does the Government still intend to convene a Covid public inquiry?

Clerk: Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the Government is currently considering the draft terms of reference for the Covid inquiry and expects

to be in a position to make an announcement on this in the coming months. Additionally, the Government is currently also considering the most appropriate model to achieve the necessary transparency in the most cost-effective way to the taxpayer.

1475 **Hon. D J Bossino:** May I ask the Hon. Minister what is taxing her mind in terms of the model and, in fact, the terms of reference of the inquiry? What are the issues which are at play? Is that information which he is able ... and, if she is, whether she is prepared to share it across the floor of the House?

1480 **Hon. G Arias-Vasquez:** Madam Speaker, all of these issues are issues which are currently being advised on.

1485 **Hon. D J Bossino:** Would the hon. Member have some form of idea as to when it is expected that the inquiry will commence? One assumes that the intention of the Government would be that it would be started and hopefully concluded during the course of the lifetime of this Parliament, but can she provide any specifics in relation to that?

1490 **Hon. G Arias-Vasquez:** Madam Speaker, I have said in the answer to my previous question that we are looking to be in a position to make an announcement in the coming months. We are not able to go any further than that at the moment.

Q1034-35/2024
ENT appointments –
Average waiting times to see a specialist –
Supplementary questions

Madam Speaker: Can we now return to Questions 1034 and 1035 for any supplementaries?

1495 **Hon. J Ladislaus:** Yes, I am grateful, Madam Speaker. I note that the median wait times provided to see an ENT for an adult are higher than for children. Of course, I can understand that children may need to be seen quicker. However, the adult median waiting times appear rather on the high side. I have raised this question in the context of having been asked by numerous members of the public because they have been waiting for quite a long time to see an ENT. So, I ask the question is there anything which will be put in place in order to deal with the waiting times that people are experiencing?

1500 **Minister for Health Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, in comparison to the waiting times in the NHS, the average waiting time for the first outpatient appointment is usually around 26 weeks to see an ENT consultant in an NHS hospital. But we are not content with comparing ourselves to the NHS. We are not content and our waiting lists are currently significantly lower, less than half of the waiting times in the NHS. However, notwithstanding this, yes, we do intend to go over and above that to try and achieve lower waiting times.

1510 Currently what is in place is that we actually have a complex facial pain managing consultant that comes over every three to four months. This is for ENT complex facial pain patients. This consultant is able to provide guidance to our local consultants in difficult cases. I have already said that our waiting times are less than half the average of the NHS. We are already providing a consultant who provides extra clinics to a complex facial pain consultant, which are not reflected in the waiting times because the clinics are outside those waiting times, but over and above even those two issues, there are two vacancies, one for a consultant ENT surgeon and one for a

1515 consultant audiologist. The ENT surgeon went out in September 2024 and the vacancy for the audiologist went out in December 2024. So, we are actively looking at different ways in order to improve the very much lesser waiting times when compared to the NHS. As I said, we are not content not only to be better than the NHS, but we want to be in a significantly better position, so we are actively doing everything possible in order to reduce those waiting times.

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Hon. J Ladislaus: I am grateful. I will not ask in respect to the audiologist because the vacancy has not been out for very long, but in respect of the ENT surgeon vacancy, could the Minister provide an indication as to how many individuals have applied for that role?

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Hon. G Arias-Vasquez: Madam Speaker, I tend to stay well out of any recruitment process in the GHA, so I do not have that information available.

Q1039 and 1043/2024
GHA cleaners, domestic staff and labourers –
Supplementary questions

Madam Speaker: Any supplementaries on Questions 1039 and 1043? The Hon. J. Ladislaus.

1530 **Hon. J Ladislaus:** In respect of Question 1039, I have been provided with the breakdown of GHA-employed cleaners who are working at St Bernard's Hospital. At the bottom of that table, there are currently 18 individuals on the domestic supply list. Could the Hon. the Minister confirm whether those were the individuals who covered the work that is usually undertaken by those on strike? Was it just those 18 individuals, or were there more individuals covering for those who went on strike?

1535

Minister for Health Care and Business (Hon. G Arias-Vasquez): Madam Speaker, there were numerous individuals who did not participate in Unite's action. There were several who did not participate because they are not members of Unite. There are several who did not participate because they did not agree with the action. Those supply cleaners may have been amongst the ones that covered whilst the GHA domestics were on strike. However, there were a significant number of staff who did not participate in the strike action.

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Hon. J Ladislaus: Does the Hon. the Minister have figures as to the number of staff who did not participate in the strike action?

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Hon. G Arias-Vasquez: Apologies, Madam Speaker, I have the information available; I am just trying to locate it so that I do not give the figures from memory. If you could just give me a couple of minutes, I will locate the information.

Madam Speaker, may I come back to that question later in the session?

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Madam Speaker: Would one or either of the hon. Members remind me?
Any other supplementaries on Question 1039?

Hon. J Ladislaus: Not on Question 1039, but I have one on Question 1048, I believe it is.

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Madam Speaker: No, Question 1043.

Hon. J Ladislaus: Madam Speaker, on the last page of the schedule that has been provided to me, at the very end it says:

On occasions, domestics may help nurses to clean bodily fluids on the wards. This is done out of goodwill and does not fall under their responsibilities.

1560 May I ask the reason for that? Is it because we simply do not have enough nursing staff and they are so overwhelmed that the domestic staff feel the need that to step in and assist when it does not even fall under their responsibilities?

1565 **Hon. G Arias-Vasquez:** Madam Speaker, as I have previously said, we are not conducting industrial relations across the floor of the House. The information is available but we will not be conducting industrial relations issues across the House.

Madam Speaker: Did the Hon. Mr Bossino have a supplementary? (**Hon. D J Bossino:** No.) No, all right, then we will move on. I thought the hon. Member had called my attention earlier.

Q1049/2024

Companies incorporated in Gibraltar – Breakdown of those trading principally in Gibraltar and those not – Supplementary questions

1570 **Madam Speaker:** Any supplementaries on Question 1049? The Hon. C Sacarello.

1575 **Hon. C Sacarello:** Thank you, Madam Speaker, yes. I thank the Hon. Minister for Business for the schedule and her reply. Notwithstanding the limitations of the Companies Act, would there be other sources of information in other registrable departments, such as Employment and Tax, that would be able to provide the distinction between companies that are actually trading in Gibraltar and those without the territory?

1580 **Minister for Health Care and Business (Hon. G Arias-Vasquez):** No, Madam Speaker, we moved away from that regime.

1585 **Hon. C Sacarello:** Madam Speaker, would the Hon. Minister not agree that from an economic perspective, and certainly in terms of the usefulness of the information available, it would be useful to perhaps amend the Act or look for some other solution around identifying which companies that are being incorporated are contributing to our economy in a larger way? Useful as it is to certain sectors, particularly the service sector, for certain companies to be registered in Gibraltar, notwithstanding that, the greater value attributed to our economy would be for those operating locally, and it would be useful from these statistics, rather than just have them all grouped together, to be able to break them down. Would the Minister consider this approach?

1590 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I think that the hon. Gentleman is trying to lead us into very dangerous ground. Companies that are incorporated in Gibraltar that do business in Gibraltar pay tax in Gibraltar in respect of their earnings in Gibraltar. Companies that are established in Gibraltar that do business elsewhere will have to pay tax wherever it is that they do business, which is what the law requires, and will pay tax in Gibraltar on anything which they remit in Gibraltar. That is the concept of taxation based on remittance, accrual etc. What the hon. Gentleman is asking us to do, in effect, is to move back to the position before 2010 and to say, 'This company does not trade in Gibraltar. It has an exemption certificate that it is doing its business outside of Gibraltar.' That is the old way of doing things. It is what the OECD has been trying to ensure does not happen in other jurisdictions. It is why we were approved by the European Commission for the provisions of our new Income Tax Act in 2010, something that had

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been advised long before 2010, and the Government will not be pursuing the route that the hon. Gentleman is suggesting, which is incredibly dangerous at a macroeconomic level for Gibraltar.

Madam Speaker: Next question.

EQUALITY, EMPLOYMENT, CULTURE AND TOURISM

Q1054/2024

Three Kings Cavalcade –

Adjustments for people with supported needs or disabilities

1605 **Clerk:** Questions to the Hon. Minister for Equality, Employment, Culture and Tourism.
Question 1054. The Hon. D J Bossino, on behalf of the Hon. A Sanchez.

1610 **Hon. D J Bossino:** Could the Government confirm whether reasonable adjustments will be implemented for individuals with supported needs or disabilities at this year's Three Kings Cavalcade?

Clerk: Answer, the Hon. the Minister for Equality, Employment, Culture and Tourism.

1615 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** Madam Speaker, yes.

Hon. D J Bossino: Is the Hon. the Minister who has responsibility for this area able to expand as to what those reasonable adjustments – I see he is already poised with the answer – are?

1620 **Hon. C P Santos:** Last year, the SNDO hosted a safe space outside No. 6 Convent Place. We identified that that was the most convenient place due to exits and for those with sensory issues, so we are looking at hopefully offering that place again for this year.

1625 **Hon. D J Bossino:** Does one gather from that answer that beyond what happened last year there will not be any new initiatives in this area? (*Interjections*)

Madam Speaker: The Hon. Minister for Equality, Employment, Culture and Tourism.

1630 **Hon. C P Santos:** Well, I have been quite specific to what is happening this year, and we are looking at hopefully adding some seating, which is something we did not offer last year, within that same area.

1635 **Hon. D J Bossino:** Does the Hon. the Minister have information as to the capacity, how many individuals can be accommodated in the facility that he has just referred us to?

1640 **Hon. C P Santos:** I do not have any details as to capacity. It is quite a big area. What we did this year for the Festival of Lights, which we are going to do this year as well in order to be able to cater for everyone who comes, is send out a press release for people who need seating or need something in particular within that area to notify us so that we are ready for everyone who is planning to come. And of course we will have a larger area available so that we are sure that we more or less have an idea of the numbers we are catering for.

Hon. D J Bossino: Finally, is the Minister confident that he will be able to accommodate the demand?

1645 **Hon. C P Santos:** I am very confident, as we have been able to accommodate the demand in all other events we have done in Gibraltar for the past year.

Madam Speaker: Next question.

1650 **Chief Minister (Hon. F R Picardo):** Madam Speaker, this might be a convenient moment for the House now to recess until 3.15 this afternoon.

Madam Speaker: All right, we will recess until 3.15 this afternoon.

The House recessed at 1.10 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.15 p.m. – 6.10 p.m.

Gibraltar, Friday, 13th December 2024

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The Gibraltar Parliament

The Parliament met at 3.15 p.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: J B Reyes Esq *in attendance*]

Questions for Oral Answer

EQUALITY, EMPLOYMENT, CULTURE AND TOURISM

Q1055/2024

National Disability Strategy– Scope and reach of private sector strand training

Clerk: Answers to Oral Questions continued.

Question 1055. The Hon. the Leader of the Opposition on behalf of the Hon. A Sanchez.

5 **Hon. Dr K Azopardi:** Madam Speaker, as part of the National Disability Strategy's private sector strand, does the Government plan to provide training on disability and support needs to the private sector? If so, can they confirm the intended scope and reach of this training?

10 **Clerk:** Answer, the Hon. the Minister for Equality, Employment, Culture and Tourism.

10 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** Madam Speaker, we still need to confirm what scope of training will be given to the private sector strand with regard to the National Disability Strategy. Work on this will commence in January 2025.

15 **Hon. Dr K Azopardi:** The original question asks whether the Government plans to provide training. The way that the Hon. Minister has answered suggests that the answer might not be yes or no. Is that my understanding, given what he said, or is it that the answer is yes but they are doing the planning? It was slightly equivocal, at least when I heard it.

20 **Hon. C P Santos:** The answer is yes. The answer I gave was that we still need to confirm the scope. I apologise. It was a given that it was yes, but what the scope of this is we do not know yet.

25 **Hon. Dr K Azopardi:** I see, so it is yes, and they are considering the scope of it. Does the Minister expect that there will be a decision on this early in the New Year?

30 **Hon. C P Santos:** Work will start in January 2025, so hopefully by the first part of the year we will be able to give more specific answers as to the scope of the training. The private sector is much larger than the public sector, so we are looking at how this is done in the UK based on how charities, NGOs and organisations work to provide training over there. We are going to see if we can model something similar that would work locally.

Madam Speaker: Next question.

Q1056/2024

Careers Fair –

Feedback received and intended improvements for the future

Clerk: Question 1056. The Hon. G Origo.

35 **Hon. G Origo:** Madam Speaker, is the Government satisfied with the way the Careers Fair was run, and has it received any feedback on how the event could better be improved in the future?

Clerk: Answer, the Hon. the Minister for Equality, Employment, Culture and Tourism.

40 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** Madam Speaker, I would like to express my sincere gratitude to the hon. Gentleman opposite for once again providing me with the opportunity to showcase another success story, this being our recent Careers Fair. This event was something I was particularly eager to relaunch as it had not been held since the pandemic. A brief conversation between the Chief Secretary and myself was all it took
45 to ignite the initiative, resulting in the successful Careers Fair we witnessed last month.

The feedback we have received has been overwhelmingly positive, underscoring the dedication of the exceptional organising team, whom I wish to publicly thank today. The event successfully showcased a wide array of industries to our young people, serving as a valuable platform for career exploration. Stall representatives also commended the event's excellent
50 organisation. However, it is worth noting that a few expressed concerns regarding the smaller than expected stall sizes. This feedback was promptly addressed by the support team to ensure that the event ran smoothly.

Looking ahead, plans for future editions of the Careers Fair include reviewing the stall layouts to better meet exhibitors' needs, enhancing networking areas and considering the inclusion of
55 universities to offer attendees a broader range of academic and career development opportunities.

The Government values the constructive feedback it has received and will continue to take it into account as we plan for next year's event.

60 **Hon. G Origo:** Madam Speaker, thank you to the Hon. Minister for his reply. On this side of the House it must be noted that several concerns or criticisms were raised and particularly brought to my attention. In particular they stemmed from the structure of the Careers Fair this year, which I understand was led by sectors, associations and representatives, as opposed to individual businesses. Some of my constituents described their disappointment with the lack of depth of the
65 answers given in some instances from the persons manning the stalls. A good comparison drawn was like going window shopping for clothes without really trying them on. Some people have described it as a tick-box exercise. The whole point of this fair is for people to get as much insight as possible into careers, but in some instances some of these youths have left with more questions than answers. Has such criticism been raised with the Hon. Minister; and, if so, has he had time to
70 consider how best to resolve these issues?

Hon. C P Santos: Madam Speaker, none of that has got back to us, so I cannot answer with regard to any of those complaints. We have changed the structure because the Careers Fair used to be about companies putting on a stall and not necessarily about the field of work. How we have
75 done it this year is to have 35 different industries, 77 stalls, so, as opposed to having private businesses putting on a stall, we had industries like public service and green careers that had 1, 2, 3, 4, 5, 6, eight different stalls within green careers. So, as opposed to promoting businesses, we were promoting industries. I went around myself. I met the hon. Member opposite, who actually congratulated me for the success of the event, and he seemed to quite enjoy it at the time. Every
80 stall was collecting details of children or young adults who were interested in their particular

industry, so they could pass on their information. I have a list here of everyone who took part. The main thing that changed was the header of how it was presented, but there was plenty of information and there were plenty of big organisations. In finance, we had Connect Hub, insurance, the Gibraltar Bankers Association, so we had groups as opposed to particular independent businesses.

I have not received any of that feedback myself. We had over 2,500 attendees and, other than little things here and there about the structure of where the tables were, we have not received that feedback. If we do, I will look into it; but, until I do, I cannot take hearsay into account.

Madam Speaker: Next question.

Q1057/2024

**Violence and control in relationships –
Statistic re number of young people affected**

Clerk: Question 1057. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, does the Government hold statistics on how many young people have experienced violence or control in relationships?

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Clerk: Answer, the Hon. the Minister for Equality, Employment, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, the RGP will record any instance where a juvenile reports or is reported to have experienced violence or control in relationships.

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Hon. Dr K Azopardi: So, beyond the RGP recording reports, the Government itself is not doing statistical work to collate information here – is that the situation?

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Hon. C P Santos: Madam Speaker, the RGP collects all the information for us. I can also collect statistics from different organisations, like Women in Need, that we have more contact with. If we get reports via the Youth Service or other organisations, like the Care Agency, we have statistics particularly of 25 and above. The question stated young people. We do not have statistics for those yet. We have the statistics from the RGP, especially since the introduction of the Domestic Abuse Act 2023, where children who have been exposed to domestic abuse are now recognised as victims of domestic abuse as opposed to just witnesses, which used to be the case before. So, we have statistics for 25 years of age and older but it is the independent organisations that have them from 16 to 25, which would quantify young people.

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Hon. Dr K Azopardi: When the Minister says he does not have statistics yet in relation to people who are 16 to 25, what does he mean by that? Does it mean that the Government is intending to do some work here?

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Hon. C P Santos: The statistics we have and we rely on currently are from the RGP. We have a working group for the Domestic Abuse Strategy, so this is something that I would need to discuss with them when we next meet and see what their plans are. We have some information and statistics that are voluntary, but those are not particularly ... I would not say they are not trustworthy, but they do not have the full numbers of people because they are voluntary contributions to a questionnaire. This is something that I will discuss with the Domestic Abuse Strategy Committee.

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Hon. Dr K Azopardi: I appreciate the emphasis that the Minister puts on the reporting by the RGP, but of course the reporting of the RGP is of possible criminal allegations; I was really asking for a wider approach to understand what the Government's work, if any, in this area is.

I do not know if the Minister is aware, but he may have seen that there was a report conducted by the Youth Endowment Fund in England recently on violence and control in relationships of young people over 16, primarily focusing on teenagers, 13-to-17-year-olds. Those statistics, or at least that survey, revealed worrying features in England related to control in sexual relationships, youngsters reporting that they were undertaking sexual activity against their will, 20% of people feeling that they were physically assaulted and another 17% had been exposed to explicit images of themselves being shared online against their will. That survey did not just reveal those things; it also revealed an underlying concern that the teaching of issues of consent at schools perhaps was not hitting the right target. And so I bring it to the Minister's attention, if he is not aware. Does he agree with me that it might be useful for there to be a Government-led – with his Department and perhaps with the Education Department also – reach-out to young people, to try to collate statistics more targeted in this area, to see to what extent there are things that we can improve in the educational system so that there are no reports of violence or control? It would be helpful to understand if some of these concerns are also present among our youngsters here, and does he agree that if they are – because you would have to test it first – there may be improvements out there to be made?

Hon. C P Santos: Madam Speaker, thanks to the Hon. Leader of the Opposition. I am aware of this study. I am also aware of another study with regard to relationships in under-16s after the case of Holly Newton, a 15-year-old who was stabbed by her partner and because she was under the age of 16 it did not count as domestic abuse. There are a lot of things with regard to young people that we are looking into and a lot of cases.

The question stated 'young people have experienced violence or control in relationships'. I am not being facetious here. I think I more or less understood that it meant intimate partner violence, but with regard to relationships and in cases of domestic abuse, 'relationships' encompasses fraternal, paternal, guardians and partner relationships. With regard to intimate partner violence, which is, I think, what you were referring to, we are doing some work in the Education Department with regard to statistics. We have not got any statistics on that exclusively because we have been working on statistics for young people as a whole regarding domestic violence, including all types of relationships, not just the intimate partner violence. This is part of the Domestic Abuse Strategy. This is something that we are working and collaborating on with the Education side. The Youth Service also holds workshops on this and it is something I will look further into. Domestic abuse is something I am very much involved in with the team at Women in Need. It is something that I have taken on very recently and it is something that we are working very hard to put more emphasis on with the working group, which we are now going to be working closer with from my Ministry.

Madam Speaker: Next question.

EDUCATION, THE ENVIRONMENT AND CLIMATE CHANGE

Q1058/2024
Corral Road –
Paving stones

Clerk: Questions to the Hon. the Minister for Education, the Environment and Climate Change. Question 1058. The Hon. G Origo.

170 **Hon. G Origo:** Madam Speaker, does the Government have any plans to replace the public paving bricks on Corral Road following the works carried out just opposite the bus stop at the Market Place terminus?

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

175 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, I can confirm that the Technical Services Department is making arrangements for the paving stones in the area of Corral Road to be replaced. TSD does not currently hold stock for these particular materials and an order has been prepared for these to be delivered. Works to repair the area will commence as soon as these are received in Gibraltar.

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Madam Speaker: Next question.

Q1059/2024
Jews' Gate –
Broken barrier

Clerk: Question 1059. The Hon. G Origo.

185 **Hon. G Origo:** How long has the barrier at Jews' Gate in the Upper Rock Nature Reserve been broken?

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

190 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, I can confirm that a fault with this particular barrier was reported on 23rd October this year. The contractor for these barriers has done what works it could, but these proved to be short lived as the barrier continued to malfunction. We are currently awaiting spare parts to arrive in order for it to be functional once more.

195 **Hon. G Origo:** Madam Speaker, may I ask the Hon. Minister whether he can confirm if the issues relating to the barrier have affected any other part of the service in respect of the ticketing system at the Jews' Gate?

200 **Hon. Prof. J E Cortes:** No, Madam Speaker, it has not. Even though the barrier has not been working, there are staff and security at the entrance and therefore it has not had any effect on the operation of the Upper Rock.

205 **Hon. G Origo:** Madam Speaker, I am grateful to the Minister for his answer. Essentially – may I just get his confirmation? – he is saying that despite the barrier not being operational, the officers working at the Jews' Gate barrier have been able to stop the cars that have been coming up because of the security guards – they are on foot, I imagine – and they have also been able to ticket and charge the tourists coming to visit the Nature Reserve in the ordinary course of things, despite the barrier not working. Is that the case?

210 **Hon. Prof. J E Cortes:** Madam Speaker, that is the information that I have. If the hon. Member is aware of anything untoward, then I would be grateful to know and it will be looked into, but my information is that despite the lack of barrier the processes have continued.

215 **Hon. D J Bossino:** May I ask the Minister when he expects the spare parts to arrive? And if I may, Madam Speaker, just fit in another supplementary: can he provide information as to who the contractor for the barrier is, if he has that information with him?

Hon. Prof. J E Cortes: Madam Speaker, I do not have either item of information.

220 **Madam Speaker:** Next question.

Q1060/2024
Bicycle electronic counter –
How long broken

Clerk: Question 1060. The Hon. G Origo.

225 **Hon. G Origo:** Can the Government confirm how long the cyclist electronic counter has been broken for?

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

230 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, the bicycle counter is not broken; it is working without any issues and has been collecting data on a 24/7 basis since its installation in June 2023.

235 **Hon. G Origo:** Madam Speaker, I am surprised at the Hon. Minister's reply, given that I have seen many images on social media. I have actually walked past the counter myself on the way to Bayside Road and the counter was not working. It did not seem to be taking count, at the time, of people travelling to and from, so how is it that the Hon. Minister is telling me that the counter has been operational for all this time when there are clearly images, and I have seen it myself, showing that the counter was not turned on?

240 **Hon. Prof. J E Cortes:** Madam Speaker, very simply because there is nothing wrong with the counter; the problem has been with the counter display, which is a different system. That has malfunctioned a number of times due to failure of components within the display and connectivity issues, but I am glad to say that in discussion and collaboration with the Electricity Authority, the display was repaired finally on 6th December and we hope that the remedial measures will mean that it will not fail again, at least not anytime soon. But I repeat: the counter has been working
245 and the data have been collected, so we have a full set of data of every person who has cycled or passed the area on a scooter since June 2023.

250 **Hon. Dr K Azopardi:** Madam Speaker if the display was malfunctioning – and he said 'due to connectivity issues' – how is he confident that the connectivity issues have not also affected the underlying data?

255 **Hon. Prof. J E Cortes:** A number of ways. The connection is a different one, but in any case we have data which have recorded people passing through even when the display has been not working. So, we have a period of time – for example two or three days – where there has not been a display but the data has continued to be generated and we have figures showing that there have been people passing through.

Hon. Dr K Azopardi: And for how long did he say – *did* he say, and, if he did, can he just remind me? – this malfunction took place?

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Hon. Prof. J E Cortes: Madam Speaker, I do not know and I do not have the detail. There has been a problem over the last few months where the display has not been working. It seemed at one stage that it might have been due to water ingress and so on. I am told it was connectivity to the actual display, but I could not tell him exactly how many days the display has not been working.

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Hon. D J Bossino: May I ask what the costs of the repairs are, if any, to the Government? It may be under some form of guarantee, therefore at no cost to the Government.

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Hon. Prof. J E Cortes: Yes, Madam Speaker, this has been defrayed by the people who constructed or supplied the counter.

Hon. D J Bossino: Does he have the information as to the people he has referred to now?

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Hon. Prof. J E Cortes: No, Madam Speaker, this pre-dates my being in this particular role. I do not have that information.

Madam Speaker: Next question.

Q1061/2024
Waterport Fountain –
Commencement of works

Clerk: Question 1061. The Hon. G Origo.

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Hon. G Origo: Madam Speaker, when will the Government begin works to enhance and beautify the Waterport Fountain and create a two-way vehicular carriageway as part of its phase 3 of the Active Traffic Strategy?

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

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, these plans are being drafted and costed before works can commence.

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Hon. G Origo: Madam Speaker, does the Hon. Minister have any more details he can give in respect to costs and timings? Could he also indicate, for instance, who is going to be doing the works?

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Hon. Prof. J E Cortes: No, Madam Speaker. As with other works that we are considering, we need to develop this, then we need to prioritise and, if necessary, bring them before this House during the Budget session.

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Hon. G Origo: Madam Speaker, if I may ask, in terms of the actual project itself, does the Minister have any details as to what this is going to look like in practice? For instance, has this idea been piloted and tested? I ask because this is one of the biggest and busiest intersections in Gibraltar and we cannot really be finding ourselves doing U-turns like we did with the Line Wall Road.

I refer to the GSLP manifesto at page 128 when referring to the Traffic Active Strategy. It says that the enhancement of the fountain will include a carriage that will go around the circumference. Does the Minister have any details on whether this has been piloted? Does he know it is going to work and what will it look like? It does say very clearly it is going to go around the fountain, so I ask if he has any details on that.

Hon. Prof. J E Cortes: Madam Speaker, first of all, I am of the opinion that there is nothing wrong with U-turns – but perhaps that is not something that many politicians will care to say.

The designs are being worked on by my excellent team in the Ministry for Transport. They are experts in this and they will have worked it all out or are in the process of working it all out. When we are in a position to make it public and consider whether to proceed, we will share that.

Madam Speaker: Next question.

Q1062/2024
Taxi service phone system –
Problems

Clerk: Question 1062. The Hon. G Origo.

Hon. G Origo: Madam Speaker, it has been reported that the taxi service is having issues with its phone system, a service which is provided by a government-owned entity. Is the Minister aware; and, if so, what is being done to resolve this issue?

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

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I am aware. However, the question is about the Gibraltar Taxi Association and Gibtelecom and I am unable to answer for either of these entities.

Madam Speaker: Next question.

Q1063/2024
Taxi Association membership –
Plans to make compulsory for tax licence holders

Clerk: Question 1063. The Hon. G Origo.

Hon. G Origo: Madam Speaker, can the Government confirm whether it has plans to amend legislation to make it a requirement for taxi licence holders to be members of the Taxi Association?

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

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, the draft legislation is currently being drawn up and will be reviewed before coming to this House as a Bill.

340 **Hon. G Origo:** Madam Speaker, can the Hon. Minister then clarify: is it the Government's intention to put through this Bill because it wants to legislate for these licence holders to be members of this association? And if that is the case, can the Hon. Minister confirm whether such a decision has the support of (a) licence holders and (b) the Taxi Association?

345 **Hon. Prof. J E Cortes:** Madam Speaker, I know that the hon. Member is in favour of such legislation, as he said on a recent *Viewpoint* programme just two weeks ago, so I am assuming that he is encouraging me to go in that direction. As in all other legislation of this nature, we are drafting it, we will be talking to stakeholders and then we will bring the Bill and will have every opportunity to debate it when it comes to the House.

350 **Hon. Dr K Azopardi:** I appreciate we are going to debate the Bill when it comes to the House, but he has, in effect, in different words said exactly the same as in the answer. My hon. colleague was simply asking whether the Bill will contain plans to amend legislation to require the taxi licence holders to be members of the Taxi Association. It is a simple question, really: will the Bill contain that?

355 **Chief Minister (Hon. F R Picardo):** Madam Speaker, the public sees Bills when they are published as Bills. It does not see what are perhaps properly called *travaux préparatoires* when we are preparing a Bill, where we are discussing a Bill and considering what should go in a Bill. That is the process of us preparing a Bill. If an individual is in Government, they get to see or work on the preparation of the Bill; if they are in the public, they get to see the published Bill. If we feel that we need advice on what should go into a Bill, we publish a thing called a Command Paper, which is something that we introduced after 2011. We do not feel we need to publish a Command Paper. We will publish a Bill when we have finished deliberations internally and with stakeholders on what should be in the Bill.

365 **Hon. Dr K Azopardi:** For the third time, no answer, but let me try one more time. Has the Government, as a matter of policy, decided to legislate to require licence holders to be members of the Taxi Association?

370 **Chief Minister (Hon. F R Picardo):** Madam Speaker, for the third time, I refer the hon. Gentleman to the answer I gave a few moments ago about the Government's decisions about what is going to go into a piece of legislation. The Government is undergoing the process of internal deliberation, discussion and consideration with draughtsmen. When we have made the decision that the hon. Gentleman is asking us about, he will know because it will be published on a Thursday or another day in the thing called the Gazette, which will tell him what we have decided to put into the Bill. At the moment there is no Bill because it has not been published. There are various iterations of different drafts that are being considered, which will at some stage crystallise into the thing that is the Bill. Until then what the hon. Gentleman is asking about is not a decision, it is about a deliberation, and we are not going to answer about deliberations because they are just processes of thought and consideration which are being undergone before the policy decision is made.

380 **Madam Speaker:** Next question. (*Interjections*)

Q1064/2024

**Personalised number plates –
Government's intention re proceeds of sale**

385 **Clerk:** Question 1064. The Hon. G Origo.

Hon. G Origo: Madam Speaker, can the Government confirm what it will do with the proceeds generated from the new initiative relating to the sale of personalised number plates? Which Government Department or entity, if any, will these proceeds go to and how will these funds be used?

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

395 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, the proceeds generated have been added to the Government's Consolidated Fund revenue. These funds will, therefore, be used in keeping with the provisions of the Appropriation Act 2024-25.

400 **Hon. G Origo:** Madam Speaker, may I ask the Hon. Minister whether he is able to confirm how much money has been raised so far by this initiative?

Hon. Prof. J E Cortes: Yes, Madam Speaker, the information in regard to the revenue is approximately £1.3 million.

405 **Hon. G Origo:** Finally, Madam Speaker, if I may, with respect to the funds being retained by the Consolidated Fund, in conversations with the Hon. Minister I was under the impression that these funds would be retained by the Transport Department or some transport-related Government entity. Is this no longer the case; and, if so, why not?

410 **Hon. Prof. J E Cortes:** Madam Speaker, this was never the case. We had an informal conversation at the end of *Viewpoint* and were discussing what the possibilities were, but there was never any confirmation. Normally in this kind of fund generation it does go into the Consolidated Fund.

415 **Madam Speaker:** Next question.

Q1065/2024

**Behaviour and discipline issues in schools –
Talks with teachers' representatives**

Clerk: Question 1065. The Hon. E J Reyes.

420 **Hon. E J Reyes:** Madam Speaker, can Government update this House in respect of the talks or discussions it has held with teachers' representatives this academic year – that is since September 2024 – arising out of teachers' requests to review behaviour and discipline issues in schools?

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

425 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, the Department of Education, together with the Government's Industrial Relations

Office, has jointly held remote and face-to-face meetings with the UK senior official-led NASUWT delegation to address matters in regard to concerns about behaviour which had been raised by the union. The relevant contact points included two in-person meetings hosted locally and four remote meetings. Of these, five have been held since September. There is a keen desire to respond to the concerns in order to address all issues identified through the process of engagement. Clearly identified milestones from now until the end of January have been formulated collaboratively by the negotiating parties and are already in place.

Hon. E J Reyes: Thank you, Madam Speaker, for that update from the Minister. I gather it is work in progress, and he has mentioned a date of January and so on. Is there anything that has been settled or agreed upon on a definitive basis that this House can be updated with?

Hon. Prof. J E Cortes: Madam Speaker, I do not think it would be helpful if I were now to divulge milestones or otherwise in the current negotiations. Obviously I am not directly involved in the negotiations and therefore I think it would not be correct or helpful if I were now to try to slice it up. I think it is better to wait. There is a timetable from now to the end of January when we hope it will be resolved, and therefore I think it is best that we let the negotiators carry on with their work and await the outcome.

Hon. E J Reyes: Madam Speaker, in accepting that explanation, would I be correct to assume that nothing has been implemented that can be seen by pupils and staff alike, and that will probably not take effect until that conclusion in January? Or has something started to be implemented already? Perhaps I have not explained properly what I am getting at. Have there been any particular changes or any particular policies that, rather than waiting until the end of January, the school management have decided to start to implement now?

Hon. Prof. J E Cortes: Madam Speaker, the negotiations are in relation to general behaviour policy. That policy is being discussed and therefore the policy has not changed. The day-to-day implementation of that policy is a matter for the senior management in the school and I cannot comment on that specifically without notice.

Madam Speaker: Next question.

Q1066/2024
Mobile phone use in schools –
Pouch system

Clerk: Question 1066. The Hon. E J Reyes.

Hon. E J Reyes: Can Government provide detailed information to this House in respect of its intentions to install a pouch system to control the use of mobile phones in local schools, together with details of estimated costs?

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

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, the policy in relation to mobile phone use continues to be under discussion with stakeholders, and the decision on whether to introduce the pouches is one which will be taken, if necessary, when the consultation is complete.

Hon. E J Reyes: Madam Speaker, I was prompted for this question because the Minister, in a public interview, had indicated that he was looking into the system of the pouch. My understanding from the answer is that no firm decision has been taken yet, but it would be an interesting question – which I am asked and I have absolutely no idea – how much this would potentially cost. Does the Minister at least have a ballpark figure?

Hon. Prof. J E Cortes: No, Madam Speaker.

Hon. C Sacarello: Madam Speaker, is the Government currently considering applying similar legislation in Gibraltar to that applied in Australia recently, whereby under-16s are prohibited from accessing certain social media platforms?

Hon. Prof. J E Cortes: Madam Speaker, the Government has not yet considered that possibility.

Madam Speaker: Next question.

Q1067/2024
Bicycle racks –
Supplier

Clerk: Question 1067. The Hon. Sacarello.

Hon. C Sacarello: Which company or entity was responsible for the supply of the bicycle tie-ups distributed around town and beyond?

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

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, the company responsible for the supply and installation of the latest rollout of bicycle racks and parking throughout Gibraltar was Site Trading Ltd. The Sheffield cycle racks – that is the name of that particular model – were ordered from an internationally renowned UK manufacturer, Marshalls UK, who have supplied and installed cycle racks successfully for many years now.

Hon. C Sacarello: Thank you, Madam Speaker, and yes, I agree that these cycle racks are extremely useful and much needed. However, they are showing signs of wear and tear and rust. Would the Minister be able to explain whether the repair, cleaning up and replacement, if needed, is covered in the contract? And, if so, when will this be carried out?

Hon. Prof. J E Cortes: Madam Speaker, the latest additions to the cycle racks have been installed in various locations in Gibraltar in consultation with the Sustainable Transport Group. It seems that there was a rogue batch and there have been some problems with that particular one. That is being corrected by the manufacturers at no cost to Government, and maintenance will, of course, continue after that.

Hon. C Sacarello: I am much obliged, Madam Speaker, for the Minister's answer. Would he be able to inform the House of the value of the tender for that particular project?

Hon. Prof. J E Cortes: Madam Speaker, I would need notice of that. It was awarded through the Government's e-procurement system, so that information will be available and I am happy to forward it directly to the hon. Member after the meeting.

Madam Speaker: Next question.

Q1068-69/2024

**Raw sewage pollution in harbour –
Public health risks and measures to combat**

520 **Clerk:** Question 1068. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, what measures are being taken and have been taken to safeguard marine and sea users from the public health risks of raw sewage pollution in the harbour following the recent sewer overflow/outflow incident in November 2024?

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

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I will answer this question together with Question 1069.

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Clerk: Question 1069. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: What measures are being taken and have been taken to 5th December 2024 to combat the raw sewage pollution in the harbour following the recent sewer overflow/outflow incident in November 2024?

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

540 **Hon. Prof. J E Cortes:** Madam Speaker, the incident in question occurred as a result of works to the main sewer. The Environmental Agency and the Technical Services Department had been liaising on the works and no overflows were expected. However, as soon as the problem was identified, the Environmental Agency advised relevant stakeholders, including the Med and Calpe Rowing Clubs, the Yacht Club, the Small Boats Marina and the Mid Harbours Association, that the area was not fit for bathing. Technical Services dealt with the necessary remedial works on the
545 main sewer, which were completed within 24 hours of the incident being reported. No measures are possible to remove the contamination, and the natural process of flushing by water flow has to be awaited. The Environmental Agency continues to monitor water quality in the area.

The latest sampling result, on preparation of the answer, was on 4th December, which indicated that levels of E.coli and intestinal enterococci were unacceptable. However, I have an
550 update. Samples were taken again on 10th December and levels were acceptable. Heavy rain has fallen since then, which can further dilute the water to make it better but can also cause storm drain overflow. Therefore, water quality will continue to be monitored. I believe there were samples taken today and we will obviously advise the public if those are also clear. We expect them to be clear, but as a precaution we are not advising the public until we have the results of
555 today's sampling.

Hon. Dr K Azopardi: What I take from that answer is that marine and sea users were given advice but no measures were taken to combat the raw sewage pollution because, the Minister says, no measures can be taken, you have to allow natural flushing. Is that based on advice that
560 he is getting from his Department, that nothing can be done other than wait? This happened three weeks ago now, I think, and there was still raw sewage that people were seeing in the area only a few days ago.

565 **Hon. Prof. J E Cortes:** Madam Speaker, the events happened on I think it was the afternoon or evening of 25th November. The samples on 4th December were still unacceptable. It took, as I said, 24 hours to resolve the problem of the sewer, so that is a few days. The fact that you cannot do anything to reduce that kind of contamination in the sea did not come from advice; it comes from my knowledge of natural systems. You would have to dilute the seawater, which rain can do, or the natural flow of currents within the area can clean it up. There was clearly an improvement
570 between the 4th and the 10th, when it became acceptable, and we are hoping that it still is.

Hon. Dr K Azopardi: If there is an oil pollution slick, they put some down booms and stuff. Can they not do the same thing? The information that I have received is that sea users, marine users, have been using that vicinity – and this is not just about dissolved raw sewage in there, but they
575 have been seeing holistic lumps of raw sewage. It beggars belief that nothing can be done at all to at least put something in the water to try to assist in the safeguarding of marine users.

Hon. Prof. J E Cortes: There is a difference. If there were lumps, then clearly there were a lot of concentrations and there would be a process of removing or containing them, provided they
580 were floating – sorry to give so much detail. I answered the question in relation to the bacteria which are in suspension in the water, and that you cannot scoop out or contain with a barrier. That is what I was referring to.

I think it is important to note that the area is not an official bathing area, but, despite that, we do take samples because we know that people bathe in it. As I said, the danger to health is more
585 in the bacteria in suspension, over which you can do nothing, than the uncomfortable unpleasantness of swimming into a lump.

Madam Speaker: Next question.

Q1070/2024

Northern Defences project – Clearance and construction works

Clerk: Question 1070. The Hon. the Leader of the Opposition.

590 **Hon. Dr K Azopardi:** Madam Speaker, what were the costs of clearance or construction works in the Northern Defences project from 2015 to date and to whom has money been paid in that respect, listing the names of the particular entities, companies, persons or contractors and the total sums paid to each?

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

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, as the Hon. the Deputy Chief Minister has previously informed the House, the sum spent
600 on the refurbishment of the Northern Defences since 2014 is a matter of public record and is available in the approved Estimates of Revenue and Expenditure. Similarly, the only contractor carrying out works for the Northern Defences project is also in the public record.

Hon. Dr K Azopardi: Is the Minister saying that the name of the contractor will be in the Budget
605 Book? Is that what he is saying?

Hon. Prof. J E Cortes: No, Madam Speaker, what I am saying is that the name of the contractor is on the public record. There have been press releases which name the contractor, and therefore it is something that that is on the public record.

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Hon. Dr K Azopardi: Can he assist me with the name of the contractor because I cannot recall the name?

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Chief Minister (Hon. F R Picardo): Madam Speaker, if something is a matter of public record it is a matter of public record. We are not here to assist hon. Members on what is public record. The Rules of the House say that the question cannot be asked and I respectfully say that probably it is just as inappropriate as a first question as it is as a supplementary, although that is a matter entirely for you.

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Hon. Dr K Azopardi: The question asks what the costs of clearance were to date. Does the Minister have that figure, or is he really asking me to go back to every single Budget Book and collect it?

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Hon. Chief Minister: Madam Speaker, this data is in the Estimates Book. The hon. Gentleman is asking us to go back to the public record and provide it to him. It really is not what we are here for. That is not to say that we do not want to answer, it is that the information is in the public domain and the Government is here to give information which is not in the public domain.

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Madam Speaker: If the information is a matter of public record, well, that is the answer you have been given. If that is the case, then I am not going to allow further pressing on this because if the information is in the public domain, then it is in the public domain. If there is a different supplementary I will allow it, otherwise I am going to ask the hon. Member to move on.

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Hon. Dr K Azopardi: Madam Speaker, I want to understand because if it is in the public domain I can do the calculation myself. Is the Minister saying that if I go through every single Budget Book and look at every single item there will be an item that refers to the Northern Defences, I can add them up and that will be the total cost? Is the Minister saying there will be no other cost other than those included in those items?

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Hon. Prof. J E Cortes: Madam Speaker, the project was run, until very recently, by the Deputy Chief Minister. I have conferred with him now and that is, in fact, the case. It is actually specified in the Estimates Book under 'Northern Defences'.

Madam Speaker: Next question.

JUSTICE, TRADE AND INDUSTRY

Q991-92/2024

Dry house –

Reports of anti-social behaviour

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Clerk: Questions to the Hon. the Minister for Justice, Trade and Industry.

Question 991. The Hon. the Leader of the Opposition on behalf of the Hon. A Sanchez.

Hon. Dr K Azopardi: Madam Speaker, in relation to the Drugs and Alcohol Rehabilitation Service's dry house, could the Government state how many police reports have been received regarding anti-social behaviour connected to dwellings directly adjacent to the dry house?

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Clerk: Answer, the Hon. the Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, I will answer the question together with Question 992.

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Clerk: Question 992. The Hon. the Leader of the Opposition on behalf of the Hon. A Sanchez.

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Hon. Dr K Azopardi: With regard to the dry house for drugs and alcohol rehabilitation services, could the Government state how many times the Police have been required to attend incidents of anti-social behaviour or similar disturbances, including calls made to the Police, in dwellings directly adjacent to the dry house since its establishment?

Clerk: Answer, the Hon. the Minister for Justice, Trade and Industry.

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Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, since 31st October 2022 when the dry house was established, there have been three reports of anti-social behaviour from either residents of the dry house or the authorities managing it. In addition, there have been seven reports from anonymous informants reporting similar behaviour during the same period. The Police have attended on all occasions.

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Hon. Dr K Azopardi: Has the Minister, in compiling this answer, been advised what the nature of the anti-social behaviour has been?

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Hon. N Feetham: The supplementary information that I have, Madam Speaker, is that the anti-social behaviour reported includes reports of nuisance by neighbours but where no offences were disclosed. I also have here, in my supplementary information, that there were no arrests and therefore no one was cautioned or charged in relation to any of these complaints.

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Hon. Dr K Azopardi: Might I ask the Hon. Minister to perhaps discuss with those providing him with the information – perhaps he wants to follow this up – whether the nature of the anti-social behaviour is drugs or alcohol related, and hence the concern of the questioner was that the dry house might be located in an area where there are reports of alcohol and drug abuse and therefore it is counterintuitive to locate it there, but it might be something that the Hon. Minister perhaps would agree to look into.

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Hon. N Feetham: I am grateful to the Hon. Leader of the Opposition and I will be doing so. Thank you.

Madam Speaker: Next question.

Q993/2024

New police station – Plans and timeline

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Clerk: Question 993. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, can the Hon. Minister provide specifics as to the plans for a new police station and a timeline as to when those plans are expected to come to fruition?

695 **Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, the Government is looking at new plans for the refurbishment and extension of the existing police station at New Mole House. A series of concept designs have been produced and the project is progressing to the technical survey stage.

Hon. J Ladislaus: I am grateful. Madam Speaker, I am going to refer the Hon. the Minister to a section in their manifesto because I think it is important to give him context as to the question that I am about to ask. At page 68 of the 2023 manifesto, in a bright red box, it stated:

NEW POLICE & FIRE STATIONS

We have been working to deliver new stations for the Gibraltar Fire & Rescue Service as well as for the Royal Gibraltar Police. It is envisaged that both will be at Rooke. The designs for these have now been agreed and signed off. The final execution of the grant of the tender for Rooke will enable these plans to go ahead in coming months.

705 I ask, therefore, why now the RGP is not indeed getting a new police station, which it appears was in the pipeline and had already been signed off on? What has happened now for this U-turn to occur?

Hon. N Feetham: Madam Speaker, I think the operative word is 'envisaged'. In our discussions in Cabinet we have been informed that there were technical problems in locating the police station where it was originally identified, in the Rooke – and the Deputy Chief Minister would have more detailed information than I, but as a result of those limitations the decision was taken to progress with the refurbishment and, indeed, extension of the existing police station at New Mole House.

715 **Hon. J Ladislaus:** Madam Speaker, could the Hon. the Minister perhaps give a little bit more detail as to the limitations that were identified? The manifesto commitment stated that the plans had actually been signed off already. It is not simply that ... it is envisaged, but then in the next sentence it says that the plans had been signed off. Perhaps the Hon. the Minister could give a bit more information as to the actual limitations prohibiting a new station being built there.

Deputy Chief Minister (Hon. Dr J Garcia): Madam Speaker, the issues that arose subsequent to that related to the height of the building and to concerns in relation to the proximity of the city walls. The size of the plot meant that the building ... I stand to be corrected and I do not want to mislead the House, but it was something like five or six storeys and it was felt subsequently, on reflection and on considering the design, that this was too large a structure to place at that particular location, so the decision was taken to refurbish and restore New Mole House and so there is now a series of technical surveys underway to establish whether that will indeed be possible.

730 **Hon. J Ladislaus:** I am grateful for that indication, but could the Hon. the Minister perhaps give some information as to the costs that are expected for the refurbishment of New Mole House itself? My understanding is that the RGP has practically outgrown that building now. I have actually been in there – because I did practise law and I did do some defence work and therefore I have been in there myself – and the building is rather dilapidated at this stage, if I may say so, and is not reflective of a modern building for a Police Force. If the Hon. the Minister could perhaps give some more information as to costs of the refurbishment?

Hon. Deputy Chief Minister: Madam Speaker, that is exactly what is being worked on at the moment. The design will then lead to a full costing of the project.

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Hon. R M Clinton: Madam Speaker, I would just ask the Minister to explain in a little bit more detail because we are trying to understand what was originally envisaged. If I recollect correctly, at the Rooke site, i.e. the development, a little piece was carved off at the end in order to accommodate the fire station and the police station. The Minister just said 'its proximity to the city walls', but unless my geography has gone completely haywire, surely Midtown is closer to the city walls – which is, I do not know, 10 storeys high – than a five-storey development at this carve-out at the end of the Rooke site. Can the Minister help us, because I just cannot envisage it?

Hon. Deputy Chief Minister: Madam Speaker, the policy in relation to that area, as far as the Government is concerned, is that we do not want a high building on that particular plot in the part that is nearest to the city walls, so that was a policy decision taken, to move the station from there.

Hon. R M Clinton: Sorry, Madam Speaker, but the Minister will appreciate that what he is saying makes no sense, because there is a development, probably at the other end of the plot, which is quite high, and five storeys ... Again, I cannot see, when he says 'proximity to the city walls' ... That area that was carved out is quite a distance from the city walls compared to Midtown, so how can the Government policy determine that the Midtown plan is fine but somehow a more remote area is not? I do not understand. Can the Minister perhaps be more honest with the House and say the technical problem is, in fact, a financial one?

Chief Minister (Hon. F R Picardo): Quite the opposite.

Hon. Deputy Chief Minister: Madam Speaker, the Midtown development was not given planning permission in our time, so this was a development that preceded our time in office. We took the view in Cabinet that we did not want a high building right next to the King's Bastion and that it was better to have an open space in that particular corner of the plot, which is the way that we would like to see things developing. So, it is a policy decision. They may agree with the policy decision, they may not agree with it, but that is what it was: a policy decision.

Hon. D J Bossino: It is a policy decision as it is now, but does it then not amount to a massive U-turn, given that –? (**Hon. Prof. J E Cortes:** Good.) The Hon. the Minister for the Environment is saying good, but then they need to admit that that is the case, because the way that my hon. Friend has set out ... the quote in the manifesto was very specific and very clear that they envisaged after seeing plans and all the rest of it. The hon. Gentlemen opposite, and Ladies, must have known how tall the building was going to be, so can't he simply say, 'We changed our mind; the policy is now, in effect, a U-turn from the position as it was set out in the 2023 manifesto'?

Hon. Deputy Chief Minister: Madam Speaker, the Government can say exactly what it is saying, and that is that we took a policy decision based on the information available at the time, and the information available at the time was that because of the growth in the number of officers and the need to provide certain facilities, the building suddenly grew from what was originally intended, and because of that we found a better solution, which was to move it somewhere else.

Madam Speaker: Next question.

Q1071/2024
Company Tax –
Amount collected and reported in October 2024

Clerk: Question 1071. The Hon. Clinton.

790 **Hon. R M Clinton:** Madam Speaker, further to the answer to question W148/2024, can the Government advise if there was any exceptional or advance receipt of Company Tax included in the £30 million reported as collected in October 2024?

Clerk: Answer, the Hon. the Minister for Justice, Trade and Industry.

795 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, the reason for this increase is that a number of payments related to the September 2024 corporate payments on account were credited to the Government bank account on 30th September but were not posted to the tax system until 1st October. The timing discrepancy led to the payments being reflected in the October revenue figures. This is normal procedure for bank payments, I am told, Madam
800 Speaker.

Hon. R M Clinton: I am grateful to the Minister for his explanation. That would explain why there seems to be an unusually large tax receipt recorded for October. But if the Minister combines the previously disclosed tax receipt for September, which is about £18.5 million, and
805 adds the thirty-odd million, the combined total comes to about £110 million for September/October. Just to compare to the best-ever revenue year in the past in terms of Corporate Tax, there was £77 million in the year 2018-19 recorded for September/October. Is there anything in the September/October combined amount of £110 million that the Minister would deem as exceptional in terms of tax receipts for Company Tax?

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Hon. N Feetham: Madam Speaker, I do not have that information available to me now, but if the hon. Member would care to give notice of the question I will endeavour to provide the answer.

Madam Speaker: Next question.

Q1072/2024
Company Tax –
Amount collected in November 2024

815 **Clerk:** Question 1072. The Hon. R M Clinton.

Hon. R M Clinton: Madam Speaker, can the Government advise the amount of Company Tax collected in November 2024?

820 **Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, the amount of Company Tax collected for the month of November 2024 is £0.6 million.

825 **Madam Speaker:** Next question.

Q1073/2024
Income Tax –
Amount collected in November 2024

Clerk: Question 1073. The Hon. R M Clinton.

Hon. R M Clinton: Madam Speaker, can the Government advise the amount of Income Tax collected in November 2024?

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Clerk: Answer, the Hon. the Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, the amount of Income Tax collected for the month of November 2024 is £22 million.

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Madam Speaker: Next question.

Q1074/2024
Income Tax (Amendment No. 2) Bill 2024 –
Intention to proceed

Clerk: Question 1074. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, is Government still intending to proceed with the so-called 'Property Tax' Bill, namely the Income Tax (Amendment No. 2) Bill 2024?

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Clerk: Answer, the Hon. the Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, yes, in the session of this Parliament.

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Madam Speaker: Next question.

HOUSING AND THE GIBRALTAR UNIVERSITY

Q1075/2024
Queen's Hotel and Sunrise Motel hostels –
Numbers with licence agreements and occupying rooms as at 5th December 2024

Clerk: Questions to the Hon. Minister for Housing and the Gibraltar University.
Question 1075. The Hon. the Leader of the Opposition, on behalf of the Hon. A Sanchez.

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Hon. Dr K Azopardi: Madam Speaker, could the Government provide the exact number of people at 5th December 2024 who have licence agreements for a room in either Queen's Hotel Hostel or Sunrise Hostel and who are residing or living in Queen's Hotel Hostel and Sunrise Hostel?

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Clerk: Answer, the Hon. the Minister for Housing and the Gibraltar University.

Minister for Housing and the Gibraltar University (Hon. P A Orfila): Madam Speaker, the Sunrise Motel has 127 residents who have licence agreements. The Queen's Hotel has 2 residents who have licence agreements. In total, 234 individuals reside at the Queen's hostel and at the Sunrise Motel.

Hon. Dr K Azopardi: So that must mean – asking the Minister – that there are over a 100 people at the Queen's Hotel or Sunrise Hotel who do not have licence agreements? Can she indicate to me if that is correct; and, if so, how that breaks down in each, if I have explained myself correctly?

Hon. P A Orfila: Yes, Madam Speaker, they do not have licence agreements because they refuse to pay the rental arrears. That is why they do not get license agreements.

Hon. Dr K Azopardi: Yes, okay, let me ask about that in a second, if I may, but can I just understand? The 100-plus – 105, I think, on my mathematics, but perhaps the Hon. Minister has a different figure; I think it is 105 – is it 105 in one in particular or, if it is 105 in both, how does it break down? That is really what I am asking first.

Hon. P A Orfila: There are 127 in the Sunrise Motel and we have ... let me see ... 158 in the Sunrise and 76 in the Queen's.

Hon. Dr K Azopardi: All right, the Minister has given me the total to allow me to work back the figures, as it were. There are 158 at the Sunrise and 76 at the Queen's, so 127 at the Sunrise have licence agreements – so, that is about 31 at the Sunrise that do not have licence agreements, and the vast majority, 74, at the Queen's do not have a licence agreement. The Minister indicated generically that the reason those persons do not have licence agreements is because they refuse to pay rent. Is that the case in respect of every single one of the 105?

Hon. P A Orfila: Madam Speaker, as far as I am aware, yes.

Hon. Dr K Azopardi: And has that been obvious from the beginning of the occupation of each of those individuals?

Hon. P A Orfila: Madam Speaker, it has been obvious from the moment I have taken it on board, checked it and verified everything.

Hon. Dr K Azopardi: I appreciate that, but that is, I think, a slightly different answer in the sense that if it has been obvious to the Minister from the time that she looked at it, it could have been no longer a duration period than October last year, because she has been in post since October last year. I am trying to understand. Presumably those individuals have been at the Sunrise or Queen's for much longer than a year. How long has it been that those people have not recognised or wished to pay a licence fee?

Hon. P A Orfila: Madam Speaker, I inherited the hostels four months ago, not a year ago. As I said, I have been checking everything. We are getting it organised. We are getting it back on steer again. Remember we had Covid, so there was a time when they were not paying, but now we want to sort things out and we are asking them to pay their arrears and their rent. Some are refusing to do this. This is why we have so many who do not have a licence agreement.

Hon. Dr K Azopardi: I am not sure I am understanding it. Let me say I am not, in any of the questions that I am asking, putting it to the Minister as if she should not be putting her answers perhaps in a slightly defensive way about what she is doing. I am not. I am trying to seek information, which is simply how long is it that that these individuals have not been paying a

910 licence fee. Presumably, for them to be paying a licence fee it must be because they have had an agreement there for a licence fee, so when she says that they are chasing up the arrears, that in itself implies that there is an agreement in place but they may be ignoring it. That is a very different situation to there not being licence agreements, which was her original answer. So, can I just ask her to clarify, perhaps?

915 **Hon. P A Orfila:** Madam Speaker, the hon. Gentleman has answered the question himself.

Hon. Dr K Azopardi: I was not intending to answer the question. I have postulated different possibilities. I am just trying to understand it. It cannot be, presumably, that there are no licence agreements in place if the Government is chasing arrears; it must be that there are agreements in place but there are arrears in relation to those agreements. Is that the situation? Is it that there are agreements and that there are arrears?

Hon. P A Orfila: Madam Speaker, of course there are agreements, and yes, there are arrears.

925 **Hon. Dr K Azopardi:** And does the Hon. Minister know from the information that she has in front of her, that may have been supplied by officials, what the extent of the arrears are?

Hon. P A Orfila: Madam Speaker, it would be a lot better if the hon. Gentleman would ask me that question next time, when I will have the figures in front of me and can give them to him.

930 **Madam Speaker:** Next question.

Q1076-80/2024

Housing waiting list –

**Updates re figures on government website;
number of termination notices resulting in flats being vacated**

Clerk: Question 1076. The Hon. D J Bossino.

935 **Hon. D J Bossino:** Please provide the current number of applicants on the housing waiting list broken down as shown in Table H.1 of the Government website.

Clerk: Answer, the Hon. the Minister for Housing and the Gibraltar University.

Minister for Housing and the Gibraltar University (Hon. P A Orfila): Madam Speaker, I will answer this question together with Questions 1077 to 1080.

940 **Clerk:** Question 1077. The Hon. D J Bossino.

Hon. D J Bossino: Please provide the current number of applicants on the housing pre-list broken down as shown in Table H.2 of the Government website.

945 **Clerk:** Question 1078. The Hon. D J Bossino.

Hon. D J Bossino: Please provide the current number of applicants on the housing waiting lists who have been allocated a flat broken down as shown in Table H.7 of the Government website.

950 **Clerk:** Question 1079. The Hon. D J Bossino.

Hon. D J Bossino: Please provide updated information of the number of termination notices issued by month in 2024, as shown in Table H.9 of the Government website.

Clerk: Question 1080. The Hon. D J Bossino.

Hon. D J Bossino: Of the termination notices issued in 2024, how many have resulted in the flats being vacated?

Clerk: Answer, the Hon. the Minister for Housing and the Gibraltar University.

Hon. P A Orfila: Madam Speaker, all the information requested by the hon. Gentleman is publicly available on the Government website and is updated monthly in arrears.

Out of the 25 termination notices issued in 2024, 21 flats have been vacated.

To answer Question 1076, the current number of applications on the housing waiting list, broken – (**Hon. Chief Minister:** No.) No?

Hon. D J Bossino: Whilst the hon. Lady consults with the Hon. the Chief Minister as to the extent of the answer – it seemed that she was going to be a bit more helpful and provide a bit more detail, but she has been stopped in her tracks by the Hon. Chief Minister in terms of providing further information – I think, in terms of the statistical information that I have sought from the Hon. the Minister for Housing, she says that it is publicly available; publicly available, I imagine, in the tables that I have referred the hon. Lady to in the Order Paper questions. When I filed the question – and perhaps she can assist me – the information, I think in all the cases, takes one, certainly as far as H.1 and H.2 are concerned, to September inclusive, so that the information was up until 30th September. What I wanted from the hon. Lady as far as those two tables are concerned – and I think those impact on Questions 1076 and 1077 – is the updated information, which would include, I would have thought, up to 30th October, and then possibly, I would have thought, given that we are now in the second half of December – or close to it, rather; the first half is very close to the middle of December – up to 30th November. Is that information available to her? I sense that that is the information she was going to be providing to me.

Chief Minister (Hon. F R Picardo): Madam Speaker, the hon. Gentleman is right: when he might have filed the question, the information was available to the end of September. That is why he has been told that the information is updated monthly in arrears. Therefore, at the end of November he would have got the information for the end of October, which is now online; at the end of December he will get the information for the end of November.

The information that the hon. Lady was going to give him was to refer him to the relevant tables, in case he were to need to be referred to the relevant tables. I do not think he needs to be, but as he will know, on Question 1076 it is Table H.1, on Question 1077 it is Table H.2, on Question 1078 it is Table H.7 and on Question 1079 it is Table H.9. That, Madam Speaker, is the information that he would have been given, but that is to assist him, to refer him to where it is publicly available and will continue to be publicly available monthly in arrears, which is the information the Government will provide.

Hon. D J Bossino: Madam Speaker, the hon. Lady and certainly the gentleman opposite are being supremely unhelpful. When I filed the question it was not in breach of the rules. When I filed the question, which was allowed, it is obvious that the information – I checked it just before filing the question – was not available, and it says very clearly that the last update was on 16th October. We filed it when? Last Friday, I think, and that was the position. I took a screenshot because I know this has happened to me in the past when, in previous Parliaments, previous Ministers have given me the same answer. With the greatest of respect to them, they are totally and utterly wrong, and all I ask the hon. Lady to do is to please provide me this information across

the House today. At this stage, because I need to consider the others, all I am dealing with is with Questions 1076 and 1077, but I think it applies to ... if the House bears with me ... Yes, they were all updated on 16th October, and the information which I sought, which are the subjects of the questions on the Order Paper, was not available.

Hon. Chief Minister: Madam Speaker, we will continue to make it available online. If there is sometimes a delay, well, it is much more information than has ever been made available online. It is updated when it is updated. It is now publicly available information. This House is not going to be able to function with business efficacy if information that is put up by the Government on the statistics side of the website is also going to be the subject of questions and supplementaries in this House. It is now available. It will continue to be available monthly in arrears. The hon. Gentleman can ask as many times as he likes. He is being supremely unhelpful to the progress this House can make on questions of political substance by insisting that we should answer his statistical question in the way that he wants, because he wants it on a particular day. The information is made available by the Government. It is available now publicly. It was going to be made available, if not on the day that he checked, then on another day. Sometimes we may be a little bit delayed, but it is being made available and that is the information the Government will give. We put more information into the public domain than has ever been put before. He has all of the information. He might not have had it on the day that he wanted it; he has it now. He can get it again tomorrow and he can get it again monthly in arrears every month because we are not hiding the information. We are putting it out there, not across the floor of this House just for hon. Members, we are putting it out there for everyone to see from the comfort of their own home, more information than has ever been put in the public domain by any Government in the history of our democracy. I know he does not like that, and I know he is about to spring up, nervous, trying to make the point of relevance of his own presence in this place, but that is what we are going to answer, however many times he asks.

Madam Speaker: We are going to move on from this particular part of the question because the information is in the public domain, it appears, and it may be with some delay. If there are any supplementaries on Question 1080, I will allow those; otherwise –

Hon. D J Bossino: There is a point of order I wish to raise, Madam Speaker, by way of guidance as to the interpretation of the rules.

Madam Speaker: Interpretation of what rule? Take me to the rule and tell me what the point of order is.

Hon. D J Bossino: Well, I do not have it in front of me.

Madam Speaker: If you tell me what the rule is, I may be able to assist the hon. Member.

Hon. D J Bossino: I think it is 16, and then there are various sub –

Madam Speaker: Rule 17 and the rules governing the right to ask questions?

Hon. D J Bossino: Yes, and I think it deals ... and it is simply by way of guidance. I think it may indeed be the last subsection, where it says:

a question shall not be asked seeking for information set forth in accessible documents or ordinary works of reference

which I assume is the one that the Hon. the Chief Minister is referring to, but the point of clarification which I think would be useful to me, and indeed to the rest of the Members of this House – and certainly it has been the practice in this House on previous occasions that the answer has been provided... Is this applicable at the time that one files the question or is it simply that a question is allowed because it is not available publicly, which was the case when I filed the question, then it becomes available, which is what the hon. Members opposite are telling us? I have not been able to check it; apparently it is on the website now. Does that mean that that question invalidated as a result of the information being provided post-submission to the Parliament?

Madam Speaker: First of all, I do not think that the question is invalidated. I think the issue is that the answer to the question then moves into the public domain and there is not a need to rehearse that. It is not a question of the question being invalidated. I will have to look at that.

Hon. Chief Minister: Madam Speaker, may I be *audi alteram partem*? The hon. Gentleman refers us to Rule 17(xv), which is about the question. I did not for one moment say that his question should not have been asked. I did not make the submission that the question was one which should not have been asked or should not have been allowed. I said that the information is now in the public domain, that the information is regularly updated in the public domain, on the Government website, and where that is happening that is the Government's answer because we update it every month. It might be slightly later each month, but it is updated every month monthly in arrears, and therefore that is what the answer is going to be, because the hon. Members have the information. They may want it sooner, they may want it this week, but the whole community is being given the information monthly in arrears. That is what the answer is going to be. I refer the hon. Gentleman to Rule 16, which deals with answers, and I would submit that our answer does not infringe the rule as to answers.

Madam Speaker: Does the Hon. E J Reyes wish to comment?

Hon. E J Reyes: Thank you, Madam Speaker. Because on previous occasions I have had a similar incident, I recall a ruling by Speaker Canepa, who said that if information that was not available at the time of the deadline for the question later on became available on a website or whatever, he deemed that the Government should answer that question across the floor of the House because that information – *(Interjection)* Madam Speaker, because I think you want to cut this instead of going on forever, I suggest that, perhaps by doing some research work, it may acquaint you with what Speaker Canepa has said in the past.

Hon. Chief Minister: There is a wider point, Madam Speaker. I do not accept that that interpretation is correct for a moment, but with the very greatest of respect to the hon. Gentleman, and indeed to you, Madam Speaker, the hon. Gentleman should know – he has been a parliamentarian for a very long time – the Speaker cannot direct the Government to give a particular answer. The Speaker can direct the Government to keep to the rules on answers, but he or she cannot direct what the answer must be. The Government gives the answer, and the Government has pointed the hon. Gentleman to where the information he wants is. Regarding the information he is asking in the question we are saying, 'This is where it is.' I have actually told him which table to look at, and I have told him it is available there. *(Interjection)*

Madam Speaker, the hon. Members are addressing the question of whether the question is parliamentary or not. The question is parliamentary. Nobody is suggesting it is not.

Madam Speaker: So, then, the situation is this. The question was clearly allowed by me. The question was proper. The answer that was given is the answer that is given. The Hon. the Chief Minister is right that whether a Minister answers a question or not is a matter for the Minister

and what answer the Minister gives is a matter for the Minister. In the interim, I will certainly look at the ruling that the Hon. E J Reyes has suggested I look at, but for the moment that is the answer that quite properly the Government can give. I refer to what I said earlier, which is if there are any supplementaries on Question 1080, which is the termination notices, I will allow it, but we are closing this subject – *(Interjection) We are closing this subject now. (Interjection) No.*

Hon. D J Bossino: I can ask supplementaries on the information, surely?

Madam Speaker: On the information that is publicly available, yes.

Hon. D J Bossino: Exactly. So, one does this now and refers to the information, which I think could very easily have been provided by way of a schedule –

Madam Speaker: Can we ask a question rather than make further statements? Otherwise, we are never going to move on from this subject matter and we are going to going to move on.

Hon. D J Bossino: But I think it is an important point of clarification.

Madam Speaker: No, the point is to ask the question.

Hon. D J Bossino: In relation to Table H.1, where the immediate observation that one arrives at ... This was updated a few days ago, on 9th December. Looking at it very quickly, we have, in effect, a snapshot of almost the entire year. This was, just to help those listening in, the number of applicants currently on the housing waiting lists in 2024. I thought it would be interesting to see how matters were progressing. It seems at this stage, as things stand, that we are dealing with a figure which is oscillating, putting it in really rough terms, between the high 800s and the low 900s. Does the hon. Member have any comments in relation to that and why we are not seeing those numbers going down significantly? It seems that we have a steady number throughout and there has not been much in the way of change.

Hon. P A Orfila: Madam Speaker, I would like the hon. Gentleman to know that the work that we are doing will eradicate the housing waiting lists at the end of our tenure.

Hon. D J Bossino: And this is why this is, I think, a useful way to explore the figures as they stand, because I think that that statement has been made by the Hon. the Minister in the past publicly – indeed, probably in that TV debate that she and I attended. Just to pin her down slightly, when she talks about eradication of the housing list, what figure would she be ...? How shall I put it in terms which do not offend the rules? At what stage would she say that she has reached that milestone, unless the hon. Lady is saying zero? For me, the ordinary interpretation of eradication would be that the hon. Lady is saying that in the next three years the figure will go from 800-900 to zero, but I am assuming that that is not the case because there will always be applicants, so at what stage will she say, 'I have now complied as far as this particular commitment is concerned – no U-turns; I had committed to do this and I have complied with the promise that I made to the people of Gibraltar'? On that basis, can I ask her to answer the point I made?

Hon. P A Orfila: To no more than 400.

Hon. D J Bossino: The hon. Lady has confirmed the position in relation to what the Government's view is as eradication of the housing waiting list. In effect, it means 50% of the current figures.

Moving on to Question 1077, which made enquiries in respect of Table H.2, which again has been updated on 9th December, only a few days ago, and we have a similar picture on – again,

1155 for the assistance of those listening – the number of applicants currently on the housing pre-list
in 2024, and we have the figures up until 30th November and the figure in terms of total numbers.
It is very difficult for me to look at the individual room categorisation, which is also very helpfully
set out. We have a figure which, in fact, seems to be creeping up, from 257 in January to 367 on
30th November. Again, what is her policy aim in relation to this? Does the promise to eradicate
1160 the housing list also apply – and I assume it does – to the pre-list? And, if so, at what figure would
she pin the eradication point in her mind?

Hon. P A Orfila: Madam Speaker, our commitments are exclusively referring to the housing
waiting list. The pre-list will eventually get there, but we are concentrating on the waiting list we
1165 have at the moment.

Hon. D J Bossino: Does the hon. Member have any policy, any ambition in relation to the ...? It
may be because I do not fully understand the mechanics of how this works, but what impact does
the hon. Member think the eradication, as she put it, of the housing waiting list, in respect of
1170 which she says she has an ambition, have on the pre-list, and can she give us a number or is she
not willing to commit at this stage?

Hon. Chief Minister: Madam Speaker, it is right that the hon. Gentleman does not understand
how the pre-list works, obviously; the hon. Gentleman was absolutely right about that.
1175 *(Interjection)* The pre-list is something that that the hon. Gentleman's party introduced. The pre-
list is one of the things that the hon. Gentleman is given to describe as the golden legacy of the
GSD. The pre-list works on the basis that you go in it for a year, so there is nothing about the pre-
list that is magical or related to policy, other than people go on it for a year, and that is how they
designed it. So, there can be no relevance to what we do with the housing list in respect of what
1180 happens to the pre-list, because you go on the pre-list, you do your 12 months and then you go
on to the housing waiting list.

I hope that is helpful, Madam Speaker, and that I have helped him to understand the pre-list,
which he confessed he did not know the workings of.

1185 **Madam Speaker:** One more.

Hon. D J Bossino: Madam Speaker, there are no further questions by way of supplementary on
Question 1077. *(Interjection)* I am grateful to the Hon. the Chief Minister for elucidating how the
system which the bad old GSD, according to him, worked out.

1190 I am moving on, for the House's assistance, to Question 1078, which enquired about Table
H.7. Again, lo and behold, this form was updated on 9th December, the same date as all the others,
and once again the figures ... This is the number of applicants on the Government's housing
waiting list which have been allocated a flat in 2024, and we have a division of months in terms of
composition of bedrooms. If one looks at the total numbers in terms of allocation on a monthly
1195 basis, it is very difficult to work out an average technically but we are talking about 15 or
thereabouts; some of them are 18, some of them are 10. Again, I am assuming that given her aim
to eradicate the housing waiting list, we will see at some point an increase in terms of allocation
as well, and I would ask her when she thinks we are likely to see an increase in the number of
allocated applicants. Does she have a view as to when we are likely to see an increase, because
1200 clearly then that will have a correlating effect on the housing waiting list and its eradication?

Hon. P A Orfila: Madam Speaker, in order to answer the gentleman's question I would have to
take out my crystal ball. I am not about to do that, but I can tell the hon. Gentleman that in my 11
months I have already allocated 155 flats to date. That excludes the 17 rent and repairs that we
1205 have given also.

Hon. D J Bossino: The hon. Lady, with the greatest respect to her, I think rather glibly responds to the question that I put to her. The sense I get from the answer that the Hon. Minister has just given ... it almost comes across, reading between the lines, that it is as a result of her own efforts, approach and work ethic and all the rest of it, that the hon. Lady is confident that she will be able to allocate more flats to applicants on the housing waiting list. The question is this, because, in fact, this cuts across all the questions that I have been posing: if we are talking about an eradication, albeit as the hon. Lady describes it and defines it, how is that going to happen? Is the achieving of that figure going to be based ...? Well, how is it going to be based? By way of the rent and review policy, which she wants to no doubt continue with? Or, if I can get to the point, is it that the Government is committing itself to building more flats to increase the stock, which would then allow it to improve the situation in terms of the housing waiting list?

Hon. P A Orfila: Madam Speaker, by the application of the policies that we have set out in our manifesto we shall bring this down to zero.

Hon. D J Bossino: I think the hon. Lady may need to clarify the position for the purposes of *Hansard*; I think there is an inherent contradiction. I think the hon. Lady may have said that before outside of this House, that she would reduce it to zero, but I think the position of the Government is that they will deem the list to have been eradicated – rather bizarrely, if I may say – if they are able to reduce the figure to round about 400.

Hon. Chief Minister: He has not asked a question, but I assume he wants to, so if he gives way I would just clarify, Madam Speaker, that the reason we are using that figure is because we are calling that the housing list issue having been resolved in the same way as hon. Members used to say that full employment in Gibraltar, which others might have interpreted as zero, was to have in the region of three to five hundred people unemployed, which is equally difficult to understand. When we say full employment, we say 20-odd unemployed; when they said full employment, they meant three to five hundred unemployed. We had that debate across the floor of this House in a time before he was elected, although he might have been here already because I think in his first term, under the leadership of Mr Feetham, that is what they had said during the course of the time that Mr Feetham had been a Minister in the GSD Government in 2007-11. When we say, dealing with the housing waiting list, we are talking about going back to what a churn should be, and we have always interpreted a churn to be in the region of two to four hundred people in a parliamentary term, and that is why he will recall we have always all referred to our great friend the Hon. Mr Joseph Baldachino, also known as Pepito Baldachino, having been the best Housing Minister Gibraltar ever had because he got it down to about 490, I think, at the time that the GSLP left office in 1996. That is why when we say zero, in churn terms we mean in the region of 400 on the list and being allocated a home in the same way as when they said full employment they meant up to 500 people unemployed.

Madam Speaker: We are going to move on very swiftly, so if there is one more question ... And then we are moving on. We are spending far too much time on this.

Hon. D J Bossino: I am finding it difficult because I am having to consider what the... thanks to my friend Mr Sacarello, who is producing these for me.

In terms of the number of termination notices issued by month, again that has been updated on 9th December and there are not any, on 30th November, in terms of termination notices issued in November. Does the Minister have any anything to add or any comments in relation to that?

Hon. P A Orfila: Madam Speaker, no terminations in November.

Madam Speaker: Next question.

Q1081/2024

**Public housing stock –
Refurbishment by private landlords**

Clerk: Question 1081. The Hon. D J Bossino.

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Hon. D J Bossino: Does the Government have a policy whereby public housing stock can be refurbished by private landlords in exchange for the decanting of tenants from the landlord's property into the refurbished flats, as raised by Action for Housing in its press release of 6th November; and, if so, what is it?

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Clerk: Answer, the Hon. the Minister for Housing and the Gibraltar University.

Minister for Housing and the Gibraltar University (Hon. P A Orfila): Madam Speaker, yes, and this has also been confirmed publicly before the deadline for questions.

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Hon. D J Bossino: I am not aware of it, but I take the hon. Lady's word for it. I will look for it. I dare not ask where it is, whether it is by way of a press release or whether it is on a website somewhere, because then the Hon. Chief Minister would rise to his feet.

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Madam Speaker: Is there a question?

Hon. D J Bossino: Is the Hon. the Minister able to set out the basic terms of that policy, because I do not think – and I stand to be corrected, but I do not think that there was ever a response by her Department to the criticisms which were laid by Action for Housing in its press release, which I referred to in the question. I do not think there was an answer and I am surprised by that, given that it would have given the hon. Member a perfect opportunity to address the concerns which Action for Housing, as an NGO, raised in relation to this supposed allocation of flats in exchange for the private landlord refurbishing those Government flats so that then that particular private landlord, according to Action for Housing, was able to decant those individuals from his or her premises; I do not know who the landlord is. Is she able to provide some information as to what the policy is and what the criteria are, so that other private landlords can approach her and offer the same?

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Hon. P A Orfila: Madam Speaker, the Chief Minister explained all of this already; I think it was during a *Direct Democracy*. Action for Housing got it wrong and they went publicly with something that was wrong. It was erroneous. It was not like that. This was a case of a Gibraltar landlord who had a property in Gibraltar and was willing to provide affordable rental in the private sector. The property was blocked by two tenants who were high up on the social waiting list and both were in their 80s; one was 82 or 84. I was able to persuade the landlord – to the taxpayers' benefit, by the way – that he would have to refurbish the flats for the two individuals. The refurbishment was carried out at the expense of the landlord instead of using taxpayers' money. The landlord also refurbished a further two flats for the Housing Department, and at my request, at no cost to the taxpayer. So, in fact, we ended up with four flats being refurbished and Government did not pay a penny.

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We have to deliver to all taxpaying members of our community and not just those on the housing waiting list, and we have to release investment into the old Town, which is always good for the GDP. What I have done, Madam Speaker, is square the circle in a very positive, forward-looking and commercial way. I hope that answers the hon. Gentleman's questions.

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Hon. D J Bossino: I think it is certainly much more helpful, if I may say, than her original answer, which is that it has been made public. I am also grateful to the hon. Lady for having identified the

source of where that came from, and I do recall the answer that the Hon. the Chief Minister gave in the *Direct Democracy* programme.

1310 She has helped to set out the considerations which would have played on her mind when she arrived at an arrangement with this particular private landlord, but what I am asking the hon. Lady is whether there are criteria, which one can refer to, that the Government would implement so that other private landlords can benefit. As I understand it, the answer would be no but that she does have her door open to this type of arrangement in respect of other private landlords who would approach her to offer similar terms.

1315 **Hon. P A Orfila:** Madam Speaker, let us make my role here perfectly clear: I am here to save taxpayers' money, I am here to look after the public purse, and if that is the case and anybody wants to come to me and refurbish our flats in Gibraltar for the Gibraltarians for free, then they are very welcome. *((Banging on desks))*

1320 **Hon. D J Bossino:** Whilst I allow the jubilation on the other side to run its course, that is fair enough in terms of an answer. I am not suggesting that we as a party would agree with that policy necessarily, but that is fair enough. How does she then square one of the criticisms, which I think she must understand is legitimate, raised by Action for Housing that one of the results of the
1325 implementation of this particular arrangement is that the individuals that the hon. Lady referred to – these 80-plus, in terms of age, individuals – jumped the housing waiting list because of a private landlord's interest? I understand that there is also an interest to the taxpayer because what the taxpayer is getting on the other side of the equation are refurbished flats at no cost to the Government, but how does she address in her mind that jumping of the queue, if I can put it
1330 in those terms?

Hon. P A Orfila: Madam Speaker, the Hon. Shadow Minister for Housing – Action for Housing – gets a lot of things wrong. Nobody jumped any queues, okay? Nobody jumped anyone. Everybody there has got an earmark. In fact, there was one gentleman in front of this gentleman who was
1335 offered a house and he rejected it, so nobody is jumping anything. We have to look at lots of other factors that come into play here. We have to look at the position on the list, the age of the applicant too: whether we want to make the last few years – whether they be many or not – of a person's life a bit more comfortable or are we going to be judgemental and say no? We have to look a lot of factors. It is not just giving a house to whomever one pleases. It does not work like
1340 that. We have to look at the social status. We have to look at the availability, if there is anything available for them. We have to look at the state of the property, because if we are going to do this, they have to really fork out money, which is going to be beneficial to us as taxpayers. At the end of everything, we are the winners – the taxpayer, the public purse, is the winner. This is what I am here to do, and I am fed up of having ... Sorry, I do not think I should be talking like this. The
1345 hon. Gentleman sometimes brings the best out of me. *((Laughter))* At the end of the day, like I said, I am here to do a service for the people of Gibraltar, and that is exactly what I am trying to do. *((Banging on desks))*

Hon. D J Bossino: More! More jubilation!

Madam Speaker: One final supplementary before we move on.

Hon. D J Bossino: I seem to provoke this: the blood pressures immediately rise each time I pose questions. But look, if I –

Madam Speaker: One final supplementary.

1360 **Hon. D J Bossino:** If I bring out the best in her, then so be it, that is very good news. Just one point of clarification, which I may not have understood because the hon. Lady is saying, I think, that there were two applicants who were granted the flats subject to the arrangements that she has already spoken about, that those two individuals did not jump the queue – (*Interjection*) that sounded a bit odd (*Interjection and laughter*) – as a result of that questioning. It sounded like a gag. The Hon. Minister is fine. But in terms of the statistics, did she say there were two applicants but four premises which were refurbished? Is that understanding correct, because it does not quite ...?

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Hon. P A Orfila: Madam Speaker, this is getting awfully tiresome. Two got the flats. I managed to get the landlord to refurbish another two flats for us, at no cost to the taxpayer. Have you understood that now? You have got that?

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Madam Speaker: I am sure the hon. Member has understood that. Next question.

Q1082/2024
Queen's Hotel –
Number of residents on government housing list

Clerk: Question 1082. The Hon. the Leader of the Opposition.

1375 **Hon. Dr K Azopardi:** Madam Speaker, how many residents of the Queen's Hotel are on the government housing list?

Clerk: Answer, the Hon. the Minister for Housing and the Gibraltar University.

1380 **Minister for Housing and the Gibraltar University (Hon. P A Orfila):** Madam Speaker, 12.

Hon. Dr K Azopardi: The Hon. Minister gave the figure of 76 – I think, in relation to the other question – residents of the Queen's Hotel, so only a relatively small number on the housing list. I see. And of those on the list, are they all on the ordinary list or are some of them on the medical or social lists?

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Hon. P A Orfila: We have some on the pre-list. So there is a number of them on the pre-list. There are a couple on the category A. In fact, the one on number 1A was offered a flat and said he did not want it. The others have been on our list since 2023, 2011, 2014, 2012, 2017 and 2024.

1390 **Hon. Dr K Azopardi:** So there is quite a range there. The Minister's information in that supplementary answer is that the of the 12, some have been on the list since as far back as 2011, some of them as recently as 2024. I think that is what she said. How many of those 12 would be historic? And when she says that they are category A, does she mean medical or social?

1395 **Hon. P A Orfila:** I believe that these are social.

Hon. Dr K Azopardi: Does she have a breakdown of how long they have been there?

1400 **Hon. P A Orfila:** Madam Speaker, there is the one of the social, who I said refused the flat. There was another one, down since 2018, but when we have tried to contact him he does not seem to register anywhere, so we want to find out whether he has passed away or whether he is

actually living still. The other one is 2017, and the reason why there is a little bit of delay is because he has been a previous homeowner. So yes, there is a very mixed bag.

1405 **Madam Speaker:** Next question.

DEPUTY CHIEF MINISTER

Q1083/2024

**Washington internships –
Position re resumption**

1410 **Clerk:** Questions to the Hon. the Deputy Chief Minister.
Question 1083. The Hon. G Origo.

1415 **Hon. G Origo:** Madam Speaker, in its manifesto the Government promised to examine how to resume the Washington internships for young people. Has this exercise been carried out; and, if so, what is the position and when can these young people expect these internships to resume, if at all?

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

1420 **Deputy Chief Minister (Hon. Dr J J Garcia):** Madam Speaker, the Government, as promised, examined how to resume the Washington internships for young people in order to make the policy more cost effective. The final decision will, therefore, be reflected in the Estimates of Revenue and expenditure for 2025-26.

1425 **Hon. G Origo:** Madam Speaker, I am grateful to the Deputy Chief Minister for confirming that they have indeed examined the position on the internships, but may I ask – because in its manifesto commitment the Government talked about looking how to restructure this programme – in the context of restructuring are we looking at changing the location? Is it a timing of which part of the academic year they are going? Are we looking at changing the state, the country even? What is the restructure itself entailing? Does he have any more details on that?

1430 **Hon. Deputy Chief Minister:** Madam Speaker, the Washington internship will obviously be in Washington, but the funding for that has always come through my colleague the Minister for Education and the Department of Education budget, so I do not want to say anything which might pre-empt the discussions the Government will have internally in relation to budgets and the and
1435 Estimates of Revenue for next year, but essentially a restructure to make it more cost effective, if that helps the hon. Member.

1440 **Hon. G Origo:** May I just ask, then, is it the position from the Government, or indeed the Minister, that this programme should be in place for the next academic year in 2025, or is he looking at how to fund that in the next Budget session and perhaps we are looking at starting in academic year 2026?

1445 **Hon. Deputy Chief Minister:** Madam Speaker, that is a discussion. What I have informed the House and the hon. Member already is that we will be having that discussion in the context of the estimates for next year.

Madam Speaker: Next question.

Q1084-85/2024
Land Registry –
Number of property sales and deeds registered 2014-24

Clerk: Question 1084. The Hon. the Leader of the Opposition.

1450 **Hon. Dr K Azopardi:** Madam Speaker, how many sales (assignments or conveyances) of property have been registered in the Land Registry in the period 2014-24, broken down by the number of sales in each calendar year?

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

1455 **Deputy Chief Minister (Hon. Dr J J Garcia):** Madam Speaker, I will answer this question together with Question 1085.

Clerk: Question 1085. The Hon. the Leader of the Opposition.

1460 **Hon. Dr K Azopardi:** Madam Speaker, how many deeds have been registered at the Land Registry in the period 2014-2024, broken down by the number of deeds in each calendar year?

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

1465 **Hon. Deputy Chief Minister:** Madam Speaker, the information requested is in the schedule I will now hand over to the hon. Member.

Madam Speaker: We will move on to the next question and revert to this one for supplementaries.

Answer to Q1084-85/2024

Year	Assignments	Conveyances	Number of Deeds
2014	637	27	1934
2015	472	27	1632
2016	1361	17	5481
2017	1095	17	2259
2018	869	36	2682
2019	918	17	2378
2020	1291	30	2223
2021	922	14	3151
2022	1067	41	3397
2023	1498	23	4224
2024	358	12	2502

Q1086/2024

**Intergovernmental Committee for a Non-negotiated Outcome –
When established**

1470 **Clerk:** Question 1086. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, when was the NNO the Intergovernmental Committee for a Non-negotiated Outcome established?

1475 **Clerk:** Answer, the Hon. the Deputy Chief Minister.

Deputy Chief Minister (Hon. Dr J J Garcia): Madam Speaker, the existing NNO board first met on 28th June 2021.

1480 **Hon. Dr K Azopardi:** What does he mean by 'existing' NNO?

Hon. Deputy Chief Minister: Madam Speaker, there were previous boards before that, and in June 2021 the UK and Gibraltar Governments took the decision to call it the NNO Board.

1485 **Hon. Dr K Azopardi:** I see. The Hon. Deputy Chief Minister will know that the reason I posed this question is because we had an exchange in last House about the number of meetings and all of that. I was not aware that there had been previous boards. Was the scope of the previous boards the same? Did he hear my question? Does he want me to repeat it?

1490 **Hon. Deputy Chief Minister:** Madam Speaker, previous boards referred and related also to contingency planning but in relation to the Withdrawal Agreement and the Withdrawal Treaty. This one was set up in June 2021 in the context of the future relationship negotiations, which started in October.

Q1084-85/2024

**Land Registry –
Number of property sales and deeds registered 2014-24 –
Supplementary questions**

1495 **Madam Speaker:** Is the Hon. the Leader of the Opposition in a position to ask supplementaries on Questions 1084 and 1085, or would he like some more time? All right, we will take those now before we move on.

1500 **Hon. Dr K Azopardi:** I am grateful for the schedule given to me by the Hon. Deputy Chief Minister. In terms of the specific question on the number of deeds, may I ask him this: can I assume that the total number of deeds, 1,934, would include ...? Let's say, for example, 2014: the 1,934 total deeds would include 637 and 27, firstly? And secondly, if so, or irrespective of the answer to that question, does he have information in front of him, compiled by officials, as to what the nature of the other deeds would be? Is there a breakdown of the nature of deeds?

1505 **Deputy Chief Minister (Hon. Dr J J Garcia):** Madam Speaker, I am told that the number of deeds includes all documents submitted for registration at the Land Registry and that the number of deeds of assignment and conveyances year on year have been included, as requested.

1510 **Hon. Dr K Azopardi:** That answers the first one, but can he give me information in relation to the second question that I posed, which is; does he have a breakdown on the basis that, again taking 2014, the figure of 1,934, the total number of deeds, includes the 637 assignments and the 27 conveyances ... what the other over a thousand – 1,200, I think – deeds are? Does he have a breakdown of the nature of those deeds?

1515 **Hon. Deputy Chief Minister:** Madam Speaker, I do not have a breakdown. I am happy to provide that to hon. Member if he tables a question, but what I am told is that all other types of documents have been disregarded for the purposes of this report.

1520 **Hon. Dr K Azopardi:** But given that he has answered in that way, it is possible to provide a breakdown if I submit a question. That is how I understand his answer.

Hon. Deputy Chief Minister: Madam Speaker, we shall seek that information from officials. If it is available, we will be happy to provide it.

1525 **Madam Speaker:** Next question.

INWARD INVESTMENT AND THE GIBRALTAR SAVINGS BANK

Q1087/2024

Government and government company debt –
Reason why accrued interest not shown in WA157/2024

Q1088-89/2024

Sinking Fund –
Source of £100,000 increase; balance on 1st November 2024

Q1090/2024

Public debt –
Figures at 1st November 2024

Q1091-97/2024

Government debentures –
Whether £75 million repaid or refinanced; total amount in issue at 1st November 2024;
term sheets/prospectus for all in issue at 31st October 2024; interest rate structure; GSBA Ltd

Clerk: Questions to the Hon. Minister for Inward Investment and the Gibraltar Savings Bank. Question 1087. The Hon. R M Clinton.

1530 **Hon. R M Clinton:** Madam Speaker, can the Government advise why, in answer to Written Question 157/2024, accrued interest is not shown for Government debt or Government company debt?

Clerk: Answer, the Hon. the Minister for Inward Investment and the Gibraltar Savings Bank.

1535 **Minister for Inward Investment and the Gibraltar Savings Bank (Sir J Bossano):** Madam Speaker, I will answer this question with Questions 1088 to 1097.

Clerk: Question 1088. The Hon. R M Clinton.

1540 **Hon. R M Clinton:** Madam Speaker, can the Government advise the source of the £100,000 increase in the Sinking Fund as at 1st October 2024?

Clerk: Question 1089. The Hon. R M Clinton.

1545 **Hon. R M Clinton:** Can the Government advise the balance on the General Sinking Fund on the following date: 1st November 2024?

Clerk: Question 1090. The Hon. R M Clinton.

1550 **Hon. R M Clinton:** Can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date: 1st November 2024?

Clerk: Question 1091. The Hon. R M Clinton.

1555 **Hon. R M Clinton:** Can the Government advise if the £75 million five-year Gibraltar Government debenture was repaid on 10th October 2024, or has it been refinanced with the Gibraltar Savings Bank; and, if so, on what terms?

Clerk: Question 1092. The Hon. R M Clinton.

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Hon. R M Clinton: Can the Government confirm the total nominal amount of Gibraltar Government debentures in issue as at 31st October 2024?

Clerk: Question 1093. The Hon. R M Clinton.

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Hon. R M Clinton: Can the Government provide copies of the term sheets or prospectus for all Gibraltar Government debentures in issue as at 31st October 2024?

Clerk: Question 1094. The Hon. R M Clinton.

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Hon. R M Clinton: Can the Government advise when the interest rate structure of Gibraltar Government debentures was decreased and who gave the instruction to do so?

Clerk: Question 1095. The Hon. R M Clinton.

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Hon. R M Clinton: Can the Government advise the interest rate structure of the Gibraltar Government debentures in issue as at 31st October 2024, broken down by issue and amount with a comparison to that as at 31st January 2024?

Clerk: Question 1096. The Hon. R M Clinton.

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Hon. R M Clinton: Can the Government advise why GSBA Ltd has issued £16 million of 20-year debentures to the Gibraltar Savings Bank?

Clerk: Question 1097. The Hon. Hon. R M Clinton.

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Hon. R M Clinton: Can the Government advise why the 25th July 2044 debenture issued by GSBA shows a nominal value of £10,457,866.15 as at 30th September 2024, as held by the Gibraltar Savings Bank, as opposed to £10.5 million as at 31st August 2024? Does this debenture repay capital?

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Clerk: Answer, the Hon. Minister for Inward Investment and the Gibraltar Savings Bank.

Minister for Inward Investment and the Gibraltar Savings Bank (Sir J Bossano): Madam Speaker, as regards the accrued interest in GSB investments, this has always been limited to loans quoted on the Stock Exchange.

The increase in the level of the Sinking Fund on 1st October 2024 was due to the receipt of interest rates to the fund.

The balance on the General Sinking fund on 1st November 2024 stood at £18.6 million.

The gross public debt and the aggregate debt after the application of the Sinking Fund to gross debt, cash reserves and net debt figures at 1st November were as follows: gross public debt, £872.7 million; aggregate debt, £854.1 million; cash reserves, £95.7 million; net debt, £758.4 million.

The £75 million five-year Gibraltar Government debenture has been refinanced with the Gibraltar Savings Bank.

The total nominal amount of Gibraltar Government debentures in issue at 31st October 2024 is £372.7 million.

The Government cannot provide copies of the terms sheets/prospectus for all Government debentures in issue at 31st October 2024.

The interest rate structure of Gibraltar Government debentures was decreased on 1st April 2023 as per Directives 2/2023, 3/2023, 4/2023 and 5/2023 issued by the Financial Secretary.

The interest rate structure of the Gibraltar Government debentures in issue at 31st October 2024 broken down by issue and amount with a comparison to that as at 31st January 2024 is as follows: 1.5% on 31st January for all the debentures, and on 31st October, 3.5% for the £100 million debenture and 2.7% for the rest.

The issue of the debentures from GSBA to the Savings Bank is because the GSBA sources funding for potential investments.

The 25th July 2044 debenture issued by the GSBA shows a nominal value of £10,457,866.50 at 30th September 2024 due to the repayment of some of the capital.

Hon. R M Clinton: Madam Speaker, I will crave your indulgence as you will appreciate they are all bunched together and some of these are quite technical questions.

If I may direct the Minister to his answer to Question 1087, he states that the practice has been to only give the accrued interest for quoted securities, but if you were to look at the position which is provided in March 2024 he will see that there is accrued interest presented there. I would ask if the Minister would be willing to go back and ask the officials why they cannot present the information that I asked for in the same way as they provided it as at 31st March 2024.

Sir J J Bossano: Madam Speaker, what I can tell the House is that in the 52 years that I have been here the only breakdown in the Savings Bank investments that showed an element of the accrued interest is the one that I am being provided with. Clearly, I do not know who, before the 52 years, suggested the system but it is a system that makes sense as far as I am concerned; I do not know if that was the reason why they did it. The reality is that one thing is to have the accrued at the end of the financial year, which is one calculation, and the other thing is to do it every month, which means 12 calculations. Of course, in the case of the quoted stock it is done on a monthly basis, and indeed it could be done on a weekly basis and on a daily basis and on an hourly basis, because the stuff that is quoted is changing in price all the time, and part of the value of the stock would be how soon the transaction is happening in terms of when the next interest is paid. If you buy or sell a stock that within 24 hours would pay interest, that would be reflected in the value, so the valuation that is done on a monthly basis shows what the capital value is and the accrued interest that would be resulting from a disposal. That is not the case with local debentures from the Government of Gibraltar or from Gibraltar Government Companies. From the perspective of analysing why there is a difference, that would be the logical explanation that I

would provide if the decision had been mine. I would say that if the hon. Member mentions that in March 2024 it is shown, it is, of course, because in March 2024 everything gets closed, but if they were to do the same thing every month then it would mean creating more work for no apparent reason, whereas in the case of a stock the importance is that if we were to sell it the day after that figure was there, the interest rate would have an impact on the valuation.

Hon. R M Clinton: Madam Speaker, I am grateful for the Minister's answer.

If I can move on to the next question, Question 1088, I believe the Minister said it is receipt of interest. Would that be the interest on the balance of the Sinking Fund, which I presume is held on deposit? Is that what the Minister is telling us?

Sir J J Bossano: Yes, it is the interest earned on the money in the Sinking Fund. It cannot be anything else.

Hon. R M Clinton: I thank the Minister for that answer.

If I can move on to Question 1089, the balance the Sinking Fund: the Minister says it is £18.6 million, which I believe – the Minister can correct me if I am wrong – is a £100,000 increase on the last reported number to the House.

Sir J J Bossano: Yes, Madam Speaker, and I imagine that that, again, is receipt of interest.

Hon. R M Clinton: Madam Speaker, I do not intend to ask any supplementaries on Question 1090.

I move on to Question 1091. The Minister has indicated that the £75 million 5-year Government debenture was refinanced with the Savings Bank, but he did not indicate to the House what the terms were.

Sir J J Bossano: Madam Speaker, the hon. Member has another question which deals with the interest rates on the debentures and includes the £75 million.

Hon. R M Clinton: Yes, that is correct, Madam Speaker, but in my book 'terms' is not just the right but also the period.

Sir J J Bossano: He has also got a question, Madam Speaker, on the terms of the debentures.

Hon. R M Clinton: Madam Speaker, I presume when he gave the answer he was referring to Question 1095. I do not believe I heard the terms but I am happy to be corrected. (**A Member:** Question 1093.) I am happy to be corrected if he has given that information in Question 1095, but can he at least advise was it a five-year rollover as in the past, or what time period was this £75 million rolled over for?

Sir J J Bossano: Madam Speaker, the hon. Member has other questions which deal with the terms of the debentures to the Government. The position is that the terms of the debentures to the Government can be changed in terms of times of repayment or rates of interest because it is not something that is being done with an external source.

Hon. R M Clinton: I am very grateful to the Minister for his answer; it is not, in fact, what I asked, but it is interesting to hear what he had to say. I am asking specifically about this £75 million that was refinanced with the Savings Bank. Can the Minister advise for how long this £75 million has been refinanced? Is it indefinite? Five years? Three years? Can the Minister advise?

Sir J J Bossano: Madam Speaker, all the debentures of the Government of Gibraltar held by the Savings Bank can have their dates of repayment changed by mutual consent, given that the person who has to negotiate the repayment, whether it is to make it later or make it earlier, happens to be the same person on both sides. That is to say the Financial Secretary as the Financial Secretary will negotiate it with the Financial Secretary in his role in the Savings Bank, so the reality is that we are not dealing with ... If you have a debenture, as they used to have, from NatWest, then it will have a term which you then have to negotiate if you want to change. That is not the position when the public debt of the Government is held by the Savings Bank because the Savings Bank has the flexibility that it will do what is of best benefit to the Government finances in terms of either the length of the repayment or the rate of interest. The hon. Member needs to understand that this is not something where we are dealing with an external body.

Hon. R M Clinton: Madam Speaker, I do not know what to say, but ... Basically, what the Minister is advising the House is that the government debentures issued to the Savings Bank are effectively an open IOU and the Government quasi Savings Bank can change the terms at any point in time it desires and change the repayment dates and the rates.

Is that why the Minister advises the House it is not possible ...? I am moving on to Question 1092. In Question 1092 I am pleased to see that the nominal amount has not changed in terms of the total amount of government debt in issue, but in terms of Question 1093, when he says it is not possible to give copies of term sheets of prospectuses is it because, as the Minister has indicated to the House, the terms are fluid, they can be changed at any point in time and therefore, in the Government's mind, there is no point issuing a prospectus other than literally writing on a piece of paper, 'I owe you £372.7 million, repayable at whatever rate I choose and whenever I choose'? Is that the position of the Government?

Sir J J Bossano: The position of Government is to give factual answers to factual questions, and the reason why I cannot provide the terms sheets or prospectus is because they do not exist. If the hon. Member opposite switches from talking about debentures to talking about IOUs in the expectation that an IOU would sound nastier to anybody listening, he needs to understand that unnecessary structures are not efficient. If he thinks there is some great efficiency from the Government saying, 'I am going to issue a five-year debenture to the Savings Bank,' and he thinks that any government that has the situation of the relationship that exists between what is a special fund ... that they would be treating the Government as a bank that is privately owned and as an outside lender would treat the Government, then I am afraid that his knowledge from his banking past must know that this is not the case. If a government goes to an external bank, they have a lot of legal paperwork to do with the external bank. That legal paperwork does not exist and there is no need for it when it is an internal relationship between the Savings Bank and the Government. This is one of the benefits of the Government using exclusively, as it is now, the Savings Bank, and the other one is that, unlike the situation in their time ... In their time, Madam Speaker, the situation was that they stopped using the Savings Bank and they were using the services of the local banks here, where they were paying interest at a much higher rate to the banks, like NatWest and Barclays and so on, and at the same time paying a much higher rate to depositors and losing £9 million a year in the process. For the Government to put public money in a bank and then pay more on loans than they need to is not the most efficient way to deal with the finances of Gibraltar, and I think the way the system is operating now is what gives us best value for money.

Hon. R M Clinton: I thank the Minister for his answer.

If I can move on to Question 1094, my question was when the structure of the Gibraltar Government debentures initially decreased, and he indicated 1st April 2023. Then he rattled off a list of directives given by the Financial Secretary. For my benefit and maybe the benefit of the House, if he could repeat those directives to the House, I would appreciate it.

Sir J J Bossano: Madam Speaker, the directives are all in 2023 on 1st April, and therefore the directives are number 2, number 3, number 4 and number 5.

1750 **Hon. R M Clinton:** Madam Speaker, I know I have asked in the past for directives from the Financial Secretary and been blankly refused by the Government. Would the Minister be willing to provide the House with copies of those directives?

1755 **Sir J J Bossano:** Madam Speaker, the problem with giving the hon. Member information is that there is nothing finite about any information. If you say to him there is a sentence, he wants to know where there is a full stop. If you give him where the full stop is he wants to know where the comma is. This is an internal document between two Departments of Government and this is not made public. I think, frankly, if it had been my decision, he probably would not even have got the date because the result that is important is not whether it is done at nine o'clock in the morning or at five o'clock in the evening. That is the level of detail that the hon. Member wants to have about things, which he may well get if he ever is in Government and spends all his time supervising directly the staff in the Savings Bank or in the Treasury. Frankly, I only knew there was a directive because the answer has been provided for his benefit. As far as I am concerned, in my responsibilities to this House and to the public I have no need to know what was in the directive and when it was issued, because these are the internal workings of Government. This is done by the professionals in the system; these are not political decisions.

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Hon. R M Clinton: Madam Speaker, this will be the last one on this particular question, Question 1094. The Minister is not an uncurious individual, I am sure; I know he has an inquiring mind, which I fully respect. But can he explain why it took five directives to change these interest rates?

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Sir J J Bossano: I have an inquiring mind, Madam Speaker, but I direct it to trying to understand quantum physics, not why they did it in four tranches instead of doing it in one. I do not know why – I did not even know it had happened – but this is a mechanical element, this is not a policy element. Obviously there are internal rules on how things are done, and those rules, I imagine, dictate that it should be done in this way. In the Civil Service, rules tend to be kept alive for a very long time unless somebody takes a decision to change them. It is the same as I told him in the earlier answer about the Government not accruing debt with the interest rate that was accumulating, and I thought of a sensible explanation for it but that does not necessarily mean that the original decision was taken in the way that I have analysed it *post hoc*. As a general rule, all the methodology of doing things in the Government stay in place, maybe in some cases after they are needed for whatever reason they were done previously, unless somebody comes along and questions it. If I said tomorrow, 'Why couldn't you do it in one instead of four?' then probably somebody would look at it and either come back with an explanation or say, 'Yes, really there was no need to do four, it could have been done in one.' But it is not the kind of thing that normally would involve a policy decision; this is a mechanical thing.

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Hon. Dr K Azopardi: Before my hon. colleague moves on, may I just ask on this question? The hon. Member says it is not a political decision, it is a decision of Financial Secretary. Is he saying that there was no political involvement in a discussion before the rate structure change? On something as important as the interest rate structure on Government debentures is he saying that there was no prior discussion with either himself or the Minister for Finance, the Chief Minister, on the issue of changing the interest rate structure on the Government debentures? I hear what he says, that the instruction was given by the Financial Secretary, but was there a prior discussion on that which then gave rise to the instruction?

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Sir J J Bossano: Madam Speaker, any discussions that we have in the Government are not things that we put in the public domain, but the responsibility for implementing decisions to arrive at the results that we want to arrive at in terms of the public finances are taken on the advice of officials if it requires a policy decision. So, there might have been options. Some options sometimes are advised and we are given a choice and then a political decision is taken on whether it should be done one way or another, but only to that extent.

Hon. Dr K Azopardi: So is it that what he is saying now – at least the way that I have understood it – is that there was a discussion at a political level and then what followed was an instruction given mechanically by the Financial Secretary, but there had been a prior policy view taken by the Government on this issue?

Sir J J Bossano: No, I am not saying that. I am saying that he knows, having been in Government, how these things work, and that the decisions that are taken and I am not limiting what I am saying to this specific decision, I am saying in general terms this is what happens. Whether it would happen on this occasion or not, I am telling him that the discussions that happen on specific things are not things that we are going to put in the public domain any more than he and his Government put in the public domain when they were the Government. These are things that are the internal workings of the Government and he knows that because he has been there.

Hon. Dr K Azopardi: So he is answering generically but not specifically on this issue. That is how I understand it. Can I ask him in this way: would it ever be the case that the Financial Secretary would issue an instruction like this without there being a policy view of the Government?

Madam Speaker: That is essentially a hypothetical question.

Hon. Dr K Azopardi: I am trying to ask it in a different way; I am not asking hypothetically. Let me put it in these terms, Madam Speaker, if I may rephrase it on my feet. The Financial Secretary has issued an instruction in relation to an important issue of the interest rate structure of Government debentures. Is it not the case, therefore, that the conclusion must be that the Government has taken a political view beforehand? He would not be doing it off his own bat.

Sir J J Bossano: Madam Speaker, he is not asking for information; he is asking me to confirm or deny his speculations.

The Government policy in the Savings Bank is that we want to finish with £100 million in the kitty by 2027 and not leave the Savings Bank with £1,444.05, as we got from them. So, as long as we are comfortable that the £100 million – the target that we have put in the manifesto – is going to be met, we do not interfere with the professionals' decisions that are not in conflict with the Government policy. The policy is where we want to be. Whether the rates of interest to debentures in the Government at some point in time are higher or lower, as long as it does not put at risk the eventual level of our commitment, is fine.

Madam Speaker: Is the hon. Member moving on to supplementaries in relation to the next question?

Hon. R M Clinton: Yes, Madam Speaker, I am moving on to Question 1095. Question 1095 is a very technical question, which the Minister will appreciate. I did ask for a comparison, but I believe he gave some numbers and some rates. What I would like the Minister, if it is possible – he probably has it in front of him ... I imagine there will be one number of £147.7 million, another number of £100 million, and maybe another number combined coming to £125 million. Would he be kind enough to indicate the numbers he has in front of him, with the rates beside him? I think I caught one – 2.7% for the rest, and I imagine the rest would be £125 million, if he could confirm

that; 3.5% I imagine would be £100 million, but I did not quite catch the first bit – is it £147.7 million at 3.5%?

Sir J J Bossano: The figures that I have given him are the structures of the debentures on the two dates that he mentioned. All of them were at 1.5% at one stage, and at the second stage only one was at 3.5%, so obviously the balance were at 2.7%. I think this is simple arithmetic.

Hon. R M Clinton: Sorry, Madam Speaker, I really cannot follow him. Could he just set it out? He says the 1.5% ... I am asking at two points in time, 31st October 2024 and 31st January 2024. Can he provide the information in that format?

Sir J J Bossano: Madam Speaker, it is not a question of the format. The information does not change because of the format. The position is that on 31st January ... In the other answers he has the list of debentures, he has the total and the amounts in each debenture, and I am telling him the whole of the £372 million debenture, all the debentures, all the public debt, is in the Savings Bank. So, in January the public debt was costing the Government of Gibraltar 1.5%, and then at a later stage it was changed so that one of the debentures, the £100 million one, was at 3.5% and the others – three, I think it is; I think there are four in total – at 2.7%. What is it that he thinks I need to say more to give him the information that he wants?

Hon. R M Clinton: Madam Speaker, that is a lot clearer. Thank you very much. I am grateful to the Minister. So, as at 31st January 2024, of the entire nominal balance of Government debentures in issue – and the Minister will correct me if I have got this wrong: £372.7 million – was paying interest at the rate of 1.5%. At some point – and if the Minister has the information in front of him I would be grateful if he could advise the House when this changed – the £100 million debenture changed to 3.5%, and then the balance, being the difference between £372.7 million and £100 million, which would be £272.7 million, is paying interest at 2.7%. If I have got that wrong, I would be grateful if the Minister could advise me. But can he advise the House: these rates, are they fixed or are they a percentage over LIBOR or some other structure?

Sir J J Bossano: No, they are not a percentage of anything; they are fixed.

Hon. R M Clinton: Madam Speaker, this is the bit that I find hard to understand because, as the Minister knows, I ask regularly for the position of the investments of the Savings Bank and the answer I got to my Written Question W23/2024, in terms of a breakdown of where and how all the moneys and deposits in the Savings Bank had been invested and the rates of return on each of these investments as at 31st January 2024, was 'His Majesty's Government of Gibraltar debentures at 6% and 8.3%'. Can the Minister advise how that reconciles with the 1.5% he has advised the House?

Sir J J Bossano: Not as a supplementary, but I can certainly go back and find out.

Hon. R M Clinton: Well, I would be grateful if the Minister would because we ask questions in this House for a purpose and it is a bit disconcerting to be given a number which is widely different to 1.5%. If, as at 31st January, we were being told Government was paying 6% and 8.3%, only now to be told they were in fact paying 1.5%, that is a huge difference and I would be grateful if the Minister would go to his officials and ask them how they arrived at these numbers. I do know from past questions it was fixed at 6% for a number of years and the 8.3% was a result of a 3.05% spread over LIBOR at the time, which will bring us to the 8.3%, so at that point in time I saw no reason why that information was not correct, but the Minister is telling us now that it had changed and that information is no longer correct. Madam Speaker, this is where I get to the crux of the matter. We seem to have a very fluid arrangement through Government debentures, and the reason it is

important, as the Minister will know, is the interest charged on Government debentures goes to the Consolidated Fund as a direct charge of the Consolidated Fund. If you play around ... I apologise for using the word 'play'. If you change the rates on Government debentures, you change the results on the Consolidated Fund by definition. So if at 1st April 2023 ... and certainly we had no indication at the last Budget that the rate on Government debentures was as low as 1.5% ... the projected estimates will obviously have a much lower interest rate, although I do not think, looking at the Budget, that was reflected. And now we are told £100 million is paying 3.5% and £272.7 million is paying 2.7%. The Minister previously said – Madam Speaker, I am coming to a question; I apologise – that they want to do in the Savings Bank what is of best benefit to Government finances, which is really a confession, so I ask the Minister: if it is the avowed intention to increase the reserves of the Savings Bank to £100 million, how is this 'investment' of £372 million, which is giving them a return lower than the Bank of England base rate, a good investment?

Sir J J Bossano: Madam Speaker, the purpose of the Savings Bank is not to make money for shareholders, because *they* thought it was not necessary for the money to be in the Savings Bank at all. When they were in Government they decided to take all the reserves out, and we decided to put them back. In fact, at the beginning of our first term, in 2011, we said we would not commit ourselves to the 10% that used to be there before, but that we were committed to target increasing levels of reserves, and that is what we do. If we are satisfied that the level of reserves that we have taken a political judgement on as our objective – just like they took a political judgement that it was really not necessary to have reserves – is going to be met, then there is no conflict between the efficient use of funding for the Government in a way that benefits the Government finances, which is what we all want to see happening. I have already answered in his first part that I will go back and give him an answer because I cannot give him an answer standing on my feet on this, that he should wait and I will give him the answer when the time comes.

Hon. R M Clinton: Madam Speaker, this really is an important and crucial point. If I understand the Minister correctly, he criticises the GSD for running down the reserves to zero, but what he was saying is that so long as he has some money in the Savings Bank it does not matter if the Savings Bank is subsidising the Government. It is the same thing. He is effectively giving a subsidy to the Gibraltar Government. They are borrowing at below market rates from the Savings Bank. They are actually operating at a loss. Joe Bossano has written – sorry, Sir Joe, the Minister; I apologise, Madam Speaker – has written to depositors accusing me, by name, of wanting to create losses in the Savings Bank – is there on public record – but he is, in fact, now admitting that the Savings Bank is subsidising the Government. He is the one who is causing a loss in the Savings Bank, and in fact the value of the subsidy at 2% on £372 million is over £7 million. He is giving £7 million from the Savings Bank to the Gibraltar Government. Is that not the case?

Sir J J Bossano: Madam Speaker, this is the third time that I have to tell the Member that he is raising new matters which I will give answers to when I have gone back and obtained the answers. It is not that I am criticising him for leaving the Savings Bank with £1,444.05; it is that if he defends that, then clearly £76 million in the Savings Bank today means that we can be comfortable if there is a loan to the Government at a rate that is not the market rate outside. Perhaps the hon. Member would prefer us to do what they used to do, which was to lend money to the banks at a rate which was below what they were borrowing, and they were borrowing their own money and creating losses. If there is a situation where tomorrow we were to decide that the Savings Bank should actually pay a dividend, as they used to call it, of say £5 million, I would still not be doing what he urged me to do a couple of years ago, which was to transfer the entire reserves. That is what it said to me in one of the Budgets: I should take the reserves out and give it all to the Government. If he thinks that that is what I should be doing, then he should be rejoicing that in his book I am doing a very small part of what he wanted me to do.

Madam Speaker: Any supplementaries on the next question? There have been six on this. Anything on Question 1096?

1955

Hon. R M Clinton: Madam Speaker, thank you for your patience, but it is quite a lot of questions to go through.

1960

Madam Speaker: Well, I am keeping a note, but you have had six on Question 1095, which is why I am asking you to move on to Question 1096 now.

Hon. R M Clinton: You will appreciate that it is an important matter.

1965

Madam Speaker: That is why I have allowed them; move on now to Question 1096.

Hon. R M Clinton: Madam Speaker, I think his answer to Question 1096 was not very clear, but can he explain to the House why GSBA is now issuing 20-year debentures when it has never seen the need to do so before?

1970

Sir J J Bossano: Well, I think there are some potential investments that may need longer funding than others, but the bulk will be much shorter than that.

1975

Hon. R M Clinton: I will move on to my final question, Madam Speaker, you will be pleased to hear, Question 1097. The Minister seems to have indicated or I believe he has indicated that there is a repayment of capital on this bond. Would the Minister be willing to provide the House with the capital repayment terms or schedule, or the rate of repayment of capital? It is unusual that a bond should repay capital so soon; it has only just been issued. Can the Government advise what the repayment rate is? Is it a straight line over the life of the debenture to 2044? Is there some other formula for the repayment of capital? Is there any interest rate paid as well on this particular bond? And is it that the capital is repaid monthly? It seems to be a change from one month to the next. He kind of indicates that it might be a monthly repayment of capital. If there is a repayment of capital, does that roll into an effective interest rate? Is there interest paid on top? Can the Minister provide some information to the House?

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Sir J J Bossano: I will try and find all those elements that the hon. Member ... I cannot provide him with any of that. The question is quite simple, whether it was repaid, and the answer is yes, it was repaid. He gave me the original figure and the new figure, and he asked me if the difference between the two was that the level in between was a repayment of capital, and the answer is yes, It was a repayment of capital. Whether any of the other elements that he mentioned exist or not, I do not know.

1990

Hon. R M Clinton: Madam Speaker, I am grateful to the Minister for his frank answer, but would he exercise his inquiring mind and perhaps find out what exactly are the repayment terms of this bond and come back to the House?

1995

Sir J J Bossano: I am not saying that any of the elements that he listed exist. I do not know whether they do. I do not know whether this was just a one-off thing that happened or there is a debenture with a schedule that requires repayments. The question was a straightforward question saying is the reason for the difference in the figures on two dates a repayment, and the answer is yes. That is what the question was, and that is what the answer is: confirmation of what the hon. Member assumed had happened.

2000

Madam Speaker: Is that the end of the Questions?

Adjournment

Clerk: The Hon. the Chief Minister.

2005

Chief Minister (Hon. F R Picardo): Madam Speaker, thank you. I would propose that the House should now adjourn to Monday at four o'clock in the afternoon, when it is the Government's intention to suspend Standing Orders and proceed with Bills and to then come back to deal with my questions, which I believe are the ones that are still outstanding, on Thursday at 3 p.m., as is the usual custom.

2010

Madam Speaker: I now propose the question, which is that this House do now adjourn to Monday at 4 p.m.

I now put the question, which is at this House do now adjourn to Monday at 4 p.m. Those in favour? (**Members:** Aye.) Those against? Passed.

2015

This House will now adjourn to Monday at 4 p.m.

The House adjourned at 6.10 p.m



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 4.00 p.m. – 7.05 p.m.

Gibraltar, Monday, 16th December 2024

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The Gibraltar Parliament

The Parliament met at 4 p.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: J B Reyes Esq *in attendance*]

Standing Order 7(1) suspended to proceed with Government Bills

Clerk: Meeting of Parliament, Monday, 16th December 2024. Suspension of Standing Orders. The Hon. the Chief Minister.

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

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

Order of the Day

BILLS

FIRST AND SECOND READING

Genetically Modified Organisms Bill 2024 – First Reading approved

10 **Clerk:** Bills, First and Second Reading.

A Bill for an Act to restate the law relating to genetically modified organisms, with modifications; and matters connected thereto.

The Hon. the Minister for Education, the Environment and Climate Change.

15 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, I have the honour to move that a Bill for an Act to restate the law relating to genetically modified organisms, with modifications, and matters connected thereto be read a first time.

20 **Madam Speaker:** I now put the question, which is that a Bill for an Act to restate the law relating to genetically modified organisms, with modifications, and matters connected thereto be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Genetically Modified Organisms Act 2024.

**Genetically Modified Organisms Bill 2024 –
Second Reading approved**

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

Madam Speaker, with regard to this Bill and another three Bills that I hope to be taking today, as required by section 22(5) of the Environmental Governance Act 2023, I declare that this Bill, if enacted, contains provisions which will be environmental law. I further state, as required by section 22(6) of said Act, that in my view the Bill will not have the effect of reducing the level of environmental protection provided for by any existing environmental law and, as required by section 22(10) of the Act, I will be publishing a notice to this effect in the Gibraltar Gazette.

If I now move to the content of the Bill, the Bill repeals and re-enacts Part 4A of the Public Health Act and is part of an exercise to modernise the Public Health Act on genetics, specifically on genetically modified organisms with certain modifications. It is based on the UK's Part 6 of the Environmental Protection Act 1990, which is still in force. Part 4A of the Public Health Act was originally enacted to transpose a number of EC directives at the time, together with two sets of regulations: the Public Health (Genetically Modified Micro Organisms) (Contained Use) Regulations and the Public Health (Genetically Modified Organisms) (Deliberate Release) Regulations. Those directives have since been replaced by other directives which have also been transposed largely by the regulations to which I have just referred. The references to EU law in Part 6A of the Public Health Act have been removed or modified in this Bill to ensure that the provisions still work post-Brexit.

The purpose of this Bill is to maintain a regulatory regime in respect of genetically modified organisms (GMO) to ensure that all appropriate measures are taken to avoid damage to the environment that may arise from the escape or release from human control of GMOs. In certain circumstances, a person must obtain the consent of the Competent Authority, being the Environmental Agency, before importing, acquiring, releasing or marketing a GMO. It imposes general duties and notification requirements on users of GMOs and creates offences where these are not complied with. It gives the Environmental Agency enforcement powers to ensure the provisions of the Bill are complied with, including powers of entry and inspection.

Madam Speaker, I commend this Bill to the House.

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

Hon. G Origo: Madam Speaker, I am grateful for the opportunity to comment on the general principles and merits of the Bill and grateful to the Hon. Minister for his explanation and justification of the same.

The Bill, in essence, as the Hon. Minister has quite rightly stated, re-enacts Part 5A of the Public Health Act with some minor modifications. These minor modifications include the introduction of a public register, the serving of notices and the power to issue regulations and consequential provisions. Most of these additions are quite rightly welcomed. This is a piece of legislation that is being repealed and has been in law for almost 30 years, I think, having been initially made law in January 1996.

On behalf of the Members on this side of the House, I would like to indicate our support for this Bill.

Madam Speaker: Does any other hon. Member wish to speak? Would the mover like to reply?

Hon. Prof. J E Cortes: Madam Speaker, I have to express my gratitude to the hon. Member. We discussed it briefly outside, when he indicated that the Opposition was supporting the Bill.

With that, I commend the Bill to the House.

75 **Madam Speaker:** I now put the question, which is that a Bill for an Act to restate the law relating to genetically modified organisms, with modifications, and matters connected thereto be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Genetically Modified Organisms Act 2024.

**Genetically Modified Organisms Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

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

Madam Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

85 **Members:** Aye.

**Control of Major Accident Hazards Bill 2024 –
First Reading approved**

Clerk: A Bill for an Act to repeal and restate the law on the control and prevention of major accidents involving dangerous substances, the limitation of their consequences for human health and the environment; and for connected purposes.

90 The Hon. the Minister for Education, the Environment and Climate Change.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I have the honour to move that a Bill for an Act to repeal and restate the law on the control and prevention of major accidents involving dangerous substances, the limitation of their consequences for human health and the environment, and for connected purposes, be read a first time.

95 **Madam Speaker:** I now put the question, which is that a Bill for an Act to repeal and restate the law on the control and prevention of major accidents involving dangerous substances, the limitation of their consequences for human health and the environment, and for connected purposes, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

100 **Clerk:** The Control of Major Accident Hazards Act 2024.

**Control of Major Accident Hazards Bill 2024 –
Second Reading approved**

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

105 Madam Speaker, there are some amendments which I circulated by letter to your good self on 10th June 2024 and which I propose that we take at Committee Stage.

Madam Speaker, once again, as required by section 22(5) of the Environmental Governance Act 2023, I declare that this Bill, if enacted, contains provisions which are environmental law. I further state, as required by section 22(6) of that Act, that in my view the Bill will not have the effect of reducing the level of environmental protection provided for by any existing environmental law and, as required by section 22(10), I will be publishing a notice to this effect in the Gibraltar Gazette.

The provisions of this Bill are another part of the dissection of the Public Health Act and by and large replicate a section of that.

Before I turn to the substantive provisions, the reason I am taking this Bill, as opposed to my colleague the Minister with responsibility for public health, is that the Environmental Agency is a Competent Authority and we have agreed that it would make sense for me to move this legislation.

Madam Speaker, Part 2A of the Public Health Act came about as a result of the transposition of Council Directive 96/82/EC on the control of major accident hazards involving dangerous substances. In time, those provisions were further amended for the purposes of transposing Directive 2012/18/EU of the European Parliament and of the Council on the Control of Major Accident Hazards involving Dangerous Substances, amending and subsequently repealing the former legislation.

The overall purpose of the Bill is to require establishments that meet the relevant criteria to take measures to prevent major accidents and limit the consequences for human health and the environment, notify the Competent Authority before new establishments are constructed, prepare a major accident prevention policy and prepare safety reports where the upper-tier thresholds are met.

The regime as a whole will remain familiar to those who have to date operated under it under the Public Health Act. However, we have taken the opportunity to finetune some of the provisions where it was felt that the previous drafting could be improved. As was hitherto the case, establishments that, due to their size, are considered upper-tier establishments have to carry higher risks and are subject to additional provisions such as internal and external emergency plans.

Part 3 of the Bill provides the functions and powers for the Competent Authority to be able to operate under this Act. There is a new charging power, whereby the Competent Authority is able to pass on to the operator of an establishment the cost of bringing in outside expertise, in clause 29. This has been the practice to date and it is now formalised.

The Bill replicates provisions relating to transboundary incidents. During EU membership, the reporting requirement was to the European Commission. These provisions have been recast so that the Competent Authority may engage with neighbouring countries should the circumstances arise.

Part 4 of the Bill provides for an appeals process.

Part 5 has miscellaneous provisions, including a regulation-making power that allows for the amendment of the schedules and to enable the implementation of international conventions or agreements.

I commend the Bill to the House.

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

Hon. G Origo: Madam Speaker, I am grateful to the Minister once again for his justification of the merits and principles of the Bill.

As stated, this Bill repeals and re-enacts provisions of Part 2A and Schedules 6 to 11 of the Public Health Act, with certain amendments. In particular, Part 2 of this new Bill serves to replace sections 95A to 95U of the current Act. Part 3, as introduced in this Bill, serves to create further provisions and functions for the Competent Authority, and that part is welcomed as it will serve to provide further clarity in this respect. The schedules, as I have reviewed them, are also serving

to narrow down and confine the previous schedules pertaining to the Public Health Act, and therefore this provides an exercise of simplification and that is also welcomed.

On behalf of the Members of the Opposition on this side of the House, I can indicate our support for this Bill.

Madam Speaker: If no other hon. Member wishes to speak, I will call on the mover to reply if he so wishes.

Hon. Prof. J E Cortes: Madam Speaker, once again I am grateful to the hon. Member for supporting the Bill on behalf of the Opposition. We have had a brief discussion previously, so I have nothing further to add other than to commend the Bill to the House.

Madam Speaker: I now put the question, which is that a Bill for an Act to repeal and restate the law on the Control and prevention of major accidents involving dangerous substances, the limitation of their consequences for human health and the environment, and for connected purposes, be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Control of Major Accident Hazards Act 2024.

**Control of Major Accident Hazards Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

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

Madam Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Several Members: Aye.

Madam Speaker: Well, at least one or two of them do.

**Litter Control (Amendment) Bill 2024 –
First Reading approved**

Clerk: A Bill for an Act to amend the Litter Control Act 1990. The Hon. the Minister for Education, the Environment and Climate Change.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I have the honour to move that a Bill for an Act to amend the Litter Control Act 1990 be read a first time.

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Litter Control Act 1990 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Litter Control (Amendment) Act 2024.

**Litter Control (Amendment) Bill 2024 –
Second Reading approved**

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

I refer the House to a letter dated 11th December which modified and replaced an earlier one and which brings some amendments to be taken at Committee Stage.

This is the third Bill where I am required, by section 22(5) of the Environmental Governance Act, to declare that if enacted, this Bill contains provisions which will be environmental law. I further state, as required by section 22(6) of said Act, that in my view the Bill will not have the effect of reducing the level of environmental protection provided for by any existing environmental law and, as required by section 22(10), I will be publishing a notice to this effect in the Gibraltar Gazette.

Littering is an act of carelessness or laziness which negatively impacts on everybody. Apart from being an eyesore, litter can attract pests and cause fire hazards, which we are all aware of. Many Gibraltarians take part in volunteering and cleaning up Gibraltar on a regular basis, including Clean up the World, which the Environmental Safety Group organises, and therefore we are all very aware of the dangers and the antisocial nature of littering.

This Bill makes three changes to the Litter Control Act 1990. The first is to create a civil penalty for littering from a vehicle. Littering is a criminal offence under the Litter Control Act, and therefore enforcement action should only be taken where evidence against the offender is held to the criminal standard of proof beyond reasonable doubt. When littering takes place from a vehicle, it can be difficult for enforcement officers to identify the offender with sufficient certainty to take enforcement action. The new section 5A enables the keeper of a vehicle to be issued with a penalty if the enforcing officer is able to show to the civil standard of proof on the balance of probabilities that the litter was thrown from that vehicle. Unlike a criminal penalty, this civil penalty does not carry the risk of a criminal prosecution and therefore does not require the offence to be proven to the criminal standard of proof. This will assist our officers to take enforcement action against littering in a much more efficient manner. In order to avoid the potential for any double punishment, the Bill provides, in section 5A(8) that the enforcing authority may not issue a civil penalty notice against the keeper if a prosecution has been brought against the keeper in respect of the same littering offence, regardless of whether said prosecution is successful. Keepers of public service vehicles are exempt from such penalties but only in cases where the person who has thrown the litter from the vehicle is a passenger and not the keeper of the vehicle himself or herself.

The second amendment made by the Bill to the Litter Control Act is to provide for littering within the Gibraltar Nature Reserve and littering of the sea to be considered aggravating factors in any sentencing of an offence of leaving litter. As mentioned earlier, litter can have devastating effects on our wildlife. Animals often get injured on land and in the sea. We are aware of the dangers, to turtles and other marine animals, of marine litter and in some cases it can even be life threatening to these animals. Litter left among dry vegetation can cause devastating fires, which we unfortunately see happens across the Mediterranean very often. This provision will mean that judges in the criminal courts will need to take into account, when deciding on a suitable sentence for an offender, that the litter has been left in the Nature Reserve or in the sea. Madam Speaker, as you well know, where aggravating factors are present, judges can impose more stringent sentences in relation to the particular offence.

The last amendment of the Litter Control Act is the introduction of a provision to enable officers of corporate bodies to be liable to be prosecuted for offences committed by any corporate body where the offence is shown to have been committed with the consent or connivance of, or attributable to the neglect of that officer. Unfortunately, fly tipping is not uncommon and there are instances of companies which are paid to dispose of waste from domestic or commercial premises, or even construction sites, leaving it to be collected by the Government. This

unscrupulous conduct causes unnecessary cost to the taxpayer, can result in delays in collecting waste and can cause obstructions to the public highway, as well as being an eyesore. This provision will ensure that where a company has operated in such a way, its officers and managers can be personally liable to prosecution where they knew about the commission of the littering offence.

Madam Speaker, this Bill, while short, will serve to assist with the enforcement of offences which affect most of us in our day-to-day lives. We all want to live in a clean, green and tidy Gibraltar and this Bill will help us to deliver that. I commend the Bill to the House.

Madam Speaker: Before I put the question, does any hon. Member wish to speak on the general principles or merits of the Bill?

Hon. G Origo: Thank you, Madam Speaker. This Bill essentially penalises littering within the Nature Reserve more heavily and does so by making it an aggravating factor, and we on this side of the House will support this. The creation of new offences to include littering from a vehicle and the offences for body corporates are also welcomed. In our view, our Nature Reserve and Upper Rock is one of the crown jewels of Gibraltar and we must do our utmost to deter those who do not wish to take care of it. Therefore, I am pleased to indicate the support of the Opposition from this side of the House on this Bill.

Hon. C A Sacarello: Thank you, Madam Speaker, I would just like to ask for clarification from the Hon. Minister with regard to section B(10)(b), exempting the owner of the vehicle from being fined. It specifically states: 'the person who threw, dropped or otherwise deposited the litter from the vehicle, was at the time, a passenger in the vehicle'. Could I ask if the Parent Act covers the fining of that very passenger, as this seems to be a little loophole as it stands?

Madam Speaker: Can I just interrupt? I think specific discussions on the Bill would be a matter for the Committee Stage. You can flag it now, but in terms of discussing whether an amendment is required, I think that is better placed for the Committee Stage.

The Hon. Mr Clinton.

Hon. R M Clinton: Madam Speaker, when the Minister responds I want him to clarify, because obviously some of this relates to depositing material on the seabed and there is obviously a lot of talk of vehicles, but without sight of the main Act ... When the Minister replies, could he confirm whether 'vehicle' includes a seagoing vessel?

Hon. Prof. J E Cortes: Madam Speaker, because the seagoing vessel will deposit litter presumably in the sea, that is already an aggravating factor. I do not believe that the definition of 'vehicle' includes a seagoing vessel.

Chief Minister (Hon. F R Picardo): A seagoing vehicle is a vessel.

Hon. Prof. J E Cortes: Exactly. Madam Speaker, a seagoing vessel is a vessel, not a vehicle. I would not believe it is covered, but the fact that it is being put into the sea is an aggravating factor. It is something that can perhaps be looked at in future, and I would be happy to do that.

If it is identified that it is a passenger dropping the litter and therefore not the driver, the driver is exempt – or the owner is exempt, the keeper – but if we have identified the passenger, then the passenger is committing an offence because that person has been identified, and therefore there would be provision to prosecute that particular person.

With that, Madam Speaker, I once again commend the Bill to the House.

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Litter Control Act 1990 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Litter Control (Amendment) Act 2024.

**Litter Control (Amendment) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

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

305 **Madam Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members: Aye.

**Transport (Amendment No. 2) Bill 2024 –
First Reading approved**

310 **Clerk:** A Bill for an Act to amend the Transport Act 1998. The Hon. the Minister for Education, the Environment and Climate Change.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I have the honour to move that a Bill for an Act to amend the Traffic Act 1998 be read a first time.

315 **Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Transport Act 1998 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Transport (Amendment No. 2) Act 2024.

**Transport (Amendment No. 2) Bill 2024 –
Second Reading approved**

320 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, I have the honour to move that the Bill be now read a second time, and I would refer the House to a letter suggesting changes to be taken when we sit at Committee Stage. The purpose of these changes is to increase the level of fine attached to breaches of road service licence conditions, as well as introduce a new administrative penalty for road service licence holders for
325 the breaches of their drivers. I will more specifically talk about the administrative penalty now.

Clause 3(4), inserts a new section 19A, requiring the holder of a road service licence to ensure that a named driver complies with the provisions of the Transport Act, as well as the Transport Regulations. Failure to do so will result in the aforementioned administrative penalty. The Ministry for Transport has been working to address issues with the taxi service in Gibraltar and has formed
330 the view that a holistic approach to these issues is required. The responsibility to provide a good taxi service includes road service licence holders who are not drivers themselves, as they are the ones choosing the individuals who will ultimately carry out the service. The original aim had been for this amendment to apply to Part 4 of the Transport Regulations 2000 only, but the changes proposed through the letter that I have referred to extends this new penalty to all offences
335 committed by drivers under this Act. This further amendment is a response to behaviours that have been identified subsequent to the publication of the Bill and highlights the Department of Transport's ability to assess and remedy new issues quickly and efficiently.

Clause 3(8) breaks down the newly introduced penalty, setting out that the Chief Examiner of the Driver and Vehicle Licensing Department is to be the person to issue the fines, with the level of fines set at an initial £300. A further breach within a six-month period would see the fine raised to £500. The necessary safeguards have been put in place with this type of penalty. Notice is required under the newly introduced section 72B, the manner of notice being set out in section 72C, and an appeals process is included in 72D. The intention behind these changes is to increase accountability across the board, specifically with a view to ensuring road service licence holders select their named drivers with the necessary care and attention required in order to help establish the appropriate standard for the Gibraltar Taxi Service. The expectation is that this added scrutiny from licence holders would then trickle down to named drivers, improving their standards and thus the service as a whole.

The letter has been set out proposing amendments, and due to the advanced nature of this iteration of the city service, a view has been taken to have these amendments come into effect for the city service commencing in 2025. These changes will now form part of further amendments that are going to be presented in guidance to the Members of the Gibraltar Taxi Association, giving everyone the opportunity to be up to speed and in line with all of the changes that will be in place for the commencement of the service in 2025.

Madam Speaker, I commend the Bill to the House.

Madam Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? Just for the avoidance of doubt, picking up on the earlier point, pursuant to Rule 31(1) of the Standing Rules and Orders, once a Bill is being read a second time the discussion shall be confined to the principles and merits of the Bill, so specific sections and comment thereon are to be left to the Committee and Third Reading stage.

The Hon. Mr –

Hon. G Origo: Madam Speaker – Sorry.

Hon. Dr K Azopardi: Madam Speaker, if my hon. Colleague gives way ... Obviously we are cognisant of that rule, but for your guidance there has been at least a practice that I am aware of, that sometimes Members might seek clarification on a particular section because it is relevant to the general principles, but we certainly understand the point that if it goes beyond that, it is for Committee Stage.

Madam Speaker: I am keen not to have a full discussion on particular sections at this stage, but flagging of a particular section for clarification is a different matter, so yes.

Hon. G Origo: Madam Speaker, I am very grateful. On the general merits and principles of the Bill it is noted that this Bill appears to extend penalties issued to name drivers – that is taxi licence holders. It increases fines which are not particularly prescribed within the Act, from level one to level three, and setting that to the default position. Most offences are prescribed a level of fine, so the majority of these offences are not affected. It also creates a new administrative penalty which applies to road licence holders and/or their named drivers.

The Bill, for the reasons already mentioned, is not controversial and I would like to indicate our support from this side of the House.

Madam Speaker: If no other hon. Member wishes to speak, I will invite the mover to reply if he wishes.

Hon. Prof. J E Cortes: Madam Speaker, once again I am grateful to the hon. Member for the support from the Opposition that he has indicated.

I commend the Bill to the House once again.

390 **Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Transport Act 1998 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Transport (Amendment No. 2) Act 2024.

**Transport (Amendment No. 2) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

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

Madam Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

400

Members: Aye.

**Traffic (Amendment) Bill 2024 –
First Reading approved**

Clerk: A Bill for an Act to amend the Traffic Act 2005. The Hon. the Minister for Education, the Environment and Climate Change.

405 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, I have the honour to move that a Bill for an Act to amend the Traffic Act 2005 be read a first time.

Madam Speaker: I put the question, which is that a Bill for an Act to amend the Traffic Act 410 2005 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Traffic (Amendment) Act 2024.

**Traffic (Amendment) Bill 2024 –
Second Reading approved**

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

415 Once again, I must state that as required by section 22(5) of the Environmental Governance Act, I declare that the Bill, if enacted, contains provisions which will be environmental law. Under section 22(6) of said Act, in my view this Bill will not have the effect of reducing the level of environmental protection provided for by any existing environmental law and, under section 22(10) of said Act, I will be publishing a notice to this effect in the Gazette.

420 This is a very simple Act. The Act, as it stands now, requires that when there is a road traffic accident, for named animals it should be reported. The current Act names horse, ox, ass, mule, sheep, pig, goat, dog or monkey, but it does not include cats – which has caused some consternation among cat lovers who have lost pets and have not had their loss reported – or other

wild animals, apart from monkeys, such as foxes and otters, both of which have recently been killed on our roads. It is important that these should be reported so that we have an idea of whether there are areas where we have to take certain action to reduce speed, perhaps, but also so that we have an idea as to the wildlife of particular areas. That is very simple: a desire to add cat, fox and otter to the list of animals.

I commend the Bill to the House.

Madam Speaker: Before I put the question, does any hon. Member wish to speak on the general principles or merits of the Bill?

Hon. G Origo: Madam Speaker, as already stated by the Hon. Minister, this is not a controversial Bill and I would therefore like, for the reasons already stated, to indicate our support on this side of the House.

Madam Speaker: If no other hon. Member wishes to speak, would the mover like to reply?

Hon. Prof. J E Cortes: Yes, Madam Speaker. Once again, I am grateful for the support, as I am sure the animals will be, although if they have been hit they will not be able to be grateful.

I commend the Bill to the House once again.

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Traffic Act 2005 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Traffic (Amendment) Act 2024.

**Traffic (Amendment) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

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

Madam Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members: Aye.

**Traffic (Amendment) Bill 2024 –
First Reading approved**

Clerk: A Bill for an Act to amend the Traffic Act 2005. The Hon. the Minister for Education, the Environment and Climate Change.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): I beg your pardon, Madam Speaker, there are so many Bills that I am wanting to find the right piece of paper. My apologies.

I have the honour to move that a Bill for an Act to amend the Traffic Act 2005 be read a first time.

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Traffic Act 2005 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Traffic (Amendment) Act 2024.

**Traffic (Amendment) Bill 2024 –
Second Reading approved**

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

If I may, Madam Speaker, I refer the House to my letter of 9th December, which is an effort to reduce confusion and call this Bill No. 2, to distinguish it from the previous one.

This amendment inserts a provision into section 39 to disapply the disqualification provision in relation to offences committed by virtue of section 75; in other words, to offences committed on personal light electric transporters, otherwise known as PLETs, and bicycles.

Clauses 3(3) and (4) make minor corrections to the Bill to add reference to a road, in line with other provisions of the Traffic Act and similar offences in the UK.

Clauses 3(5) and (6) correct cross references.

Clause 3(7) adds a provision to section 71 which has a similar effect to that effected by clause 3(2). It disapplies disqualification provisions to offences committed on PLETs and bicycles. This follows a Supreme Court ruling earlier this year in relation to the legislation governing the disqualification from driving motor vehicles by users of PLETs. This followed a conviction for using a PLET whilst under the influence of alcohol. In the ruling, the Chief Justice expressed concerns as to an ambiguity in the legislation. This Bill will remove such ambiguity by removing any reference to a disqualification from driving motor vehicles by a PLET user who is convicted of drink driving.

Clause 3(8) replaces section 75 to make the provision clearer, and also increases the number of offences that can be committed on a PLET or bicycle. The sections that were previously extended to offences committed by PLETs and bicycles, and indeed horsedrawn vehicles, continue to be extended, but the amendment now also extends offences such as causing death by reckless or dangerous driving, causing death by careless driving and causing death by careless driving when under the influence, to seek to improve safety for all road users and pedestrians. The penalty for the drink driving offences when committed on these other vehicles is also increased to reflect their seriousness.

I commend the Bill to the House.

Madam Speaker: Before I put the question, does any hon. Member wish to speak on the general principles or merits of the Bill?

Hon. G Origo: Madam Speaker, on behalf of the Opposition, we take the view, rightly also, that cyclists, bicycle users and people on electric scooters are also road users and therefore should be conscious of and compliant with the rules of the law, and in particular those pertaining to the use of the road. We agree that offences such as dangerous and reckless driving should be extended to these road users, and in particular those who driving under the influence. So, for the reasons already mentioned by the Hon. Minister, I would like to indicate our support for this Bill.

Madam Speaker: Would the mover like to reply?

Hon. Prof. J E Cortes: Madam Speaker, once again I am grateful to the hon. Member and I commend the Bill to the House.

510 **Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Traffic Act 2005 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Traffic (Amendment) Act 2024.

**Traffic (Amendment) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

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

Madam Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

520

Members: Aye.

**Education and Training (Amendment) Bill 2024 –
First Reading approved**

Clerk: A Bill for an Act to amend the Education and Training Act. The Hon. the Minister for Education, the Environment and Climate Change.

525 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, I have the honour to move that a Bill for an Act to amend the Education and Training Act be read a first time.

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

Clerk: The Education and Training (Amendment) Act 2024.

**Education and Training (Amendment) Bill 2024 –
Second Reading approved**

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

535 This short amendment seeks to update the language used in the Education and Training Act by changing the meaning of SEND from Special Educational Needs and Disabilities to Supported Education Needs and Disabilities. The language and terminology that is used day to day can have profound influences on those who are within earshot. This change reflects more current language and ensures that we now refer to SEND provision here in Gibraltar in the most current version.

540 I commend the Bill to the House.

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

Hon. E J Reyes: Thank you, Madam Speaker. As the mover of the Bill has explained, it is a very simple but I dare say necessary amendment. We always like to be as up to date as possible on nomenclature, definitions and so on. We indicate our support for this Bill.

May I take your leave, Madam Speaker, to remind the Minister – we have had exchanges across this floor of the House as well – that although it is secondary legislation, there are other education-related matters and nomenclatures that need to be amended, for example in the National Curriculum Regulations and so on, which – if the Minister can confirm – I do not think requires a Bill as such but does require a notice as a second supplement to the Gazette. Perhaps across the floor of the House the Minister can commit himself to getting that done sooner rather later because it was raised well over six months ago.

Madam Speaker: If no other hon. Member wishes to speak, I call upon the mover to reply.

Hon. Prof. J E Cortes: Madam Speaker, the changes that the hon. Member is referring to, which we have agreed, are currently being drafted by the Department of Education. I believe they are regulations and they should be published shortly.

On the Bill before us today, I once again am grateful to the Opposition for supporting it and I commend it to the House.

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

Clerk: The Education and Training (Amendment) Act 2024.

**Education and Training (Amendment) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

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

Madam Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members: Aye.

**Transport (Amendment No. 3) Bill 2024 –
First Reading approved**

Clerk: A Bill for an Act to amend the Transport Act 1998 to make provision for the inclusion of a second vehicle to road service licences in respect of taxis for the purposes of carrying out a night city service.

The Hon. the Minister for Education, the Environment and Climate Change.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I have the honour to move that a Bill for an Act to amend the Transport Act 1998 to make provision for the inclusion of a second vehicle to road service licences in respect of taxis for the purposes of carrying out a night city service be read a first time.

585 **Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Transport Act 1998 to make provision for the inclusion of a second vehicle to road service licences in respect of taxis for the purposes of carrying out a night city service be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Transport (Amendment No. 3) Act 2024.

**Transport (Amendment No. 3) Bill 2024 –
Second Reading approved**

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

Once again, I refer the House to a letter dated 9th December, proposing changes that will be taken at Committee Stage. Madam Speaker, you will have received that letter requesting some changes to be made to the Bill. The Bill originally envisaged the addition of a second vehicle to a road taxi service licence solely for the purpose of conducting the city night service. After further
595 discussions with stakeholders, it is now proposed, hence the main purpose of the letter, that a second vehicle may be added to a taxi road service licence for the purposes of the city day service as well as the city night service. The changes proposed in my letter also include a provision that although two vehicles may appear on the taxi road service licence, only one of them can be operational on city service duties at any one time in respect of that licence.
600

As was publicly announced earlier this year, the Ministry for transport has embarked on a number of changes including legislative amendments to improve the taxi service. The Ministry has been collaborating with the Taxi Association with the aim to, among other things, improve accountability and transportation options with respect to taxis. With respect to the latter, my
605 Ministry has taken steps to enhance the taxi offering at night. This initiative goes hand in hand with the launch of the Taxi Association's app, which has already seen positive changes in the way the Taxi Association interacts with its customers.

This Bill, with the requested changes detailed in the letter, amends the Transport Act to allow for the inclusion of a second vehicle and additional driver to a taxi road service licence only after
610 a successful application for an amendment to the road service licence is made to the Transport Commission, which will have to approve it. The idea behind this is that there will be a better and more efficient service as regards both the city day service and the night service. The second vehicle will only be able to carry out city service duties during the day and night, and, as previously mentioned, only one of them can be operational on city service duties at any one time in respect
615 of that licence. Regulations, which will be published once the amendments to the Act come into force, have already been drafted to amend the Taxis (City Service and Cruise Terminal) Regulations 1999 in respect of the city night service, which provisions in large part mirror those of the city day service. Coloured discs are to be issued. The city night service will operate by way of roster approved by the Transport Commission and the same exclusions as to which points a taxi may
620 operate from will apply. The hours for the city night service will be from 1700 to 0100 and transport inspectors will be on hand to ensure the provisions of the regulations are being met.

For all the above reasons, Madam Speaker, I commend the Bill to the House.

625 **Madam Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

Hon. G Origo: Madam Speaker, I am grateful to the Hon. Minister for his statement on the general merits and purpose of the Bill. I would like to concur, having reviewed the same, that this Bill essentially allows licence holders to add second drivers on their licence so as not to create new

630 licences, and in essence serves to prevent watering down the value in the mind of those people
who hold these licences. Given those drivers perhaps might be choosing to run a day or night
service, when they are resting we have fewer cars on the road, so having second drivers running
either day or night will not serve to compete with the original licence holder and the rationale
behind the Bill may work. However, I must flag that it may only be a quick and temporary fix, and
635 it may be the case that this just works in busy periods like this one, at Christmas. I would like to
urge the Government to monitor this, and if further improvements and changes are necessary, to
carry them out.

With respect to the changes made from deleting the night service and allowing this to also
operate during the day service, I would like to just note that I have no issues with the added
640 changes. It is actually one of the comments I was going to suggest to the Hon. Minister that it may
help to improve the city day service and not just focus on the night.

For the reasons already stated, I would like to indicate the Opposition's support for this Bill.

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

Hon. Prof. J E Cortes: Madam Speaker, once again I am grateful to the hon. Member and to
the Opposition for their support. Yes, his analysis is exactly right. It is to be able to allow to extend
de facto the number of hours that taxis are on the road and therefore the number of taxis on the
road at any one time. Absolutely this will be monitored, and if we have to make any changes, we
650 will.

Madam Speaker, I once again commend the Bill to the House.

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Transport
Act 1998 to make provision for the inclusion of a second vehicle to road service licences in respect
655 of taxis for the purposes of carrying out a night city service be read a second time. Those in favour?
(**Members:** Aye.) Those against? Carried.

Clerk: The Transport (Amendment No. 3) Act 2024.

**Transport (Amendment No. 3) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

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

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

**Sanctions (Amendment) Bill 2024 –
First Reading approved**

Clerk: A Bill for an Act to amend the Sanctions Act 2019 to make provision about sanctions
screening by relevant financial businesses, to amend the Proceeds of Crime Act 2015; and for
connected purposes. The Hon. the Minister for Justice, Trade and Industry.

670 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, I have the honour to move that a Bill for an Act to amend the Sanctions Act 2019 to make provision about sanctions screening by relevant financial businesses, to amend the Proceeds of Crime Act 2015, and for connected purposes, be read a first time.

675 **Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Sanctions Act 2019 to make provision about sanctions screening by relevant financial businesses, to amend the Proceeds of Crime Act 2015, and for connected purposes, be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

680 **Clerk:** The Sanctions (Amendment) Act of 2024.

**Sanctions (Amendment) Bill 2024 –
Second Reading approved**

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, I have the honour to move that the Bill be now read a second time.

I have given notice that I intend to move an amendment at Committee Stage to clause 4.

685 This short Bill has only two operative provisions; one clarifies the sanctions screening requirements in the Sanctions Act and the other carries out miscellaneous amendments to the Proceeds of Crime Act (POCA).

The purpose of the amendment to the Sanctions Act is to clarify two related matters: (1) the obligations on relevant financial businesses, as defined in section 9 of POCA, to have appropriate policies, controls and procedures in place for the purpose of conducting international sanctions screening under the 2019 Act; and (2) the supervisory and enforcement powers of the supervisory authorities appointed under POCA to deal with breaches of those sanctions screening obligations. In doing so, the Government is ensuring that supervisory bodies are able to better supervise relevant financial businesses and effectively enforce breaches to the Sanctions Act.

690 Clause (3) of the Bill adds a new section 8A to the Sanctions Act, which moves the current sanctions screening requirement contained in section 8 to a standalone provision. As presently drafted, section 8 of the Sanctions Act – Judicial notice of published lists – combines two quite distinct matters, the Judicial Notice of International Sanctions List published by the United Nations Security Council and other relevant organisations, and the obligation on relevant financial businesses to conduct sanctions screening. Consequently, clause 3 of the Bill separates the latter out as section 8A of the 2019 Act. Section 8A(1) to 8A(3) replicates what is currently in section 8A(3) and (4) of that Act. The only provisions are sections 8A(4) to (6). Section 8A(4) provides that the functions of the POCA supervisory authorities extend to supervising and enforcing compliance with the sanctions screening obligations imposed under section 8A of the Sanctions Act. Section 8A(5) contains regulation making powers which would enable the Government to make provision in respect of, or in connection with, the functions of the supervisory authorities under section 8A. The Government intends to use this regulation making power to enact regulations analogous to the Supervisory Bodies (Powers) Regulations 2017 to provide supervisory bodies with further regulatory powers to effectively enforce breaches of the Sanctions Act.

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705
710 Clause 4 of the Bill amends a cross reference to section 10(ca) of the Proceeds of Crime Act to reflect the amendments to the Sanctions Act 2019. In turn, clause 4(3) makes minor corrections to cross references in section 156 of the Proceeds of Crime Act which are unrelated to sanctions. The amendment I intend to move at Committee Stage makes an amendment to that section 156 amendment with an erroneous reference to ‘and’ being corrected to ‘or’, as in the current provision, and a further correction to cross references in section 157 of the Proceeds of Crime Act.

715 The Government remains committed to continue working with the various working groups involved in the FATF Moneyval process to ensure that Gibraltar continues to adhere to the highest international standards and all supervisory bodies have all the tools necessary to combat AML and CFT.

720 In keeping with FATF recommendations 6 and 7, which dictate that jurisdictions must implement effective regimes in relation to targeted financial sanctions, this Bill clarifies and enhances Gibraltar's already effective regime to supervise and enforce the sanctions screening requirement.

Madam Speaker, I commend the Bill to the House.

725 **Madam Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. Mrs Ladislaus.

730 **Hon. J Ladislaus:** Madam Speaker, I am grateful to the Minister for that. We, on this side of the House, obviously commend anything that relates to tightening of regulations in this area, and it does seem of practical interest that these amendments are made. Therefore, we support the amendments and we will be voting in favour.

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

735 **Hon. N Feetham:** I am grateful for the hon. Member's support for the Bill. Thank you.

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Sanctions Act 2019 to make provision about sanctions screening by relevant financial businesses, to amend the Proceeds of Crime Act 2015, and for connected purposes, be read a second time. Those in
740 favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Sanctions (Amendment) Act 2024.

**Sanctions (Amendment) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Justice, Trade and Industry (Hon. N Feetham): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.
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Madam Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members: Aye.

**Global Minimum Tax Bill 2024 –
First Reading approved**

750 **Clerk:** A Bill for an Act to impose a Global Minimum Tax including a Qualifying Domestic Minimum Top-Up Tax compliant with the Organisation for Economic Co-Operation and Development (OECD) objectives by direct reference to their Global Anti-Base Erosion Model Rules and Commentary and for connected purposes.

The Hon. the Minister for Justice, Trade and Industry.

755 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, I have the honour to move that the Bill for an Act to impose a Global Minimum Tax including a Qualifying Domestic Minimum Top-Up Tax compliant with the Organisation for Economic Co-Operation and Development (OECD) objectives by direct reference to their Global Anti-Base Erosion Model Rules and Commentary and for connected purposes be read a first time.

760 **Madam Speaker:** I now put the question, which is that a Bill for an Act to impose a Global Minimum Tax including a Qualifying Domestic Minimum Top-Up Tax compliant with the Organisation for Economic Co-Operation and Development (OECD) objectives by direct reference to their Global Anti-Base Erosion Model Rules and Commentary and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Global Minimum Tax Act 2024.

770 **Hon. Dr K Azopardi:** Madam Speaker, if I may? Perhaps it would be good to record that there has been certification of this Bill, for the record.

775 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I do not think that it is necessary for me to do so – I think that the Hon. Minister would have done so in the course of his speech, and I have, in fact, certified – but I am very pleased to do so. In the past when I have done so, I think I have done so either at this stage or after the first speech has been delivered, but I have no difficulty in confirming that I have so certified.

Global Minimum Tax Bill 2024 – Second Reading approved

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, I have the honour to move that the Bill be now read a second time.

780 In line with Gibraltar's commitment as a member of the OECD's inclusive framework to implement the global Pillar 2 tax changes and, as previously announced, both in my parliamentary Statement of 19th December 2023 and publicly in my Budget speech on 3rd July 2024, this Bill introduces an effective minimum tax rate of 15% for large multinational groups with an annual turnover in excess of €750 million. Notwithstanding the fact that the headline corporate tax rate in Gibraltar was increased to 15% with effect from 1st July 2024, the Pillar 2 rules introduce a
785 global standard to ensure that multinational groups are taxed at an effective tax rate of 15% at a jurisdictional level.

As previously announced, Gibraltar will implement the Pillar 2 rules in two stages. Firstly, in order to protect Gibraltar's tax base, Part 4 of the Bill introduces a domestic minimum top-up tax for accounting periods commencing on after 31st December 2023. This part will not apply to
790 investment entities and insurance investment entities, to ensure that Gibraltar remains competitive in this respect and follows best practice adopted by similar jurisdictions.

Secondly, Part 3 of the Bill introduces an income inclusion rule, which will take effect one year later for accounting periods commencing on or after 31st December 2024. This will allow Gibraltar to apply the minimum global tax to multinational groups which are headquartered in Gibraltar, or
795 where the parent entity is located in Gibraltar.

The Pillar 2 rules are complex, and extensive consultation has taken place over the past 12 months with the OECD, the Tax Working Group and the industry. The Global Minimum Tax Act 2024 will ensure that Gibraltar's Pillar 2 rules are closely aligned with the OECD's model rules and related administrative guidance and commentary.

800 Madam Speaker, this Bill demonstrates Gibraltar's commitment to complying with international standards and collaborating with the global community in preventing tax avoidance through base erosion and profit shifting.
I commend this Bill to the House.

805 **Madam Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? Yes, the Hon. Mr Clinton.

Hon. R M Clinton: Thank you, Madam Speaker. We, on this side of the House, have no problem at all in supporting this Bill, especially since it is obviously in favour of the OECD Pillar 2 framework.
810 The Bill itself is a complex piece of legislation, given the nature of what it is trying to do, but in terms of the principles of what the Minister has just described, he can rest assured that he has the support of the Opposition.

Madam Speaker: If no other hon. Member wishes to speak, would the mover wish to reply?
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Hon. N Feetham: I am grateful to the hon. Members opposite for supporting the Bill.

Madam Speaker: I now put the question, which is that a Bill for an Act to impose a Global Minimum Tax including a Qualifying Domestic Minimum Top-Up Tax compliant with the Organisation for Economic Co-Operation and Development (OECD) objectives by direct reference to their Global Anti-Base Erosion Model Rules and Commentary and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.
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Clerk: The Global Minimum Tax Act 2024.

**Global Minimum Tax Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

825 **Minister for Justice, Trade and Industry (Hon. N Feetham):** I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Madam Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?
830

Members: Aye.

**Income Tax (Amendment No. 3) Bill 2024 –
First Reading approved**

Clerk: A Bill for an Act to amend the Income Tax Act 2010. The Hon. the Minister for Justice, Trade and Industry.

835 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, I have the honour to move that a Bill for an Act to amend the Income Tax Act 2010 be read a first time.

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

840 **Clerk:** The Income Tax (Amendment No. 3) Act 2024.

Hon. Dr K Azopardi: Again, for the purposes of the record, for this Bill and the following Bill there should be on the record a confirmation of certification by the Chief Minister of its urgency under the Constitution.

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Chief Minister (Hon. F R Picardo): Madam Speaker, there is, because I have written to you to that effect.

Madam Speaker: Does the hon. Member wish to say anything else?

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Hon. Dr K Azopardi: Madam Speaker, the fact that the Chief Minister writes to you ... Of course, that is a letter; it is not seen in the *Hansard*. The *Hansard* reflects that a Bill was published on 10th December and is being taken today, so there needs to be confirmation, as far as I can see, for the purpose of the *Hansard*.

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Hon. Chief Minister: Yes, Madam Speaker, but that does not have to happen now, which is what I said before. It can happen during the course of the Hon. Minister's speech when he is presenting the Bill, it can happen after that speech when I can get up and say so, or it can happen because Madam Speaker refers to it in the course of your introduction to the Bill. It does not require that I get up at this stage to express the fact that I have certified the Bill as urgent, and indeed it is not a constitutional requirement that I should do so.

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Hon. Dr K Azopardi: Madam Speaker, the Bill cannot be taken unless there has been certification, because there is a constitutional requirement for the six weeks. So, if the Chief Minister does certify that the Bill is too urgent, then it can be taken; otherwise, it cannot even be taken.

865

Madam Speaker: For the avoidance of doubt, I can confirm that I have had certification from the Chief Minister that the matter is urgent and needs to be taken. So, for the purposes of *Hansard*, that will be reflected.

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Hon. Chief Minister: Exactly, Madam Speaker, but the Bill would not be taken. That is to say the Bill would not be read in this House. The First Reading of the Bill would not happen in this House unless I had certified. What the Constitution requires is that I certify, and I have certified. The Constitution does not require that I get up in Parliament and say that I have certified. We may want to do so as a matter of practice at a different stage, not requiring the Leader of the Opposition to prompt us to do so, because the taking of the First Reading can only happen if I have certified. That should be enough for *Hansard*, but in any event, as I have indicated, the Minister in his speech would refer to that, I would refer to it thereafter, or you could do so. It does not require the fact that the Leader of the Opposition has got up to ask me to confirm that I have certified for the Bill to be able to move. The hon. Gentleman is wrong about that. The Bill moves only because it is certified, and it therefore is moving because it is certified.

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Madam Speaker: Well, for the future, perhaps it may assist if, when I get a certification from the Hon. the Chief Minister, I pass it on to the Hon. the Leader of the Opposition. (*Interjection*) I passed it on.

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A Member: Passed it on automatically.

890 **Hon. Chief Minister:** The hon. Gentleman knows that it has been certified, and indeed the Clerk would not have been free to read the long title the first time if that certification had not been received, and that in itself is a demonstration in *Hansard* that it has been certified.

895 **Madam Speaker:** The learned Clerk is confirming that the certification has been circulated, so hon. Members will have that.

Hon. Dr K Azopardi: Yes, Madam Speaker, I agree, but the point is that as far as I am aware, certainly when I have been sitting in this chair, it has always been the practice, first of all, that there is certification, and secondly, that it is recorded in the *Hansard*.

900 **Madam Speaker:** Well, we move on; it is recorded now.

905 **Hon. Chief Minister:** Sorry, Madam Speaker, yes, he is absolutely right, but not at this stage. That is the point I am making. The hon. Member has got up to prevent the Government from delivering its first speech on the subject, which would have dealt with the matter, because he has decided that he wants to say that the certification must be confirmed orally for the purposes of *Hansard* – which is not necessary – at the time and moment of his choosing, and the Government is not going to accept that as a requirement, let alone the constitutional requirement, because the Constitution is complied with and the long title could not be read if it had not been complied with, and therefore *Hansard* needs are satisfied.

910 **Madam Speaker:** All right, we will proceed.

**Income Tax (Amendment) (No. 3) Bill 2024 –
Second Reading approved**

915 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, I have the honour to move that the Bill be now read a second time, and to present to the House a Bill amalgamating and implementing all previously outstanding historic tax measures announced by the Chief Minister in successive Budgets extending from 2016 to 2024.

I commend the Bill to the House.

920 **Madam Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

925 **Hon. R M Clinton:** Thank you, Madam Speaker. The Hon. Minister has just told the House that this is an amalgamation Bill bringing together all the outstanding tax matters which were measures brought to the House by the Chief Minister in previous Budgets going back to 2016, but of course the Bill itself, in the explanatory memorandum, just says this Bill amends the Income Tax Act 2010. It does not say much more than that, but of course far be it for the Minister to have to clean up the Chief Minister's mess. I say that with a degree of ... I do not know what the word to use is, really, but 'I told you so': I told you so, I told you so, I told you so. I have been telling this House for years that we should have a Finance Bill, but no, the Chief Minister knows best; he knows everything, Madam Speaker. Indeed, it is somewhat ironic, to say the least, that the Chief Minister has certified this Bill is urgent. Why? Because part of this Bill, which in fact was published on 10th December 2024, is a rehash of Bill 26/2020 published on 12th November 2020. There are some provisions in here that Members on that side of the House were not even around for, let alone Members on his side of the House, and there are some things in there that the Hon. Minister himself might have problems with, because they probably run contrary to his principles on

taxation. This Bill is before the House because it is a tidying-up exercise. It is cleaning up the mess, the mess because there have not been Finance Bills. Every time the Chief Minister has stood up and said, 'I announced this measure,' he then forgets to implement the relevant legislation, which is why we have stuff going back to 2016. And so I must say it did bring a smile to my face when I saw that the Chief Minister had certified this as urgent. Of course it is urgent. This should have been done years ago.

Madam Speaker, let me just, by way of example ... and this really is cringeworthy for us as a Parliament, not even as a party-political point, and the Minister for Taxation may not even agree with this particular amendment that is being introduced. In section 3(5) of this Bill, there is a tax amnesty that was introduced in 2016 by way of a six-month extension. The Chief Minister stood up, announced it and did nothing further, but I actually asked, back in 2022 – in *Hansard*, 23rd June 2022 – in answer to my Question 265/2022: 'Can the Government advise how many individuals availed themselves of the six-month extension to the tax amnesty announced in the 2016 Budget, and how much tax was collected?' The answer was that a total of 13 individuals availed themselves of the six-month extension to a tax amnesty announced in the 2016 Budget, and as a result a total of £516,843 was collected. But now I ask myself under which law was this money collected? Under which law were these 13 individuals given a tax amnesty? By definition, if these individuals had to avail themselves of a tax amnesty, they were tax evaders, and so I ask the Minister with responsibility for taxation is he happy with this principle of giving carte blanche to tax evasion, because that is effectively what his Bill is doing, and he is bringing this Bill in his name – with, of course, the sanction of the Chief Minister. It is the Chief Minister's idea, not his, I grant him, but it must grate to have to clean up the Chief Minister's mess, and that is what the Minister is doing.

There is another very important point with this, and that is that the Commissioner of Income Tax should only collect taxes for which he has the legal authority. Under what legal authority did he collect this £513,000? And under what legal authority did he give a tax amnesty? As far as I know, we are a parliamentary democracy. We do not rule by decree from the royal palace: 'I will give you an amnesty.' No, the law has to be passed, and ironically, we are today being asked to pass a law to cover something that happened in 2016. How is this even possible? This is what this Bill is about: it is about cleaning up the messes. He calls it amalgamation. It is not amalgamation; it is a complete sweep-up. Of course, this could all have been avoided if Finance Bills were produced at the time of the Budget, because then you would not have these things hanging over from years past; nor should the Commissioner of Income Tax be placed in the invidious position of trying to implement Budget measures without legal cover. It is entirely illegal, what the Commissioner of Income tax has done. He has allowed an amnesty and collected money on the say so of the Chief Minister without a law being passed. This is the problem with the way we manage our taxes. We are frankly not even doing the minimum. This is amateurism at its worst, if not incompetence at its best. This is just this one section, which I appreciate the Minister for Taxation was not the author of, but now he has his name on it.

If I can go on to section 3(10)(d) and (e), this is about marketing expenses. It is a very technical point and it was something that was introduced by the Chief Minister in his 2021 Budget address. This was post-Covid and I think I understood intention behind the measure. In his 2021 Budget speech on line 1130, the Chief Minister said:

Businesses that invest in marketing will be awarded an additional deduction amounting to 50% marketing costs. This means that for every £1,000 spent on marketing the business will be able to claim a deduction of £1,500. Again, the claimant company will need to satisfy the Income Tax Office, through application, that the expense is validly incurred in marketing for the purposes of the business.

Previously, the Chief Minister had indicated on line 1118:

unless I state otherwise, the measures I am about to announce will only have a limited life of around two fiscal periods, from this date until 30th June 2023. This is what we believe will turbo-charge this economy out of this difficult period ...

980 Again, this is during the Covid period.

What has happened? For this year I give the Chief Minister full credit that it was realised that unfortunately some people decided that ... whereas the idea was to turbocharge the economy, they took this marketing additional tax deduction a bit too literally. In his 2022 Budget speech, the Chief Minister said on line 652:

Mr Speaker, last year I announced an incentive intended to promote investment in marketing by awarding businesses that invest in marketing an additional deduction amounting to 50% of their marketing costs. When we discussed this incentive internally, before the announcement, it was always intended to refer to marketing of Gibraltar as a destination and jurisdiction to visit or in which to set up business, and not a deduction for all marketing expenses generally. The idea of the incentive was that as we emerged from the pandemic we wanted to encourage travellers to visit Gibraltar and businesses to consider relocating here, particularly now the case has been made and proved for remote working.

985 He goes on to say:

This incentive was intended for a period of two years. Following this announcement, we have realised that this incentive is uncapped and capable of being overused by certain sectors of the economy, as presently drafted. With this in mind, I am terminating this incentive with immediate effect. [...]

In order to treat everyone fairly, the incentive will, therefore, apply for its first and only year as set out in the legislation, but only in the way it was originally intended –

– not as legislated, as intended in the Chief Minister’s mind, which nobody understood at the time –

that is to say the marketing must be of Gibraltar as a destination and jurisdiction, with the aim of attracting conventions, events, visitors and tourists or new businesses to set up here. Generic marketing to customers of one’s own product is not what we had in mind and will not be allowed. [...] An amendment to the legislation will shortly be passed to address these issues.

‘Shortly be passed’: this is 2022 and today we have the Bill certified as urgent.

990 And so, under subsections 3(10)(d) and (e), which by themselves look fairly mundane because they are almost one liners, what is effectively happening ... If anybody looks at it, they will see in 10(d): at the Income Tax Act

in paragraph 18(2) for “30 June 2023” substitute “30 June 2022”;

i.e. the one year that the Chief Minister was referring to in his Budget speech in 2022. He is cutting it to one year, not two.

And then, in 10(e):

for paragraph 18(3) substitute-

“(3) For the purposes of this paragraph-

“marketing and promotion” means any costs incurred in relation to the advertising or promotion of Gibraltar as a-

(i) destination for the purposes of enhancing tourism, attracting visitors ...

995 Blah-de-blah-de-blah. But of course the problem is the Chief Minister made these comments back in 2022. The legislation as it stands today actually says:

Marketing and promotion means any costs incurred in relation to the active marketing or promotion of products or services to consumers for the purposes of the production of the assessable income of the trade, business, profession or vocation in or from Gibraltar.

That is how section 18(3) reads at the moment of the Income Tax Act reads, as it stands today, but what we are being asked now is to rewrite that legislation and backdate it. Why? Because it was not done before. I have sympathy with the intention as to why this may be desirable from the point of view of the public purse, but the fact of the matter is that if we knew this was a problem in 2022 we should not be coming here in 2024 to legislate, and the Minister for Taxation will know this. He is cleaning up the mess left behind, but the Bill is in his name. I know that there are businesses in Gibraltar that intend to rely on the section as drafted, no matter what we do today, because that is the law. Businesses cannot operate without tax certainty. You can say, 'I never meant it to be that, and in fact I want it to be this,' but if you do not change the law, anybody reading the law says, 'Well, according to the law, this is what the law says.' How is the ordinary citizen meant to go about his business if nobody knows what the law actually is, or if maybe it is what the Chief Minister meant but he did not get around to doing it. That is not good enough. You cannot run your tax system based on the whims of a Chief Minister who does not follow it through. As I said, I have sympathy with the intention, but the execution of it is frankly appalling. We should not be being asked here today to pass a Bill to clean up something that should have been done two years ago. The Minister for Taxation knows this, and yet here he is presenting a Bill in his name cleaning up the Chief Minister's mess. But of course, this Bill is urgent.

There is a section which I would ask the Minister to provide some clarity to the House on. That is section 3(4), which seems to refer to penalties and filing of tax returns. The first element of it is amending section 65. Certainly (1) and (2) are carbon copies of what already exists, but now he has added on other elements in subsection (3), which talks about corporate offences in terms of micro companies' late filing, the same for medium companies and again for large companies. I would be grateful for the Minister's guidance on this particular point. What is interesting about this section, as opposed to all the other ones that are retrospective – and the other ones go back to 2016, 2018, 2022, 2023, 2024 – is that it says section 3(4) will come into operation on 1st January 2025. I ask the Minister can he provide some guidance to the House as to when this was announced? I have done a search of his Budget speech and I have done a search the Chief Minister's Budget speech, but I cannot seem to recollect or find a signalling of this increase in penalties. Of course, the Minister is free to include additional penalties whenever he pleases, but I would not characterise it as an amalgamation of outstanding Budget measures if it is something that was decided outside the Budget process. As I said, it is not something that I have a particular problem with, but I would not characterise it as a Budget measure if it was not discussed at the time of the Budget. I would be grateful for the Minister's commentary on that.

Another element which goes to show how bizarre this process is, is in section 3(3). In section 3(3) we have a double amendment, which starts, 'In section 30 ... for "£1,250,000" substitute "£1,500,000"', only to have it self-substituted by the following section saying 'for "£1,500,000" substitute "£1,750,000"', and of course, this is because we are playing catch-up. So, here we have an amendment that then amends itself, which must be some novelty in legislation and again speaks to the problem that we are facing. We are just not doing our work properly and we are not doing it fast enough. The Minister for Taxation probably cringes at this stuff because he probably would not have done it this way himself, but again it is his name on the Bill.

And then, talking about his name in the Bill, what I found strangely absent was his own Budget measures that he announced in the Budget for 2024. This is the roll-up of outstanding measures from 2016 to 2024, we were told, but in the Minister's Budget address, apart from the OECD measures and the property tax, which we will take in a while, he did mention some other measures of which we have seen nothing. There were two: one where he says, 'I will turn to the living accommodation exemption under schedule 7 to the Income Tax Act,' and another one proposing to seek to 'maintain the tax status enjoyed by those students undertaking employment, whilst avoiding inequity for standard employees'. And then he says:

these legislative amendments are in their final stages. I will bring them to this Parliament to be read shortly and once ready.

Madam Speaker, that was in July. We are here doing Budget measures back in 2016. Surely now is the time to do his 2024 Budget measures, but where are they? They are not here. Are we going to have to wait till 2025 to do his 2024 Budget measures? What is the problem? He, himself, has seen what is happening. We have seen the Commissioner of Income Tax, out of the goodness of his heart – and I do not know why he does this – trying to implement his Budget measure in terms of student taxes, amending the PAYE guidance, and again, with no legislation backing it. When I raise this, the Minister says, ‘No, he is just trying to be efficient. He is changing the guidance so that it is ready when it comes out.’ Well, here we are in December. When are we going to be ready to bring the legislation? You cannot now backdate it, certainly not on students; it is going to have to be forward dated. So, what on earth was the Commissioner of Income Tax doing? If this is meant to be an amalgamation Bill, surely we should be bringing everything else in. Why have we left out those two measures? Are we not doing this in a consistent way? We cannot, on the one hand, pretend to bring everything up to date and then leave things out. Somebody has to get this on the right footing. At the moment, we are not, and the problem is ...

It is not that I take any great pleasure in bringing these matters to the attention of the House or rubbing the Chief Minister’s nose in it. At the end of the day, this reflects badly on all of us as a Parliament. We cannot even do our own tax legislation in a sensible way. We are being asked to pass and support this Bill today, a Bill that backdates stuff to 2016, 2018, 2023, 2022 ... We might as well go back to Magna Carta, to 1066, at this rate. *(Laughter)* This is just not an acceptable way of doing business in this House. Of course, the Chief Minister finds everything amusing because he does not understand any of this stuff, Madam Speaker. *(Interjection)* He doesn’t. Look: he is obviously surfing the net looking for another car to buy, but this is serious politics, this is serious business, this is taxation. People have a right to know what tax to pay and not have to rely on assuming what the Chief Minister thinks he was doing when he stood up in his Budget speech.

The Minister for Tax has an important job to do, but he must do his job completely, not just picking up the Chief Minister’s mess, but also following up with his own Budget measures. The way to avoid all this nonsense is to have a Budget that includes a Finance Bill, not this nonsense of an amalgamation, which in fact, if you look at it carefully, is almost a Finance Bill. This is what a Finance Bill would look like, except it does not have all the backdating provisions; it would be forward dating. If we had one of these, we would have a sensible debate about each particular provision and we would vote yes or no for each provision, as has happened in the past. But this is the Bill that we have before the House, and given that it is such a mess, we will not be supporting the Bill; we will abstain on it.

Thank you, Madam Speaker. *(Banging on desks)*

Madam Speaker: Does any other hon. Member wish to speak?

Chief Minister (Hon. F R Picardo): Madam Speaker, I want to start where the hon. Gentleman ended up, by talking about a load of nonsense, but not the load of nonsense that he has referred to this Bill as when he has said it is not an amalgamation, but to the load of nonsense we have had to hear from him. I must say that with the very greatest of respect to the hon. Gentleman, because what he has wanted to do has been simply to trash and mischaracterise everything in this Bill and try to personalise on me and my person everything that he thinks is wrong not just with this Bill but with taxation in Gibraltar. I have got used to that in the last three terms that I have shared with the hon. Member in this House, except for the short period during the pandemic when we were able to work together. I suppose, like many others, he was just too scared about what was coming, too scared about the difficult decisions that had to be made, and he decided to get behind the slipstream that Albert Mena and I were creating and protect himself in that way from having to make any difficult decisions. But I was grateful for that short period of his agreement with everything that we were doing.

I do also want to point out, before I go any further, that it appears that the Hon. the Leader of the Opposition has also forgotten that if he wanted *Hansard* to reflect anything, he should have

asked that I confirm for the record that under section 35(1)(a) of the Constitution, as the Minister for Public Finance, I have certified that this Bill can move, although it is a Bill that, in effect, will raise taxation. I have so certified and I am happy to confirm that for the record of *Hansard*, although it is not necessary to confirm it for the record of *Hansard* because I have already signified it in writing.

Madam Speaker, the hon. Gentleman, in his speech for the Opposition, has said that we have not had a Finance Bill, as he has repeatedly recommended should be the case, and the difficulties that arise in respect of this Bill, as he now puts it, all arise because we have not followed his advice to have a Finance Bill at Budget time. It is not just us that have not had a Finance Bill at Budget time. In all of the years that I have been in this House since 2003, two terms of which were unfortunately under a GSD Government, there was not a Finance Bill, and indeed, as I understand it from the Hon. the Father of the House and the Deputy Chief Minister, there was not a Finance Bill in the years before that, and the leader of the party opposite now, Hon. the Leader of the Opposition was a Minister for eight of those years. So, it is not just us that are not following the hon. Gentleman's advice in not having a Finance Bill, which he appears to present as a panacea for all of the ills that he has self-diagnosed in this Bill, which we do not accept; it is his own party that did not do that in 15 successive Budgets from 1996, eight of them with his current leader as a Minister. So, hon. Gentleman will understand that we do not believe that the cure that he is prescribing is relevant, because we do not accept the diagnosis that he makes.

The hon. Gentleman has appeared to suggest that whenever you come to this House to deal with any lacuna that there may be in the law with something that needs to be provided for, you are not doing the housekeeping exercise of bringing the law into line with practice, you are cleaning up a mess – because that is what is going to grab a headline: cleaning up a mess. Well, I suppose we were cleaning up a mess after 2011 when we had to legislate for the measures *they* had not provided for, or when we had to do *their* Supplementary Appropriation Bill for the overspending *they* had incurred: cleaning up a mess. If you want to describe something in pejorative terms, you can describe anything, however positive and well intentioned, in pejorative terms.

The hon. Gentleman has pretended to do a charge of the Light Brigade style approach to this very meritorious Bill. To make the hon. Gentleman understand – because it might not just be me who understands nothing, it might also be he who understands very little – the charge of the Light Brigade was either the most audacious and brave charge that the British Army ever made, or the worst-informed military manoeuvre in the history of the British Army. It just depends how you describe it. We describe this as a meritorious Bill – (**Hon. R M Clinton:** Really?) we do, really, yes – that brings our law in line with outstanding Budget measures and with practice and brings in new measures too. If this is, therefore, amateurism at its best, as the hon. Gentleman has described, I will tell him that we learnt it from the best, as they might see it – that is to say them – or we learnt it from the worst, as we might see it – that is to say them – because if what we are doing here is giving retrospective legal cover to a Budget measure that has not been made law, those words first appear in the parliamentary record of this nation uttered by a Chief Minister of the Gibraltar Social Democrats in 2011, saying that he was bringing legislation to cover measures in the raising of taxation which they had been pursuing for years but had not provided legislation for. I am not, therefore, as Minister for Public Finance, in certifying that this Bill can go and therefore raising this issue as the reason why it is proper for it to go, Denning quoting himself as authority for his own proposition; I am actually quoting the person they would consider a master of their own rolls as authority for the proposition. This is what they used to do. This is what they introduced. This is what he now describes as amateurism at best. Well, if that is the case, then the only thing the hon. Gentleman has done is trash the record of 16 years of GSD Government in taxation because they had no Finance Bill and they brought the concept of retrospective legal cover. Let's be very clear: that is what he has now got up and done. He may simply have done it from that style, which is so the style of the centre right, not just here but everywhere in the world, that when we do

something it is perfectly all right; when the socialists do exactly the same thing, it is utterly disgraceful, it is unacceptable, it is sweeping up a mess.

I would have thought that people were too long in the tooth now not to see through it, but let me give you, Madam Speaker, the best example of what the hon. Gentleman has said today, which demonstrates that his approach has not been to find merit but simply to find fault for the sake of finding fault. What was the tax amnesty about? It is not just that now we should ask ourselves on what basis did we charge those who availed themselves of the amnesty, because that is the shallowest possible interpretation. Sure, we charged those who availed themselves of the amnesty before we passed the law. We are passing the law now. But a slightly more substantive understanding of that might actually lead the hon. Gentleman to realise that those who took the benefit of the amnesty were actually saying that they had failed to comply with the law on taxation as it was at the time, and that what the amnesty was giving them was a discount against their liabilities. So, it is not that we did not have a law on which to charge them; it is that we might not have had a law on which to give them the discount. Doesn't the hon. Gentleman realise? His case is totally undermined by the fact that he has relied on the amnesty as the issue. The amnesty was what people were availing themselves of because they were fessing up to having failed to comply with the law as it was.

It is also shallow and amateurish to believe that you cannot do retrospective legislation in matters of taxation. It is now trite that although the principle is that you do not legislate retrospectively, what you do is make sure that people have the certainty at least of announcement, because people have to have certainty and there is certainty once things are announced. Indeed, even in the United Kingdom, challenges to even Finance Bills – because a Finance Bill, which the hon. Gentleman says is the panacea, can also be retrospective – which have gone all the way to the European Court of Human Rights because the Finance Bill has been retrospective have failed because there can be retrospective legislation even where there has not been an announcement. Here you are dealing with the fact that there has been announcement. Certainty is there. You have been told what the Tax Office is going to do. It is the GSD principle of retrospective legal cover. The hon. Gentleman might like to use the copious time at his disposal to look it up and confirm that it is a GSD principle that we are applying. Retrospective legal cover does not offend any legal principle.

Madam Speaker, we think this is actually very good housekeeping that we commend as good tax practice, but it is good tax practice in the context of Gibraltar. What the hon. Gentleman cannot do is say we must have a Finance Bill as in Westminster. Westminster is for a market of 60 million people. Here, tax practitioners are all in touch with the Commissioner of Income Tax, who is constantly giving feedback on how measures will be implemented, assisting taxpayers. Tax certainty is available. This is not, therefore, an appalling exercise, as the hon. Gentleman has said; this is a very meritorious exercise, which I commend to the House. But does he really think that it is an appalling exercise that we are undertaking, or is he just trying to grab the headlines in a provocative tabloid style that actually, when you analyse it, as I have with the amnesty, is devoid of substance? He is just, as he has demonstrated in his speech, nitpicking. He is being pedantic, hypercritical of everything and excessively difficult, as we have all, unfortunately, come to know that he is. I have got used to the fact that in the time that he has been a Member of this House, the hon. Gentleman, other than in the period when he quietly got in our slipstream because it was too difficult and too scary to do anything else during Covid, is never going to say anything good about me, that we on this side are never going to be good enough for his exacting standards. Indeed, given that I have just demonstrated that what we are doing is what they were doing, even Sir Peter Caruana – and perhaps even the Hon. Mr Keith Azopardi, now Leader of the Opposition, then a Minister – is not good enough for the Hon. Mr Clinton, but we certainly are not good enough. Only he would be able to design finance measures and a Finance Bill and bring things at the right time with his Select Committee on Public Finance etc.

The hon. Gentleman will forgive me for not thinking that his judgement of me and my political career is the one that might be most relevant, because, as the Hon. Mr Feetham, the Hon.

Minister, has said, this Bill deals with matters from 2016. We have asked the public in Gibraltar for their judgement on two occasions since 2016. He has asked the public to make him Minister for Public Finance on three occasions since 2015. In 2015, we enjoyed the biggest landslide in any two-horse race since Joe Bossano won the biggest landslide in the history of landslides, and since 2016 we have won two more times. The public have not chosen his view on whether we should have a Finance Bill, they have not chosen his view of how terribly we do things, they have not chosen his view of how terribly I do things, so hon. Members will be forgiven, on that side of the House, for understanding that on this side of the House we prefer the view and the confidence expressed in us by the people of Gibraltar on those two successive occasions since 2016 where he says that we have done things so badly, and I – in particular, given that he personalised his speech so much on me – will tell him that I am very satisfied that on the four occasions that I have sought the confidence of the people of Gibraltar to be elected as their leader, I have won the argument and that I have asked them to do so one last time and their final judgement on me was that I should continue to be their leader and neither he nor any of his colleagues should take over.

I am sorry, Madam Speaker, if I end, as he purported to end, by rubbing his nose in it, but he will understand that after four successive defeats inflicted on Members opposite, three of them on him since 2015, and given what he has said, I will rub that in their noses as many times as I have to. And when they call me incompetent and he calls me incompetent and says that Magna Carta was signed in 1066, I will remind him it was signed as the Great Charter in 1215. If he cannot even get his facts right, I am not surprised that we have won four times on the trot, and in particular since 2015 when he became their spokesperson on matters of finance, and in particular in 2016, which is the period which we are now tidying up and ensuring that we put everything in its proper place to give retrospective legal cover, that brilliant GSD construct which we now apply today. I, therefore, Madam Speaker, commend the Bill to the House.

Madam Speaker: Does any other hon. Member wish to speak? In that case, I call upon the mover to reply.

Hon. N Feetham: I am grateful, Madam Speaker. I have made a few notes of the comments made by the hon. Member Mr Clinton. He started his speech and he kept repeating it time and again: he was calling this House to deliver tax certainty. He is saying that the Government, by delaying the implementation of announcements in Budgets, is ... the lack of tax certainty as a result of not having the legislation in place. And then, at the end of his speech, he says, 'I will abstain.' The Opposition will abstain from passing legislation which in his opinion is absolutely necessary to deliver tax certainty. There is an inherent contradiction in that argument. He then chastises the Hon. Chief Minister. Well, let me make it clear that I am the Minister with responsibility for taxation. I accept responsibility for this Bill being presented in this House and in my name, and therefore, if hon. Members need to direct criticism at me, I am here and I accept that criticism.

Let me also say, please, that the Tax Office has been working every hour of the day since we took office in order to be able to deliver on the measures that the Government has announced both in ministerial statements and indeed in this House. That has also required us to recruit two senior tax professionals, so we are better resourced as a Tax Office to be able to deliver a lot of the work that perhaps was not there before we recruited and upskilled our resources in the Tax Office.

He then goes on to say that there were Budget measures that I had announced, and indeed which the Chief Minister had announced in the last Budget, and why didn't not we bring them in this Bill? The answer is simple. It is as innocuous as that I had a conversation with the Commissioner of Income Tax and said, 'Commissioner, shall we bring the Bill with our tax measures now, or do we wait until the next parliamentary session?' His advice – this is the advice of senior officials – was 'It is not necessary to bring it within this Bill, which is an amalgamated Bill that brings everything else up to date, given that there is not the same degree of urgency.' Of course, we will table the Bill. It will be tabled, hopefully, in the next session of Parliament.

The hon. Member also refers to a section within the Bill ... I cannot remember what the section was, but it relates to fines and the late filings by companies. He questions where was this announced? Off the top of my head I cannot remember specifically where it was announced. It was not announced in my Budget measures, it was not announced in the Chief Minister's Budget measures, but I am absolutely certain that it was announced by one of my other colleagues and therefore it has been collected in this Bill. That is from memory, what I think is the case, and I am very happy to communicate what the factual position is outside this House, but I do remember that an announcement was made in relation to filings of tax returns and audits and therefore the relevant provision reflects some of the discussions that we had in relation to that measure.

He has also asked why we have inserted a prospective date of 1st January. That was on advice. In other words, the advice that we had was that in relation to that specific section, for reasons that were articulated to the Government, that date was chosen above a historical date.

He has made a song and dance that the Government has failed to introduce tax legislation which was announced in previous Budgets. No company has actually been knocking on my door, pushing and asking me as aggressively as the hon. Member has done today. In other words, a tax Budget measure is announced and companies incorporate the necessary measure in their tax returns. Indeed, we are talking about companies that have audited accounts. In other words, we are talking about very large companies with audited accounts, we are talking about some companies that are regulated by the Gambling Commission as gaming companies, other companies as financial services licensed entities. They have not made as much noise as the hon. Member has done today.

I really can but echo the Chief Minister's words when the hon. Member referred to us going back in time and implementing the Magna Carta in 1066. Madam Speaker, as the Hon. Chief Minister has pointed out, 1066 was the Battle of Hastings; it was not Magna Carta.

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Income Tax (Amendment No. 3) Act 2024.

**Income Tax (Amendment No. 3) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Justice, Trade and Industry (Hon. N Feetham): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Madam Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members: Aye.

**Income Tax (Amendment No. 4) Bill 2024 –
First Reading approved**

Clerk: A Bill for an Act to amend the Income Tax Act 2010. The Hon. the Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, I have the honour to move that a Bill for an Act to amend the Income Tax Act 2010 be read a first time.

1295 **Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Income Tax (Amendment No. 4) Act 2024.

**Income Tax (Amendment No. 4) Bill 2024 –
Second Reading approved**

1300 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, I have the honour to move that the Bill be now read a second time.

The Bill amends Section 20 of the Income Tax Act 2010 to restrict the amount of brought forward losses that may be set off against profits in a given accounting period.

1305 Section 20(6) will limit losses to 50% of the measure of profits or gains computed in accordance with Schedule 3. The measures will apply in relation to accounting periods ending on or after 31st July 2024.

1310 As highlighted in my Budget address, the vast majority of losses are generated by companies in the financial services and gaming sectors. Consequently, Section 20(7) will limit these changes to designated persons, namely companies carrying on regulated activities within the meaning of Section 5 of the Financial Services Act 2019 or Section 3(1) of the Gambling Act, as well as connected persons.

Section 20(8) disapplies these rules to companies defined under Section 3 of the Insolvency Act 2011 that are subject to insolvency proceedings and which are deemed to be designated persons.

1315 Section 20(9) ensures that the restriction on the use of brought forward losses will not apply to losses generated during the period 1st July 2021 to 30th June 2023. This reflects the fact that the Government introduced a number of stimulus measures in this period in the wake of the Covid pandemic, including enhanced corporate tax deductions and allowances.

1320 This Bill does not eliminate brought forward losses. Taxpayers can continue to utilise accumulated losses prospectively albeit at a slower rate, one which allows and ensures a fair and proportionate economic contribution to our shared consumer community.

Madam Speaker, I commend this Bill to the House.

1325 **Madam Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. R M Clinton.

Hon. R M Clinton: Thank you, Madam Speaker. The Minister will be pleased to hear that we will ride in his slipstream and approve this Bill. It will have our support in the manner he described at the Budget speech. I think it is worthy of our support.

Thank you, Madam Speaker.

1330 **Madam Speaker:** If no other hon. Member wishes to speak, does the mover wish to reply?

Hon. N Feetham: Madam Speaker, I am grateful to the hon. Members opposite.

1335 **Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Income Tax (Amendment No. 4) Act 2024.

**Income Tax (Amendment No. 4) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

1340 **Minister for Justice, Trade and Industry (Hon. N Feetham):** I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all hon. Members agree.

Madam Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

1345

Members: Aye.

**Income Tax (Amendment No. 2) Bill 2024 –
First Reading approved**

Clerk: A Bill for an Act to amend the Income Tax Act 2010. The Hon. the Minister for Justice, Trade and Industry.

1350 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, I have the honour to move that a Bill for an Act to amend the Income Tax Act 2010 be read a first time.

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

1355

Clerk: The Income Tax (Amendment No. 2) Act 2024.

**Income Tax (Amendment No. 2) Bill 2024 –
Second Reading approved**

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, I have the honour to move that the Bill for the Income Tax (Amendment No. 2) Act 2024 be read a second time.

1360 Madam Speaker, I have given notice that I intend to move an amendment at Committee Stage to make some amendments to this Bill.

This Bill amends Section 3 of the Income Tax Act 2010 in order to allow the Commissioner of Income Tax to provide the Gibraltar Financial Intelligence Unit (GFIU) with information where the GFIU makes a lawful request.

1365 The Bill amends Schedule 1 to insert a new Part 2 for the purposes of introducing the Budget measure announced in relation to the charging of tax on income from the disposal of an interest in a taxable property where a person holds a certain number of properties other than exempted properties. The initial announcement was for the threshold to be three or more properties, but this is being amended to five or more properties. The property exempted is set out in paragraph 1 of Part 2 and includes, amongst other things, a person's primary residence, commercial property
1370 and property which is unfit for human habitation or in need of substantial repair. The amendment I am proposing at Committee Stage provides for a new exemption for properties constructed prior to and held by the owner since 1st January 1988. I will move an amendment to provide that any further exemptions for any category or class of property may be made by order, with such order to be approved by resolution of this House in advance. Paragraph 1(2) of Part 2 of the schedule as

1375 I propose it be amended at Committee stage provides that tax will be payable where a person holds five or more taxable properties or an aggregate in five or more taxable properties over three consecutive basis periods, and that person disposes of the property. A further amendment will provide that the profits, rather than the amount arising from the disposal of any such property by the person or the property-holding entity, whether directly or through a disposal of shares, will be charged as though the profits arising from the disposal are the income of that person or entity.

1380 I do not propose to discuss every provision in the Bill in this address. I have explained its purpose in my Budget speech and I have since also defended it publicly, including in a GBC *Viewpoint* programme where the hon. Member opposite, Mr Clinton, participated. I remind this House that Action for Housing have twice come out in support of this measure. Let me, however, try to provide some brief commentary. This property tax Bill is crafted with the intent that property ownership in Gibraltar benefits the many and not just the few. It is about fairness, about ensuring that those who benefit financially most from a thriving property market also contribute proportionately to tax revenues and the welfare of our community. It has not been uncommon in recent years for a small number of purchasers to purchase a large number of off-plan apartments in developments in Gibraltar, expecting not to pay any tax when eventually disposing of their property interests. They create a secondary market for these properties, selling at a time of their choosing, typically when prices have risen significantly. The result of this practice is clear. When some developers announce that reservations are oversubscribed many times over shortly after sales commence, many families are unable to buy flats directly from the developer. Instead, they are forced to turn to the secondary market, where prices are substantially inflated. This, in turn, makes it difficult for local families to afford homes. It is imperative to remind everyone of the tax responsibilities that apply to such transactions, even under the current law. We can no longer permit reliance on any perceived uncertainty in the existing tax legislation regarding trading and the tax liabilities arising from the sale of multiple properties. Tax is not voluntary. I have reiterated this principle on numerous occasions since taking office. The property tax Bill before us today is designed to address precisely these issues, ensuring that those who engage in such practices contribute their fair share of tax to our community. Indeed, they should already be doing so. Any argument that the law will exempt trading in less than five properties and only tax five is mistaken. The legislation sets an automatic inclusion for taxation purposes of five or more properties. It does not provide an exemption for anyone considered trading in fewer properties. Under existing law, courts must determine whether the sale of properties constitutes trading, applying case law under so-called badges of trade. Every revenue law university student should be able to explain it.

1395 This process involves interpreting facts and circumstances to decide if property sales are taxable as trading income or constitute a capital gain. This makes the dividing line between trading or not often highly subjective. We are drawing a line in the sand by providing the automatic inclusion in the new Act, establishing a clear threshold, reducing uncertainty, namely ownership of five or more properties, rather than relying on judicial interpretations and avoiding costly enforcement action for this threshold. So, while the provision explicitly covers cases with five or more properties as a clear threshold, the legislation does not preclude taxation of profits from fewer properties if the nature of the activities otherwise constitutes a trade.

1400 Madam Speaker, I commend this Bill to the House.

Madam Speaker: Before I put the question, does any hon. Member wish to speak on the general principles or merits of the Bill?

1420

Hon. R M Clinton: Madam Speaker, unnecessary is how I would sum up this Bill; unnecessary in so much as this Bill was certified urgent, because if you look at the face of the Bill, you will see it was published on 25th July 2024 and six weeks have elapsed by my counting. So, in fact, there was no need to certify this Bill as urgent by the Chief Minister.

1425

Hon. N Feetham: Will the hon. Member please give way?

Hon. R M Clinton: I will give away, if you wish, yes.

1430 **Hon. N Feetham:** This Bill has not been certified as urgent. The Bill has been certified by the Hon. Chief Minister on the basis that he is the Minister with responsibility constitutionally for public finance.

1435 **Chief Minister (Hon. F R Picardo):** They may have said Madam Speaker, a 35(1)(a) notice and a 35(2) notice or a 35(3) notice.

1440 **Hon. R M Clinton:** Madam Speaker, I have a copy of the letter here, if the Minister wishes to have a copy and frame it, because it does say 'Tax Bill abridgement of time' and his Bill is listed here, in fact, as the very first one, signed by the Chief Minister: 'With very best wishes, as ever, Fabian.' It may just have been an administrative error but it has most definitely been certified as urgent. Again, I come back to my theme of not being necessary. In fact, the Minister, in his closing remarks, more or less admitted this. In his closing remarks, he said, 'Don't let anybody think' – if I can paraphrase – 'that this is a get-out-of-jail-free card for anybody who is trading for properties with the badges of trade' which is a well-known tax concept that has been recently published in a book on the principles of Gibraltar taxation, as the Minister will know on page 83 the badges of trade test. For the purposes of those who are not tax experts, it says on page 84 that badges of trade can be summarised as follows: the presence or absence of a profit-seeking motive; the number of transactions; the nature of the asset; the existence of similar trading transactions or interests; changes to the asset; the way the sale is carried out; the source of finance; the interval of time between purchase and sale; and the method of acquisition. There is a whole list of case law which follows on the next few pages, so this is a concept that is well tried and tested in the law. I do not claim to be an expert in the law, but I did find it somewhat unsettling in his closing remarks for the Minister for Justice – not just the Minister for Taxation but the Minister for Justice – to say that this would draw a line in the sand, it would set a clear threshold and he would not have to rely on judicial interpretation. The Minister for Justice is doubting the ability of our legal system to interpret our own laws. How bizarre is that? We have accepted legal principles as to the badges of trade. The Minister is telling us, 'This law does not override the badges of trade, they are still there to be applied if we so please, but in case I do not get the right decisions from the judges, I am going to bring in this legislation.' Frankly, it is a bit much, perhaps, which is why we say this legislation is unnecessary.

1460 This activity of trading in properties, as the – I almost called him the Chief Minister – Minister for Taxation, maybe Chief Minister, alluded to in his original Budget speech ... He says this is really meant to catch those who are treating our property market as a casino – well, not a casino, a stock market – and making excessive profits, but this activity was, is and has always been taxable. So, if it is taxable, why is the Minister not taxing it? Why not?

1465 The Minister himself has alluded to a GBC *Viewpoint* programme in which I participated. What was interesting was that in the absence of rules of debate we were able to have a fairly free and frank exchange and flow of thoughts, and what came across to me and the impression I came away with was that this was not a closing-a-loophole, tax-revenue-raising measure; this was about enforcement. This was not about balancing the Budget – 'We need to raise more money – let's add 10p on that, let's tax this, we need to do that'; no, this was about him having a problem with enforcement. He more or less admitted this in public TV. But if he knows there are ... I cannot remember what expression he used. I think he held up his hands and said, 'There are these number of people that we know of' – 10, I think it was – 'who are persistent offenders, who refuse to play ball, who refuse to comply with the tax law as it exists.' So why not just issue assessments against them and let them argue their day in court? That is what the courts for, but somehow we have this shortcut legislation, which I think he alluded to in his Budget speech, 'to avoid costly litigation' or words to the effect. But tax law should not just be about enforcement. I have now understood that his role really is Minister for Tax Enforcement. He is the Government's tax

1480 enforcer. As I perhaps unkindly alluded to, he is the Sheriff of Nottingham in the great Robin Hood saga, playing to King John. This Sheriff of Nottingham is blindly seeking to enforce the tax law and is introducing a new form of collecting this money, but in his narrow view of the world he is not considering the effect it has on the wider perception of Gibraltar as a jurisdiction.

1485 We, on this side of the House, do not have a problem with him collecting tax that is due. We do not have a problem with him taxing those terrible wealthy people who are making so much money. Tax them, by all means. But the problem is that he is producing a piece of legislation to start with which has a feel to it of some sort of capital gains tax. We have said for a long time that we do not have capital gains tax in Gibraltar, and I assume that any move to introduce it will have to be something that will be debated in this House. It is one of the attractions of Gibraltar that we are competitive, and this world we need to maintain every single competitive edge that we can
1490 because we need it. We are competing with a big, bad world, and there are people out there – if you look at property in Dubai – who will be direct competitors with our offering. We have huge developments which we all know of, which I will not name, that will be seeking investors. I do not have a problem with the Minister for Taxation seeking to tax those that need to pay tax and should be paying tax – by all means – but the way this property tax Bill, if you want to call it that, was
1495 introduced unsettled the market. It also opened a can of worms in terms of capital gains tax. When the Minister said he is introducing an amendment to the Bill where he will exempt properties before 1st January 1988, and in fact anybody who has owned a property since 1st January 1980 that was built before 1988, I asked myself why that date – 36 years to today, or thereabouts. Why? How did you come up with this date? I am glad the Chief Minister finds it so amusing, because he
1500 is adding no value to this debate at all, Madam Speaker, as he sticks his finger in his mouth.

Hon. Chief Minister: To signify amusement is to signify, hook, line and sinker (**Hon. R M Clinton:** Whatever.) to my colleague. (**Hon. R M Clinton:** Indeed.) I do not need to justify to you.

1505 **Hon. R M Clinton:** So, Madam Speaker, why 36 years? What is the magic date? Maybe there is a rationale to it, but I am sure the House would like to hear it. (*Interjection*) I did not know you found it so amusing, but anyway.

1510 **Madam Speaker:** The hon. Member will not address the other side directly. We have been through this.

Hon. R M Clinton: Madam Speaker, I did not know [*inaudible*]

1515 The problem is the Minister has identified a problem of enforcement, and whoever is advising the Minister has drafted this piece of legislation. The Minister, in a letter to the *Chronicle*, tells us that this was drafted with the input of five experienced tax professionals. They were so experienced that this Bill has had to be amended. So, what advice is the Minister getting as to how to draft this Bill? The problem, Madam Speaker, is that he started off with anything above three properties is effectively deemed to be trading. Now this has changed to five or above. Why? He has increased it by 100%, so you can trade, theoretically, four properties. But he then says, 'You cannot, because I will tax you anyway.' Well then, what is the point of this legislation? What certainty is he providing anyone, other than saying if you are trading or you have five properties
1520 and I think you are trading, this will give me definitive proof that you are. But this could be done by the courts; it does not need a piece of legislation. All he has done is produce a completely unnecessary piece of legislation. In fact, although he says in his closing remarks, 'Don't think that you can trade four properties and not be taxed, because the badges of trade still apply,' there will
1525 be people who read this and say, 'Well, actually, these are exempt, therefore they are exempt.' How can you say they are exempt but still subject to the badges of trade? What he has done – and I hesitate to use these words, but he has drafted the opposite of what he intended. He has actually drafted what looks like a tax evader's charter. He says, 'Don't worry anything four properties or
1530 below, we are not going to look at you. We are only interested in those with five and above.' If

you are going to say, 'Well, actually, forget about it because I am going to tax you under the badge of trade,' what is this legislation doing if he is not going to do it anyway? It does not make any sense.

In the amendments that were given to us this morning, there is one amendment which I will welcome. The Minister will not be too surprised that we are going to vote against this Bill because it is an unnecessary piece of legislation, because you already have the ability to tax and the Commissioner has the powers to do whatever is necessary, but in his amendments I was glad to see that he has removed his ministerial discretion and now requires ... In fact, the bit that he has overwritten for paragraph 1(11)1L1 and substitutes the entire subsection (1), removes his ministerial ... No. I am sorry, Madam Speaker, I am reading the wrong line. After nine. That is right, paragraph ... After 2(9) 'The Minister may by prescribed, but unless it has been approved by a resolution of Parliament' and that I welcome because, before, it was entirely at his discretion, which I thought was wrong and I am glad to see that he has at least taken that on board. The other thing I am grateful to see he has taken on board is the amendment of the words 'amounts arising' – which frankly had no real meaning in finance terms – to 'profits', which makes much more sense. So, at least in that sense, his tax five tax experts have delivered what they should have delivered in the first place, and that is the piece of legislation that he wanted. But of course, this is not the piece of legislation that he wanted, because it is giving more exemption than he anticipated, and at the end of the day this probably will end up in Court because there will be people who say, 'But you gave me exemption for four properties; I can sell four properties.' He will say 'No, it is badge of trade,' and they will say, 'Well, hang on, which one is it? Is it the badge of trade or is it the piece of law?' It is going to end up in front of the judges, I am sure, because minute you try to tax somebody who has sold three properties and they say, 'No, you exempted four,' what are you going to do? You are going to end up in Court. That is what is going to happen. It would be much better if you had just applied the badges of trade than have this piece of legislation.

Madam Speaker, if he is so worried about these 10 entities that buy up entire floors of buildings –

Hon. Chief Minister: I have not said 10.

Hon. R M Clinton: Well, whoever it was, you held up your hands.

Hon. Chief Minister: Listen to the recording of this. (**Hon. R M Clinton:** Yes.) It was not in that context.

Hon. R M Clinton: Well, whichever context, you held up your hands and gave an indication that it was not more than two hands' worth. (**Hon. Chief Minister:** Foreign investors.) Some of which apparently, are locally based now.

If the Government knows who these offenders are, just go after them and tax them, raise an assessment; you do not need to do this. And then to roll out and hold up Action for Housing and say Action for Housing is supporting this and they think it is great ... Action for Housing will realise that these properties are not rental properties. These are not Government 50/50 properties. This will do nothing to help their constituents. I am sure Action for Housing will be delighted to hear that you raised the threshold from three to five because, hey, we have to tax those nasty property developers, but we are going to keep development aid because that is important.

Madam Speaker, we do not need lectures from the Minister or this Government about how socialist they are, what wonderful things they are doing for housing, because this will do nothing to address the housing market, nothing at all, and he knows it.

In terms of the presentation of this Bill, it is meant to provide legal certainty as to what is trading in property. I am afraid to say he is probably providing the reverse. He is codifying the ability to trade for profit – although he will deny it – four properties without being subject to tax. That is what it looks like on the face of the Bill and his amendments. But to say at the same time,

1585 'But I reserve the right to come after you if I think you are trading' ... What kind of law is this? We say you have the powers to tax anyway. You do not need this law. If who the offenders are, go after them, but this law, in the same way as it was certified as urgent, is unnecessary, Madam Speaker, and on that basis we cannot support the Bill.

Madam Speaker: Does any other hon. Member wish to speak?

1590 **Hon. Chief Minister:** Madam Speaker, the hon. Gentleman, in his condescension, I think, has failed to understand the general principles and merits of this matter, and I have no doubt that the Hon. the Minister for Finance will put him right on how this is, in effect, just a reversal of presumption which does not change the underlying principle as to trade. He will address that in greater detail.

1595 In raising the spectre of a capital gains tax, I think the hon. Gentleman has fallen into the trap of believing what he reads in ill-informed comment outside this House, and I want to just deal with that point, from the point of view of my role as Minister for Finance, to say that the Government has absolutely no intention, plan or desire to introduce a capital gains tax. It is not what this Bill does by any stretch of the imagination and I think that even the hon. Gentleman has, 1600 in his confusion, accepted that during the course of his speech, because what he is saying is you are codifying the badges of trade in a particular respect, thereby demonstrating that his main thesis in one of the parts of his speech, that this could somehow be characterised as a capital gains tax, is dealt a fatal blow. I want to be absolutely clear: the Government is not considering; the Government has no intention and the Government will not be pursuing any capital gains tax provisions. That is not what this Bill is about and it is not a precursor to another Bill that might do that. I hope that that is now sufficiently clear and that that, as the hon. Gentleman has alluded to in the context of his speech to the market, therefore should settle the market in that respect, Madam Speaker.

1610 **Madam Speaker:** Does any other hon. Member wish to speak? The Hon. the leader of the Opposition.

Hon. Dr K Azopardi: I am grateful, Madam Speaker. If only it were that easy to settle the market.

1615 I will say to the Hon. Minister who introduced the Bill that I was initially attracted to this measure. I will explain why, but before I do that, may I just say, this Bill, of course, is in two parts. The first part deals with GFIU provisions, really a request between the Financial Intelligence Unit and the FSC. Were that the only measure in this Bill, of course we would support it. We make that distinction. It is fair to say that my hon. Colleague Mr Clinton's speech concentrated on the second 1620 part of this Bill, which is the so-called property tax, to which I will also confine my general comments on the principles, because my colleague has dealt with some of the more granular points.

I just want to deal with the more principal issues, because I start where I started when I rose, which is, were it to be that easy to settle the market as the Chief Minister has sought to do, by 1625 saying that there will not be a capital gains tax? The issue precisely at the heart of this is that the market has been spooked and it is important to bear that in mind. As I started, when I thought about considering my reply to this, I was indeed initially attracted to the measure that the Hon. Minister spoke about in his speech because he talked about there being a minority of people who were, in effect, evading tax, sidestepping, depriving the Exchequer of revenue. I do agree with the point that he made then and repeated now, that those who benefit most should contribute by way of taxation whatever the law says they should contribute. I have no issue with that, and 1630 indeed none of the Members on this side of the House have an issue with the Government pursuing enforcement proceedings against people who, under the law of Gibraltar, are supposed to pay tax on certain things, whatever the tax law provides. That is why I was initially attracted by

1635 it, because I had understood from the Minister's speech that there was a lacuna in the law, that somehow these things were happening that were not provided for by the law. So, I put that at the forefront of my consideration of the measure.

As the weeks went by, during summer, it became obvious that several things were emerging as facts, and some of them became very obvious in that *Viewpoint* programme that the Hon. Minister was on with my hon. Colleague to my left, Mr Clinton. I think that programme happened around late September. By that stage, having watched the programme in great detail and replayed it to make sure that I had understood, because I am not a tax lawyer – badges of trade are for my hon. Colleague Mr Clinton, not for me; I have never had to advocate a case on badges or trade – I drew from that programme and from the sequence of discussions that there had been, not just publicly but from people who approached the Members on this side of the House, that two things seemed clear. Several things seemed clear, but two were prominent: that there was no lacuna and that these things were taxable. So, what the Hon. Minister was trying to do, and had explained in July during his Budget speech, was already taxable under the law of Gibraltar. I know he says that this provides more certainty, but if it is taxable – and he conceded as much, I think, on the programme, albeit that he couches it in terms that this would be clearer: 'We do not have to go to Court because it is clearer' ... Affirmations such as you do not have to go to Court are, if he does not mind me saying so, slightly facile, because even in attempting certainty it may be that things go to court, because that is the way of things, especially if money is at stake. But it seemed to me that that was becoming very clear, that the law of Gibraltar already makes this taxable. Indeed, the expert on that panel, I think an acknowledged expert in the field, said very clearly on the *Viewpoint* programme, 'This is taxable', and that was the same advice that we were getting on this side of the House.

The Hon. Minister – and my recollection is the same as my hon. Colleague Mr Clinton – in that programme said, 'This is not a lot of people, it is a minority of people,' and gesticulated to the camera. I know he had an aside with my hon. Colleague Mr Clinton before, but my recollection is that he gesticulated to the camera and said, 'It is not more than the fingers on these hands,' and that he or at least the Tax Office believed that they knew who they were. Well, again I say that if that is the case and we are dealing with a minority of people, and the law of Gibraltar provides that these activities are taxable, tax these people and do so without spooking the market. What was becoming very clear as well was that the market was being spooked by this measure. It cannot be that the Members on this side of the House were only receiving that information; I am sure that information was reaching Members on that side of the House. Some of the amendments that will be attempted at Committee Stage might be to settle nerves and the intervention of the Chief Minister might be to settle nerves, but the market is perhaps more unsettled than that.

1670 It is not clear what revenue this will raise, although that is not an issue of objection on this side of the House, because what we say is if there is revenue out there that should be taxed under the law, it should be taxed. No issue with that; we make it very clear. We support the principle that people should be pursued if they are evading tax, but this Bill does not tax these activities for the first time – at least that is my understanding – because the law already provides that they are taxable. Therefore, the matter of public interest and whether you vote in favour or against this Bill, you have to balance the fact of whether this introduces into the law of Gibraltar taxation on an activity in respect of which there was a lacuna, against the possibility that the market might be spooked and it would have a detrimental effect on other things. If the answer to the first question is you are providing, for the first time, taxation, but it is in the public interest to do so, well, then perhaps the balance of issues might be a different way. But if you reach the conclusion, as we do – and, I think, the specialists out there reach as well – that this activity is taxable in Gibraltar, then you have to consider the consequences of this measure that achieves nothing other than spooking the market.

What does it mean when you spook the market like this? In circumstances where most first-time buyers are not getting their first property this way – most first-time buyers are getting their property through the 50/50 route or through perhaps a resale of a 50/50 – all you are doing by

1690 this measure is ... if it is true that the market is being affected and spooked, in effect providing a disincentive to development, which will create scarcer property opportunities and perhaps higher prices, you are not having the effect that the Hon. Minister ... On that programme, *Viewpoint*, he also said that his ambition was that this would give properties to people who would otherwise be priced out. He is repeated it today. I think he said that families would be able to buy on the first sales from developers. But if developers are spooked because they do not have investors, perhaps these developments will not happen. Then prices would rise rather than fall, and therefore make it more difficult for families to get housing.

1695 We put that in the mix because the development market does not just create houses. Although the creation of houses helps economic growth, helps families move on from one house to another, gives them an opportunity to have a better quality of life and so on – and all of that is important – the property market, the property development market and the construction industry create jobs and tax and Social Insurance revenue, and we are in a competitive market. When you put all that
1700 into the balance, do you want to spook the market, create a crisis of confidence in the market, affect jobs, Social Insurance and tax revenue? For what? For a measure which achieves the taxation of something that is already taxable? When you do all that, it does not seem to us to make sense. Despite, perhaps, a bit more judicial uncertainty, would not it be easier not to spook the market, pursue enforcement proceedings against the not more than the fingers on these
1705 hands of people? There is no dishonour in adjusting the Government's position. The Government could adjust its position having considered the effect on the macro-economic issues that arise here.

1710 It is a laudable intention to recover tax from people who should be paying it over, it is a laudable ambition to seek that the prices of housing should go down and that more families in Gibraltar should have housing accessible, but with all due respect to the Minister, I am not sure this measure does any of that. In fact, it might do the reverse. It is still time for the Government to consider whether it actually implements this measure and takes on board the wider concerns that people have had on this issue.

1715 As I said, we are not against the taxation of people who are speculators, who are profiteering from developments. If they are taxable, let them be pursued, and do so in a manner that does not then affect other economic fundamentals, which is our concern. Our concern is that the Bill, as it is being presented and as it is being perceived – and market perception, at the end of the day, is important – will have a detrimental effect on prices, jobs and investment into the market in Gibraltar at a time when we are in a highly competitive world and at a time when Gibraltar cannot
1720 afford to discourage investment into our economy. For those reasons, Madam Speaker, we will vote against this Bill. (*Banging on desks*)

Madam Speaker: Does any hon. Member wish to speak? In that case, I call upon the mover to reply.

1725 **Hon. N Feetham:** Thank you, Madam Speaker.

This Bill has been heavily debated outside this House. What the hon. Members have articulated in terms of their opposition to this Bill they have already articulated outside this House, and in particular in the GBC debate that the hon. Member Mr Clinton and I had in September. The reality
1730 is that he has not learnt anything from that debate.

1735 It is quite telling that they are walking a tightrope on this Bill in terms of the arguments that they are articulating today. On the one hand they say, 'We are all in favour of taxing people. Do not do anything, because the badges of trade are very clear-cut judicial guidelines and therefore, to that extent, it is taxable today and we do not need this Bill.' But then on the other hand they also say, in the same breath, that we do not need this Bill because it creates uncertainty, because it could kill the development market in Gibraltar, which I completely and utterly reject. What they are actually saying, one at the same time, is that there is a law, albeit through judicial interpretation under the badges of trade, that taxes it, but actually do not tax it, because if you

do tax it, then the development market in Gibraltar will be severely affected and impacted and therefore will affect jobs, economic activity and everything else. That is what they are saying on the opposite side of the House, because they find it very difficult to face the people of Gibraltar and tell them the honest truth. The honest truth is this: that a person just above the Minimum Wage in Gibraltar pays and declares more tax than the persons trading in properties in Gibraltar and not declaring it as taxable income under the badges of trade, because in most cases, if not in all cases, they happen to have professional advisers – lawyers, accountants and perhaps a minority of persons involved in the property market – that advise them that it is not taxable, that it is a capital gain, when it is blatantly trading. The problem is that the Tax Office does not have visibility on the taxable income that is being created from the sale of properties in Gibraltar because the onus is on the individual to declare it as taxable income. If he does not declare it as taxable income, because the view is being taken that it is an untaxed capital gain, the Tax Office does not get to know, and therefore the Tax Office cannot challenge those returns.

It is a point that has been made emphatically to me by the Commissioner of Income Tax. He is wholly behind this Tax Bill; his office is wholly behind this Tax Bill. Why? Because it reduces the length and the cost of enforcement action, and indeed, as the Hon. Chief Minister has pointed out, it effectively reverses the burden on the taxpayer to declare the income as taxable income. That is what the Tax Bill does, but it is easier for them to criticise the Tax Bill in order to ensure that those that are talking to them behind closed doors, who happen to be a minority of property professionals in Gibraltar ... to keep them sweet and keep them happy, whereas we on this side of the House are intending to ensure that everybody in Gibraltar pays their fair share of taxes. That is the intent of the Bill. They are walking a tightrope on this Bill, but it will be obvious and transparent to anybody listening to this debate. He says it is not necessary. He refers to the badges of trade as being well tried and tested. The badges of trade are far from being well tried and tested, because it is highly subjective. It involves a judicial assessment of facts and circumstances that in themselves create uncertainty.

There is nothing radical or novel about this Bill. Numerous other jurisdictions have done the same. Canada has done the same. New Zealand has done the same. You introduce a statutory provision that crystallises a tax liability and therefore avoids that costly enforcement action, which the Tax Office has advised me is something which, in their opinion, is much needed in order to tackle the non-reporting of tax liability in Gibraltar in this area. They cannot have it both ways. They cannot on the one hand say, 'We agree with the intent of the Bill,' which is what the Hon. Leader of the Opposition has said, 'but actually, if you do introduce the Bill, that creates a tax liability or crystallises a tax liability, it is going to harm the industry in Gibraltar.'

Then the hon. Member says that this is a capital gains tax. He definitely did not learn anything in the debate that we had on GBC. It was made absolutely clear to him by the very tax expert he has quoted here today that this is not capital gains tax. It cannot be capital gains tax. This is treating as trading income an activity which legislation defines as being taxable. It is not capital gains tax. It was made absolutely clear to the hon. Member in that debate by a highly regarded tax professional. I think he accepted that argument, but he comes here today and repeats the very same argument that was thrashed out on GBC TV by a tax professional. All he is doing is repeating the very same arguments that he has articulated over the last six months – and every time it is proved that he is wrong – so that viewers watching this debate who perhaps were not cognisant of the arguments that had been previously raised or indeed had not watched the GBC debate ... perhaps he can convince them. Well, he cannot convince anybody who watched that debate, and he certainly cannot convince anybody on this side of the House, because I remind him today, again, that this cannot be a capital gains tax. Under no notion, under no argument can this be considered to be a capital gains tax.

Then he refers to the exemption, that we have given notice of an amendment and we have said that persons who owned properties prior to 1st January 1988 and have held that property since ... we are saying that it is exempt or should be exempt from tax. He has a short memory. In the GBC debate with me, he kept going on about the fact that you could have somebody who is a

long-term holder of a property, and he referred ... I have the transcript here, but I will not bore the hon. Members by reading from it. He said something along the lines of, 'There are people that might be holding properties for 50 years, and there are families in Gibraltar that have held property for 50 years, and surely that should not be considered to be trading and they ought to be exempted.' Well, I have taken on board what the hon. Member said, but instead of actually fixing the date as corresponding to 50 years, we have set the date at 1988, 1st January – 34, 35 years – because on this side of the House we believe that that is a very significant date for Gibraltar. But of course he has forgotten – because he tends to forget and he has a very short memory – the achievements of Joe Bossano (*Interjections and banging on desks*) (**Several Members:** Hear, hear.) when Joe Bossano was elected on 1st March 1988, when Joe Bossano transformed the housing market in Gibraltar. Joe Bossano and his colleagues Pepe Baldachino Marie Montegriffo, who unfortunately is not with us today, Juan Carlos Perez, Robert Mor and indeed, of course, my father Michael Feetham, embarked on the largest housing project Gibraltar has ever seen. If it were not for Joe Bossano, we would not have had the boom in the property market that we have had since then. I asked my officials, 'Can you put a pie chart together to show how much social housing 50/50 and socially assisted housing has been constructed since 1988, so that I can see exactly, in a pie chart form, where the percentage of home ownership lies between different administrations?' Madam Speaker, 80% of all socially assisted housing has been constructed by a GSLP or a GSLP Liberal Government. (**Hon. Chief Minister:** Hear, hear.) (*Banging on desks*) So, we do not take lessons from the hon. Members opposite, certainly not on tax, certainly not on what we should do in order to ensure that we alleviate the housing market in Gibraltar. Madam Speaker, 80%; 20% was actually during the time of the GSD Government, and they were in office for 16 years. Joe Bossano, under the first administration, was in office for eight years, and I believe the pie chart shows that over 50% was attributable to the eight years that Joe Bossano was in office. So, 1988 is a remarkably important historical date, and that is why we chose 1988. (*Interjections*)

He has asked why we move the number of properties from three to five. Actually, when we sat down at the Cabinet and discussed whether it should be three or five, we had a discussion around that, that perhaps that number ought to be five, but we landed on three. There is no right or wrong number here, except that by moving the number from three to five, we believe that almost 99% of what we are trying to catch are already caught on the five or more properties. I am not going to read the transcript but the famous number 10 comes because the hon. Member opposite, Mr Clinton, was arguing what the what the Leader of the Opposition has echoed today: 'My goodness, what you are doing is horrendous for the property market; you are going to deter investors.' I said, 'What investors?' and I think the hon. Member Mr Clinton referred to foreign investors. I said, 'Well, I have the number of foreign investors that will be impacted by this Bill, and that number is less than the number of fingers on the hand.' In other words, 10 or fewer foreign investors. So, really, the argument that this Bill would undermine foreign investment in Gibraltar was a flawed argument; the same flawed argument as every argument that they have put across today. It is simply flawed.

He then talks about, you know, who the offenders are, so why do not you do something about it? Well, the problem is that those that ought to be declaring this as taxable income are not doing it, and because it does not go into their tax return, the Commissioner of Income Tax does not know the full number of individuals actually avoiding their tax obligations. By reversing the onus on the individual, the law will clearly prescribe that they now have to report it and therefore it becomes taxable.

There was something that Mr Clinton said in the GBC debate which certainly I found fascinating. We could not debate it any further and perhaps I should have asked him, but we did not have time. It was an extremely passionate debate between me and the hon. Member. He was shouting over me on many occasions I was asking him to just calm down. Again, I have the transcript. He said, 'We' – by 'we' I assume it must be the GSD – 'tried to persuade the Hon. Joe Bossano when he was Chief Minister to do something similar.' (*Interjection*) I have the transcript

here, Madam Speaker. He, we, they, when Joe Bossano was the Chief Minister, tried to persuade him. So, again, what is the argument?

1845

Hon. R M Clinton: Will the Minister give way?

Hon. N Feetham: Either they are in favour ... or are they against, Madam Speaker?

1850 The Hon. Leader of the Opposition has referred to spooking the market, but how can you spook the market when we are talking about liabilities that exist and should be reported as taxable, which is not being done? How on earth can you spook the market? It is something that I really do not understand.

1855 He then says, and I have taken a note here, 'You are providing disincentives to developers.' That is what the Hon. the Leader of the Opposition said. Well, disincentives to developers but it should have been taxable, but he is now saying, 'Actually, do not tax it because if you do tax it, it is a disincentive to developers.' Just full of contradictions.

1860 There is one thing which I think crowns all the contradictions that have been made in this debate over the last six months, which is this. And maybe they are listening to the wrong people, Madam Speaker; that seems to be the case. A property professional said, in expressing his opposition to this Bill, 'But the developments that have been done over the last few years ...' Some developments but not all, because I have had conversations with some developers who have told me in private, but they are not prepared to say it publicly, that they support the Bill. They have told me this. But one property professional has said some developments in recent years have depended on investors as a form of mezzanine finance. Anybody who understands what mezzanine finance is all about will tell you that mezzanine finance is lending. Therefore, if you are 1865 lending and you are providing finance to a business to do something, then that interest is taxable. So, how can you say that the investors that buy these properties and then sell them, and ought to be declaring tax and ought to be paying tax, really should not because it is a form of mezzanine finance? Mezzanine finance is fully taxable.

1870 Everything that I have heard today in this House is one contradiction after another, and it just reinforces the contradictions that have also been made by a handful of people, because I have not received more than a handful of emails from persons actually saying that they are opposed to the Bill. So, where is this huge swell of opposition to this Bill? I am sure that the hon. Members are not on Facebook, Madam Speaker, because they do not use social media, and that is why they 1875 seem to be so remote when it comes to public opinion, because they are not close to the people of Gibraltar, they are not close to the anxieties and concerns of the people. Had they been, they would have been able to verify that the large majority of people that have commented on this, and it is not just Action for Housing, support the Bill. It is only them that do not.

1880 **Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Income Tax Act 2010 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Income Tax (Amendment No. 2) Act 2024.

Adjournment

1885 **Chief Minister (Hon F.R Picardo):** Madam Speaker, as a result of other commitments, I would beg that the House should now adjourn until Wednesday at 11 a.m., when we will continue with Government Bills.

Madam Speaker: I now propose the question, which is that this House do now adjourn to Wednesday at 11 a.m.

1890 I now put the question, which is that this House do now adjourn to Wednesday at 11 a.m.
Those in favour? (**Members:** Aye.) Those against? Passed.
This House will now adjourn to Wednesday at 11 a.m.

The House adjourned at 7.05 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

MORNING SESSION: 11 a.m. – 1.10 p.m.

Gibraltar, Wednesday, 18th December 2024

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The Gibraltar Parliament

The Parliament met at 11 a.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: J B Reyes Esq *in attendance*]

Order of the Day

BILLS

FIRST AND SECOND READING

Financial Services (Amendment No. 2) Bill 2024 – First Reading approved

Clerk: Meeting of Parliament, Wednesday, 18th December 2024. Bills, First and Second Reading continued.

5 A Bill for an Act to amend the Financial Services Act 2019 to provide for market access
arrangements between Gibraltar and the United Kingdom in respect of financial services; to
amend the regulatory objective relating to the reputation of Gibraltar; to transfer responsibility
for administering the Gibraltar investor compensation scheme to the Financial Services Resolution
and Compensation Committee; to make further provision concerning financial promotions; to
10 amend the matters considered by the Decision Making Committee and provide for decision
making in exceptional cases; to amend provisions relating to confidentiality, information gathering
and the assistance of other regulators and to provide for related offences; to amend the regime
for regulated individuals and non-executive directors; to amend publication powers and the time
limits for considering applications and certain notices; to amend the definitions of financial crime
and designated regulatory objectives; to extend indemnities for costs to include damages; and for
15 connected purposes.

The Hon. the Minister for Justice, Trade and Industry.

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, I have the honour
to move that a Bill for an Act to amend the Financial Services Act 2019 to provide for market access
20 arrangements between Gibraltar and the United Kingdom in respect of financial services; to
amend the regulatory objective relating to the reputation of Gibraltar; to transfer responsibility
for administering the Gibraltar investor compensation scheme to the Financial Services Resolution
and Compensation Committee; to make further provision concerning financial promotions; to
amend the matters considered by the Decision Making Committee and provide for decision
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and the assistance of other regulators and to provide for related offences; to amend the regime
for regulated individuals and non-executive directors; to amend publication powers and the time
limits for considering applications and certain notices; to amend the definitions of financial crime
and designated regulatory objectives; to extend indemnities for costs to include damages; and for
30 connected purposes be read a first time.

Madam Speaker: I now put the question which is that a Bill for an Act to amend the Financial Services Act 2019 to provide for market access arrangements between Gibraltar and the United Kingdom in respect of financial services; to amend the regulatory objective relating to the reputation of Gibraltar; to transfer responsibility for administering the Gibraltar investor compensation scheme to the Financial Services Resolution and Compensation Committee; to make further provision concerning financial promotions; to amend the matters considered by the Decision Making Committee and provide for decision making in exceptional cases; to amend provisions relating to confidentiality, information gathering and the assistance of other regulators and to provide for related offences; to amend the regime for regulated individuals and non-executive directors; to amend publication powers and the time limits for considering applications and certain notices; to amend the definitions of financial crime and designated regulatory objectives; to extend indemnities for costs to include damages; and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Financial Services (Amendment No. 2) Act 2024.

**Financial Services (Amendment No. 2) Bill 2024 –
Second Reading approved**

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, I have the honour to move that the Bill be now read a second time.

Before explaining the purpose of this Bill and the changes it makes, it is important to give some background on the Act which it will amend. The Financial Services Act 2019 was the key part of the Legislative Reform Programme (LRP) which my predecessor Albert Isola implemented in close collaboration with the GFSC at the start of 2020 following an extensive industry consultation process. The LRP was the single largest review and reform of our financial services laws. It consolidated and rationalised over 90 enactments into one Act and the supporting sector-specific regulations. The main aims of the LRP were to update, rationalise and improve the previous legislation, to make it more navigable and to address inconsistencies between the law applying to different financial services sectors. The LRP and the changes it introduced were also essential to enable the continuation of Gibraltar's market access to the United Kingdom beyond Brexit, as the 2019 Act enhanced regulatory alignment with the UK. That alignment with the UK is critical and is a key part of the present Bill.

Madam Speaker, since the Gibraltar 2019 Act was commenced in January 2020, our Government has worked closely with HM Treasury, the GFSC and its counterparts, the PRA and the FCA, towards the establishment of the Gibraltar Authorisation Regime (GAR), the UK's long-term arrangements for market access between Gibraltar and the United Kingdom. The cornerstones of that regime are, first, alignment of law and supervisory practice; and second, closer regulatory co-operation. It is, therefore, vital for Gibraltar to remain aligned with the UK both during the transition phase towards the GAR and beyond its implementation. The GAR has been embedded in UK primary legislation and this Bill will do the same here. However, before the regime can commence, HM Treasury needs to carry out assessments of the different sectors which will be part of the regime, in order to confirm that there is sufficient alignment of law and regulatory practices. That requirement is set out in the GAR provisions of the UK Financial Services and Markets Act. If there is insufficient alignment, a sector cannot be included within the GAR, meaning it will not have UK market access. Clearly that must not happen. That is why in the last year I have continued the work done by my predecessor Albert Isola since Brexit to implement a wide range of legislative changes to ensure that alignment is maintained. This has included keeping pace with the UK legislative amendments such as the FCA's Consumer Duty Regime.

Given that background, the Bill has two main purposes: (1) to give effect to the GAR in Gibraltar by inserting in the 2019 Act comprehensive provisions which mirror the UK GAR legislation – this is necessary to embed the regime into our law and enable the GAR to operate in both directions; and (2) to align the law and regulatory practice in Gibraltar with the UK in those areas where further harmonisation is needed. Many of the changes relating to alignment have been informed by the first GAR assessment which HM Treasury conducted in the first quarter of this year. HM Treasury assessed Gibraltar’s cross-sectorial legislative content to ensure alignment with a wide range of detailed provisions of the UK Financial Services and Markets Act. Initial signs are that the outcome has been successful, albeit there is a need to enhance alignment in certain areas, which is what this Bill will do or enable us to do. There are other alignment changes in the Bill which we envisage may be necessary for the sector assessments that HM Treasury will be carrying out shortly. This Bill also makes other changes to enhance the 2019 Act generally, given that it is the first Bill to amend the Act since it was implemented almost five years ago. The main aims of these changes are to enhance the reputation of Gibraltar as a robust and modern financial services jurisdiction, and to assist the GFSC in its pursuit of its regulatory objectives, which are embedded in the Act.

Prior to its publication, the Bill was shared with industry associations through the Gibraltar Finance Centre Council for a one-month consultation period, in May. No material objections were received and limited feedback was received. I would like to thank the drafter, Jonathan Bracken, and the GFSC, who have worked closely with me on this Bill, in particular Julian Sacarello, Jamie Triay Clarence and Julian Warwick. My thanks also to Sir Peter Caruana for his contributions and advice on the DMC aspects of this Bill, and indeed to Luis Carreras of the FSC too.

The GAR provisions which create the regime in Gibraltar are set out in clauses 8 and 21. They are principally a mirror-image version of the relevant UK provisions, Sections 32A and 36A of the UK Financial Services and Markets Act, and Schedules 2A and 2B of that Act. The drafting follows the UK legislation, but some changes have been made so that there is a clear distinction between Gibraltar and UK terminology. For example, what will be approved and restricted activities in the UK are defined as designated and controlled activities respectively in Gibraltar.

The UK’s formal process for review and reporting on alignment have also not been adopted. In Gibraltar, a simpler ministerial designation power will apply.

The provision to make market access regulations has also been extended to include alignment with UK law.

Clause 20 makes related and other amendments to the regulation-making powers in Part 29 of the Act, including adding a power to address the application of international agreements.

Clause 5 extends the restriction on unregulated financial promotions to controlled investments and restricted activities.

Clause 6(1) amends the definition of ‘financial crime’ to include terrorism and proliferation financing.

Clauses 6(2) and 19(2) remove initial GFSC authorisation related decisions from those which need to be referred to the GFSC’s Decision Making Committee (DMC). This will enable the DMC to focus on scrutinising decisions that affect established firms. This was always the policy intent with which the DMC Chair, Sir Peter Caruana, agrees.

Clause 6(2) also makes various other changes to the DMC’s remit which have been agreed following extensive discussions with the GFSC and the DMC Chair. In particular, decisions involving the exercise of supervisory powers will only be DMC matters if they have the effect of suspending or cancelling a firm’s permission.

In summary, even with these changes the DMC’s remit will still be wider than its UK counterpart. These are the two key reasons for the amendments: to achieve closer alignment with UK regulators, PRA and FCA, of our decision-making levels and processes, which is important for the GAR; to improve the speed and efficiency of the GFSC’s authorisation related and supervisory decisions. The amendments support the GFSC’s objective of being a more forward-looking and proactive regulator. This will assist in demonstrating that the time between a risk being identified

and effective supervisory action being taken is as short as possible. This is an issue which is likely to form part of the GAR assessments and the next round of Moneyval assessments. In short, streamlining the GFSC's decision making and governance will assist the GFSC in moving more quickly to stop and prevent harm faster.

Clause 23(a) and (c) provides for decision making in exceptional cases where all DMC members are conflicted by a suitably qualified individual appointed by the Minister.

Clauses 6(3), 14, 15, 25(a), 28 and 29 transfer responsibility for the Gibraltar Investor Compensation Scheme to the GFSC's Financial Services Resolution and Compensation Committee, which administers the Gibraltar Deposit Guarantee Scheme.

Clauses 6(5), 16, 23(b) and 24 amend Sections 38 and 286 and Schedules 6 and 7 to the Act. They extend the cost of indemnity for members, employees etc. of the GFSC, its statutory committees and the Gibraltar Resolution Authority to include damages.

Clause 7 enhances UK alignment by amending the provisions in Part 5 of the Act relating to confidentiality and assistance by the GFSC of other regulators, including inserting a new Section 52A, making it a criminal offence to breach those confidentiality provisions. It also adds the UK Financial Services Ombudsman to the definition of 'foreign regulator', making it easier for the GFSC to co-operate and exchange information with them.

Clause 6 makes some changes to Part 7 of the 2019 Act, which contains the permission process and the GFSC supervisory powers. It amends the definition of 'designated statutory objectives' to incorporate the GFSC's objective to protect Gibraltar's reputation, aligns the criteria which need to be met for the GFSC to apply its supervisory powers with those which apply in the United Kingdom, extends the period in which the GFSC may process incomplete permission applications with the GFSC's and the applicant's agreement, and provides for specified changes to the material changes for the purposes of Section 83A of the Act.

Clause 10 amends Part 8 of the 2019 Act, and clauses 29 and 27 amend the related Schedules 14 and 15. The amendments enhance the UK alignment by requiring certain types of regulated firms to appoint non-executive directors, and certain functions performed by regulated individuals to be outsourced, subject to regulatory safeguards. Part 8 is also amended to add non-compliance with tax obligations as one of the fit and proper criteria of the GFSC which needs to be taken into account when considering an individual. Various UK alignment changes are also made, including adding an individual's capacity to carry out a regulated function to the relevant approval criteria, allowing the GFSC to impose conditions on an approval where it is appropriate or desirable to advance its objectives, extending the regime to those who work for a group entity but are able to exert significant influence over a regulated firm's affairs, adding a new ability to sanction those carrying out a regulated function without approval.

Clause 11 amends the time limit for processing change of control notices. It also increases UK alignment by giving the GFSC the same ability as the UK regulators to impose conditions on a change of control approval, if doing so is desirable to advance the regulatory objectives. Further UK alignment changes have been made regarding the period for which approval is valid.

Clause 12 amends Part 10 of the 2019 Act and clauses 19(1), (3) and (7) amend Part 28 of the Act to align the GFSC's information-gathering powers in respect of third parties and the publication of sanctions and supervisory action with those of the UK regulators.

Clause 13 amends Section 176 of the Act to bring within the definition of 'relevant requirements' retained EU law that regulates financial services or confers powers on the GFSC.

Clause 17 adds procedures to Chapter 3 of Part 19 of the Act relating to prospectuses.

Clause 18 amends Part 25 of the Act concerning the licensing of insolvency practitioners. The amendments apply the application criteria for regulated individuals to insolvency practitioners and also clarify that the prescribed notice procedure does not apply where a licence restriction is imposed with the applicant or the holder's consent or at their request, which is consistent with the general procedure for all other sectors. It also makes other minor changes.

Clause 22 amends Schedule 5. It introduces a more concise version of the regulatory objective in relation to the reputation of Gibraltar. It retains the Government's ability to require the GFSC to take action to protect Gibraltar's reputation.

Clause 25(b) adds the Office of Fair Trading to the list of domestic authorities in Schedule 9 of the Act.

The Bill also makes other, mostly minor, amendments.

Madam Speaker, I commend the Bill to the House.

Madam Speaker: Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill? The Hon. R M Clinton.

Hon. R M Clinton: Thank you, Madam Speaker. May I start by thanking the Minister for his comprehensive description and explanation of the contents of the Bill, which, as all Members will no doubt agree, is a fairly complex piece of legislation, and necessarily so, I imagine, because of the need to, as the Minister has described, achieve regulatory alignment with the UK. I am conscious of what the Minister has said in that it has required, I imagine, significant liaison with HM Treasury to ensure that we do meet the criteria to satisfy the Gibraltar Authorisation Regime, which I am sure all stakeholders in Gibraltar's financial services industry – of which a significant element of our business in Gibraltar is facing the UK – will agree that this is a very important piece of legislation, and I agree entirely with the Minister that we need to do what is required to protect that market access to the UK in respect of financial services.

Madam Speaker, we on this side of the House have no problem whatsoever in wholeheartedly supporting the Bill.

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

Hon. N Feetham: Madam Speaker, I am grateful to the hon. Members opposite for supporting the Bill.

Madam Speaker: I now put the question which is that a Bill for an Act to amend the Financial Services Act 2019 to provide for market access arrangements between Gibraltar and the United Kingdom in respect of financial services; to amend the regulatory objective relating to the reputation of Gibraltar; to transfer responsibility for administering the Gibraltar investor compensation scheme to the Financial Services Resolution and Compensation Committee; to make further provision concerning financial promotions; to amend the matters considered by the Decision Making Committee and provide for decision making in exceptional cases; to amend provisions relating to confidentiality, information gathering and the assistance of other regulators and to provide for related offences; to amend the regime for regulated individuals and non-executive directors; to amend publication powers and the time limits for considering applications and certain notices; to amend the definitions of financial crime and designated regulatory objectives; to extend indemnities for costs to include damages; and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Financial Services (Amendment No. 2) Act 2024.

**Financial Services (Amendment No. 2) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all Members agree.

225

Madam Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members: Aye.

**Care Agency (Amendment) Bill 2024 –
First Reading approved**

230

Clerk: A Bill for an Act to amend the Care Agency Act 2009. The Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): I have the honour to move that a Bill for an Act to amend the Care Agency Act 2009 be read a first time.

235

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Care Agency Act 2009 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Care Agency (Amendment) Act 2024.

**Care Agency (Amendment) Bill 2024 –
Second Reading approved**

240

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I have the honour to move that the Bill for the Care Agency (Amendment) Act be read a second time.

245

The Bill amends the Care Agency Act 2009 in order to make provision by statute for the Adult Safeguarding Board. It allows me, by regulations, to establish the Board, its powers, functions and constitution. The Adult Safeguarding Board is a multi-agency body which is mainly made up of employees of the Care Agency and the GHA. It is a collaborative body made up from partner organisations that have made a commitment to safeguarding adults. The Board is responsible for promoting and supporting a co-ordinated and multi-agency approach and for creating a culture of continuous improvement in adult safeguarding practice and service responses. The aim of the Board is to understand and work together to overcome the challenges of dealing with abuse, exploitation or neglect when it affects those adults who are at risk of harm.

250

Regulations have already been drafted and will be published as soon as this Act comes into force.

The Bill also amends the definition of ‘Minister’ to update and better reflect my responsibilities as set out in the particular directions.

255

Madam Speaker, I commend the Bill to the House.

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

Hon. Dr K Azopardi: Madam Speaker, I rise because my colleague Mrs Sanchez is not in the Chamber. Unfortunately, she had a medical scan this morning, so is unable to attend Parliament.

Just to speak on this Bill and perhaps another one that will be taken later today. We welcome the establishment of a safeguarding board, clearly. I do have some issues of principle that I will mention to the Minister in the hope that she might consider them before Committee Stage – and it may be that she might want to delay the Committee Stage, but for her to consider once she hears what we have to say on this issue.

We welcome the establishment of the Board. The Bill itself is a relatively short Bill, which simply establishes an enabling provision for the Minister, by regulation, to then cater for the functions of the Board and so on. It is clear that the Board itself will be for the protection of adults but I assume, from the way that the regulation-making power is drafted, that it is not necessarily adults that are within the care of the Agency; it is a wider provision that would allow regulations to be made in the context of adults who require care outside of the care of the agency. That is an important provision and we support the width of the provision, but we do notice these things that perhaps we would have thought would be in the Act.

The section establishes the ability to establish a Board to look after adults who are experiencing or are at risk of abuse or neglect, but ‘abuse or neglect’ is not defined and we would have thought that perhaps it would be worthy of a definition of abuse or neglect. Not everything is analogous, I suppose, but there are provisions, as the Minister will know, in the Care Agency Act 2014 in England – Sections 42 to 45 cover this area – and there are statutory definitions of ‘abuse’ and, as I understand it, ‘neglect’. I read somewhere that there are 10 classifications of abuse or neglect. I just wonder whether there should be embodied in the Act some form of definition of ‘abuse or neglect’, because otherwise it is unclear.

Also, there are provisions in the English statute that place statutory obligations on entities that are caring for adults of a safeguarding nature, so again, to the extent that some of these residents might be resident in a facility that is run by the Care Agency, for example, to that extent perhaps there should be safeguarding obligations also inserted into the Act. We thought that perhaps that should also be there.

Madam Speaker, in general it is clear that this is a welcome provision and we will support the principle of the establishment of a Safeguarding Board and that the ability the Minister should have a regulation-making power, because that will give her the flexibility to legislate by subsidiary legislation in this important area. We do, though, think that there should be an improvement to the Bill itself to make it clearer what the remit will be, what the categories will be and what the obligations will be on the public authorities safeguarding adults. Those are our views on the Bill.

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

Hon. G Arias-Vasquez: Thank you Madam Speaker. I am happy to look at those points and include definitions, if necessary, on abuse and neglect, and look at all the points raised by the Hon. Leader of the Opposition. I am keen not to delay the Committee Stage and to pass this Act today, to be able to set up the committee, to have a functioning committee, and, if necessary, look at further changes down the line.

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Care Agency Act 2009 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Care Agency (Amendment) Act 2024.

**Care Agency (Amendment) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Health, Care and Business (Hon. G Arias-Vasquez): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all Members agree.

310 **Madam Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members: Aye.

**Register of Property Occupation (Amendment) Bill 2024 –
First Reading approved**

315 **Clerk:** A Bill for an Act to amend the Register of Property Occupation Act 2021. The Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): I have the honour to move that a Bill for an Act to amend the Register of Property Occupation Act 2021 be read a first time.

320 **Madam Speaker:** I now put the question which is a Bill for an Act to amend the Register of Property Occupation Act 2021 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Registered Property Occupation (Amendment) Act 2024.

**Register of Property Occupation (Amendment) Bill 2024 –
Second Reading approved**

325 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I beg to move that the Bill for the Register of Property Occupation (Amendment) Act 2024 now be read a second time.

330 The landscape of short-term rentals has experienced a revival across Europe and further afield, with performance metrics moving closer to pre-pandemic levels. Gibraltar has been no different, as we have seen an exponential increase in this space in the last couple of years, which continues to grow. For property owners this presents a fantastic opportunity to capitalise on the growing trend and maximise their rental income.

335 Government has been keen to introduce a simple light-touch regulatory framework to regulate the short-term rental market in Gibraltar, to provide a level playing field between operators of short-term rental accommodation and other players in the tourism industry and the already existing Register of Property Occupation Act has been identified as the most suitable legislative framework for this purpose. The proposed legislation crystallises the discussions had with the Gibraltar Tourist Board and Land Property Services Ltd in this regard. The main thrust of the legislation is to ensure registration of all short-term rentals in Gibraltar, and, as such, the proposed legislation envisages a registration-only process by hosts followed by the submission of returns
340 prescribing certain information. As the current RPO registrar will be the same person dealing with the short-term rentals, they will be able to discern discrepancies in property occupation.

Government will be following up with subsidiary legislation relating to short-term rentals, which may deal with matters such as any amendment to the designated period for short-term rental accommodation services, which are currently set at a maximum of 30 days per stay; the form of advertising of short-term rental property; host availability in respect of short-term rental property; insurance, health and safety, and other requirements in respect of short-term rental property; the form of notification to the registrar in respect of short-term accommodation and rental services; the documents to be supplied to the registrar in support of notification to the registrar; any fees payable in connection with notifications to the registrar in respect of short-term accommodation, rental service and the time periods for the payment in payment in respect thereof, and the form of return and information to be furnished in respect thereof.

The amendments to the Register of Property Occupation Act will apply to all short-term rental property in Gibraltar. 'Short-term rental property' is defined as accommodation located in Gibraltar that is a subject of provision of short-term rental accommodation. In turn, 'accommodation' is defined as including the whole or part of any premises and a 'short-term accommodation rental service' is defined as a short-term letting of accommodation, whether through an online short-term rental platform as defined in the Bill or other means, and in respect of which all of the limbs of the criteria set out in the Bill are met.

A host who provides a short-term accommodation rental service shall notify the registrar in the prescribed manner and provide such detail as may be prescribed. A host can include a legal or natural person, and, where an agent is authorised on a host's behalf to deal with a short-term rental property, the agent shall be deemed to be the host for the purposes of the legislation.

Accommodation which becomes a short-term rental property after the commencement of the amendments to the Act shall be notified by a host to the registrar in the manner to be prescribed prior to the commencement, including the advertisement of the short-term accommodation rental service.

Accommodation which was short-term rental property prior to the commencement of the amendment Act shall be notified by a host to the registrar in the manner prescribed within three months from the coming into force of the amendments to the Act. The registrar will then consider whether to enter the notification into the Register of Property Occupation. Any change in the status of the short-term rental property needs to be notified to the registrar. Failure to notify the registrar as to a property being short-term rental property, or a change in the status of the same, is an offence.

Every host shall deliver to the registrar successive returns, each of which shall be made up to a date not later than the return date of the prescribed information. The amendments to the Act expressly provide for the information to be shared with the Income Tax Office and for the sustainable tourism fee to apply in respect of short-term lettings. Those renting out property short term have obligations to declare the income derived, and this Bill will make pursuing the correct declaration of that income easier to trace by the Commissioner of Income Tax. Removal from the registrar occurs if the host has provided false information or if notification is provided by the host to the registrar that the property has ceased to be short-term rental property. The proposed legislation does not envisage the issuing of permits but rather of a unique registration number in respect of that property.

Ultimately, this piece of legislation will assist Government to collate statistics of these properties insofar as occupancy rates, the number of guests, the length of stay and the revenue collected are concerned. For all these reasons, Madam Speaker, I commend this Bill to the House.

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

Hon. Dr K Azopardi: Madam Speaker, I assume that this Bill is also about the possibility of revenue raising, because the provision at Section 25 of the proposed Bill which allows the registrar to furnish the Commissioner of Income Tax with information may also be part of the purpose of the Bill. I mention that because I am not sure the Minister covered that precisely in her speech; she might have done. To that extent, I do recognise – I think as we all do – that these things are happening in Gibraltar quite a lot now and perhaps have been happening for the last 10 or 15 years; I would say longer than that. It would have been rare to think of people renting out their flats on Airbnb or whatever it is, but it is clear that this is happening in a lot of the more modern developments and quite often. And so, to the extent that there is this short-term rental market that in some way deprives the exchequer of trading rental income, then certainly we see the rationale behind doing this, and to that extent we will support the principle. But I have to say that I just express some misgivings about the difficulty of understanding this Bill, because it caused us some anxiety, some of the provisions, because they are not necessarily obvious. For example, some of the provisions on the hosts submitting returns, but we were not clear how often these returns were going to be submitted. I just cast my mind back to when the Register of Property Occupation Bill was first taken – by the Hon. Albert Isola at that stage. I think the hope had been that this would provide a fairly seamless ability for people to register their property and so on, but there had to be successive delays in the submission-of-information date because it was difficult to be able to have the bureaucracy put in place to deal with the flood of information that was being received.

When she rises to respond to me, can the Minister perhaps give a bit more insight or assurance to the House that there have been discussions with those who have to administer this system and that they are happy that they are able to administratively respond? Can she give us some clarification on how this will work in practice in terms of the specific returns, because, of course, the business community may also have interests here; and can she confirm that this is also a measure that will allow perhaps the Commissioner of Income Tax to take an interest in this field?

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

Hon. G Arias-Vasquez: Madam Speaker, thank you for the opportunity to reply. In response to the first point – Sorry.

Madam Speaker: Sorry. I understood that the Hon. Minister Santos wished to speak, and I did not see him. If he wishes to speak, then he can interject before I call on the mover to reply. I apologise; I had not seen you.

Hon. C P Santos: Not at all, Madam Speaker. As Minister for Tourism, I obviously support this Bill. As mentioned by my hon. Colleague, we have worked closely together on this Bill and it is important to regulate short-term rentals and put all tourism-related properties on a more even playing field. This will also protect Gibraltar from the shortcomings experienced by other destinations due to not regulating this field.

I am sure that my hon. Colleague will be able to answer what has been put forward by the Leader of the Opposition.

Madam Speaker: I now call upon the mover to reply.

Hon. G Arias-Vasquez: Apologies, Madam Speaker; I was a bit over enthusiastic getting up to respond.

In respect of the first point raised by the Hon. Leader of the Opposition, it is a control of an income-generating measure. As I as I pointed out in my speech, the information will be shared with the Commissioner for Income Tax and therefore he will have a better oversight of the short-term rental market.

445 In respect of the more administrative points in relation to the Bill, we have been in discussions
with Land Property Services and also with the Government IT service that set up the platform for
the Register of Beneficial Interest online, and it is an addition to that website rather than a whole
new website. The teething issues that were experienced when the whole of Gibraltar went to
register their interest should not be experienced this time. I do not want to say in Parliament that
450 we will not have *any* issues because there will sometimes be issues, but we hope that because it
is in addition to an already existing service, it will be much easier to implement than was previously
the case. So yes, I can confirm that we have been in discussions with Government IT and with Land
Property Services, indeed with the Minister for Tourism and his team on these regulations.

455 So how will this work in practice? As I stated, it is an addition to the current Register of
Beneficial Interest, so it is an addition to the online service which is currently provided. It is on
that website where either the owner or the host – because often the person who administers the
property or the person who is actually controlling the property on a day-to-day basis is not the
owner but is a third-party host, which is what the legislation caters for.

460 I think the final point is very similar to the first point that the hon. Gentleman made. Yes, we
do envisage that this will give greater oversight to the Commissioner of Income Tax on the
question of short-term rentals in Gibraltar and therefore any income derived from the short-term
rentals.

465 **Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Register
of Property Occupation Act 2021 be read a second time. Those in favour? (**Members:** Aye.) Those
against? Carried.

Clerk: The Register of Property Occupation (Amendment) Act 2024.

**Register of Property Occupation (Amendment) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

470 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** I beg to give notice that the
Committee Stage and Third Reading of the Bill be taken today, if all Members agree.

Madam Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of
the Bill be taken today?

475 **Members:** Aye.

**Gibraltar Culture Bill 2024 –
First Reading approved**

480 **Clerk:** A Bill for an Act to make provision for the management, enhancement and enjoyment
of culture in Gibraltar, of the art collection belonging to His Majesty's Government of Gibraltar,
for the preservation of buildings and premises used for cultural purposes, to establish the
Gibraltar Arts Advisory Council, to provide for the Gibraltar Public Lending Library, and other
cultural connected matters.

The Hon. the Minister for Equality, Employment, Culture and Tourism.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): I have the honour to move that a Bill for an Act to make provision for the management, enhancement and enjoyment of culture in Gibraltar, of the art collection belonging to His Majesty's Government of Gibraltar, for the preservation of buildings and premises used for cultural purposes, to establish the Gibraltar Arts Advisory Council, to provide for the Gibraltar Public Lending Library, and other cultural connected matters be read a first time.

Madam Speaker: I now put the question which is that a Bill for an Act to make provision for the management, enhancement and enjoyment of culture in Gibraltar, of the art collection belonging to His Majesty's Government of Gibraltar, for the preservation of buildings and premises used for cultural purposes, to establish the Gibraltar Arts Advisory Council, to provide for the Gibraltar Public Lending Library, and other cultural connected matters be read a first time. Those in favour? **(Members: Aye.)** Those against? Carried.

Clerk: The Gibraltar Culture Act 2024.

Gibraltar Culture Bill 2024 – Second Reading approved

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): I have the honour to move that the Bill be now read a second time.

Madam Speaker, I would like to bring to your attention a letter with amendments sent on 18th June 2024, to be discussed at Committee Stage.

For a nation like Gibraltar, culture is extremely important in building a sense of local identity and reflecting our community. Culture is what connects us to our heritage, traditions and shared values. Culture is what fosters our sense of Gibraltarian unity and pride. During the periods of lockdown in the Covid-19 pandemic, consumption of different creative content, whether through music, books, film or otherwise, increased considerably. During those difficult and lonely times, it was culture that gave us hope, comfort and relief from isolation. That intangible but significant thing is what this Bill is designed to protect and enhance.

The purpose of the Bill is to cement in law the importance of Gibraltar's cultural scene and provide for the legacy of cultural services in Gibraltar. Currently, the Government chooses to invest in culture because that is our policy priority. However, there is nothing in law requiring the Government to do this. Other jurisdictions have demonstrated that in times of financial or social difficulties, one of the first things to be dispensed with is culture, when it may be exactly at those times when celebrating and embracing local culture is what the community needs the most. This Bill protects against that risk by making the provision of cultural services by the Government mandatory in law.

The Bill is divided into seven parts. Part 2 of the Bill imposes a number of duties relating to culture which the Government must comply with, including the organisation and co-ordination of cultural events, the development of quality in the arts and culture, and the promotion of understanding, appreciation and enjoyment of the arts and culture. In so complying, the Government must take into consideration certain principles, such as the need to use resources in the most efficient way and the need to increase diversity of people accessing and participating in arts and culture. The Government will have certain powers in order to discharge its duties. The main power is the ability to appoint a Chief Culture Officer, a suitably qualified person to whom the Government may delegate the duties and functions described in the Bill. The Bill also creates a register of cultural organisations, which will contain details of any person engaging in any cultural activity. This will enable the Government to gather greater understanding about how many different cultural activities take place in Gibraltar and how many people participate in a

certain type of activity, and this knowledge will enable the Government to better service the cultural community.

Part 3 of the Bill establishes the Gibraltar Arts Advisory Council and imposes on it a number of functions, including to advise the Government or any other person as the Minister for Culture may direct on matters relating to culture and the arts. The Bill empowers the Gibraltar Arts Council to establish committees for the purpose of carrying out its functions.

The Bill deals with cultural grants in Part 4, establishing a Cultural Grants Committee, whose functions include considering applications for financial assistance by organisations and individuals involved in cultural activities and making recommendations to the Government as to the merit of such applications. Cultural grants have been in place for a number of years already, but they are now enshrined in law in order to ensure that generations to come can also benefit from culture being made a priority.

The Bill appoints a Government Art Collection Curator in Part 5 of the Bill, who is responsible for a number of functions relating to the art collection which is in the possession of the Government. Subject to the terms on which such artwork was acquired, the curator shall carry out a number of functions, including the promotion of Gibraltar's national and modern art galleries, to research Gibraltarian artists and to provide and develop educational platforms to enhance a wider understanding of our cultural heritage amongst young people.

Part 6 of the Bill designates the John Mackintosh Hall Public Library as the public library, and appoints a library manager, who must carry out a number of functions set out in this part, for which they are granted a range of powers. Such functions include the management of the public library both as a venue and as a collection, and the promotion and encouragement of literature. As a public library, the John Mackintosh Hall Library will be the ISBN agency for Gibraltar and will also be the legal deposit library. This means that a person who publishes in print in Gibraltar a work must deliver a copy of it to the public library at their own expense, and in the case of a published work containing historical or military content, a second copy must be delivered to the Garrison Library. Having a legal deposit library in Gibraltar will ensure that Gibraltar's intellectual heritage is preserved and available for study, to safeguard knowledge and information for future generations and maintain an archive of Gibraltar published works. This will result in free access to all literary works published in Gibraltar, which can enhance Gibraltar's educational, cultural and literary offering for the benefit of the general public.

The final Part of the Bill creates powers for the Minister with responsibility for culture to make regulations for the due administration of the Bill and to preserve any rights or powers accrued or delegated prior to the commencement of the Bill.

While simple, the Bill paves the way to a greater objective to promote, enhance, protect and elevate culture in Gibraltar. It provides a legal framework in which participants in the arts can flourish in the same way that heritage or sports have enjoyed a legal framework in which to operate and grow for years.

Madam Speaker, I commend this Bill to the House.

Madam Speaker: Before I put the question, does any hon. Member wish to speak on the general principles or merits of the Bill?

Hon. E J Reyes: Madam Speaker, it probably pleases you to know that we should not have any major clashes or anything with this Bill because I have met with the Minister since the publication of the Bill. Keeping to my pedantic tradition of interpreting things, we managed to agree upon some issues and therefore the Minister, in June, wrote to you proposing certain amendments, clarification in the wording of the Bill and so on, which we hope to pass through in the Third Reading later today or whatever that is taking place. I will probably add a couple of more minor things when it comes to the Third Reading, but on the general principles of the Bill, like the Minister said, it is a tidying-up exercise, it is placing in law – which is welcome – things that are in existence, like the Cultural Grants Committee and so on, but instead of being left to the whim of

the Minister of the day, it is now enshrined in law. It is something that the whole House should welcome. It also gives a legal responsibility to the curator, who has to maintain a register and obviously the safekeeping of the artworks and so on, which should eventually clarify ... I know in the past there has been some tensions in historical works of art being housed at the Gibraltar Museum. The curator of the Museum has very much taken as his own personal possession the museum work itself, and here, now, the curator of the Government's art works will probably want to lay a claim on that. That is something that can be sorted out in the future based upon primary legislation, which hopefully we should pass today.

The final thing to say is we welcome the clarification of the inclusion of the library and library purposes in Gibraltar, because although through the desires and the will of the late John Mackintosh we have a library that is used by people of all ages, now enshrined in law there is a responsibility to maintain that library. There is an obligation for publications to be handed in and therefore stored in that library, and putting down in legal framework the ISBN numbers of books to be published, which all in all will only help to enrich culture in Gibraltar.

Madam Speaker, before I sit down, I just want to clarify that we will be supporting this Bill, just adding a couple of comments, when the Third Reading comes along, for minor wording.

Madam Speaker: Before I call on the mover to reply, or invite any other hon. Member to speak, just following up on what the hon. Member has said, if the hon. Member has clear in his mind now any amendments which are to be proposed, I would suggest that it might speed things up if those are put in writing so that there is clarification at the Committee and Third Reading stages.

Hon. E J Reyes: Yes, thank you for the advice, Madam Speaker; I will do so. They are minute, but I will do so to help you in the administration of the Third Reading.

Madam Speaker: Does any other hon. Member wish to speak?

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Thank you, Madam Speaker. I rise to fully support my hon. Friend and fellow performer, the Minister for Culture, in what is seminal legislation. I had the privilege of being closely involved with an earlier draft which was published before the election and obviously fell out of the Order Paper.

I think it is important to reiterate the words of my hon. Friend in the context of Covid, because the early drafts of this legislation happened during the Covid years when culture rose to take its deserved place in our community in giving focus, entertainment, activity and cohesion to the community during those difficult times. It reflects much of what is already there but sets it in law and, as my hon. Friend has said, brings culture up to the level of heritage and sports where it has always been but now will have recognition in being part of the laws of Gibraltar.

I take this opportunity to congratulate the Hon. Minister for bringing it back before Parliament, to congratulate his teams at the Ministry of Culture and Gibraltar Cultural Services for all the work that they do and continue to do. I just had to rise in support of that because it is a really important moment for the rich and world-class cultural community of Gibraltar.

Madam Speaker: Does any other hon. Member wish to speak? In that case, I will call on the mover to reply.

Hon. C P Santos: Madam Speaker, I would like to echo the words of my hon. Colleague and say a huge thank you for the fantastic work that he did before I took office as Minister for Culture: thank you very much for leaving everything in such a great place. It is an honour for me to be able to bring this Bill to the House. And, of course, thank you very much to the hon. Member opposite for supporting this Bill.

635 **Madam Speaker:** I now put the question, which is that a Bill for an Act to make provision for the management, enhancement and enjoyment of culture in Gibraltar, of the art collection belonging to His Majesty's Government of Gibraltar, for the preservation of buildings and premises used for cultural purposes, to establish the Gibraltar Arts Advisory Council, to provide for the Gibraltar Public Lending Library, and other cultural connected matters be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

640 **Clerk:** The Gibraltar Culture Act 2024.

**Gibraltar Culture Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all Members agree.

645 **Madam Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members: Aye.

**Civil Partnership (Amendment) Bill 2024 –
First Reading approved**

650 **Clerk:** A Bill for an Act to amend the Civil Partnership Act 2014 to make provision for no fault dissolutions and reduce the minimum period of partnership required prior to the commencement of dissolution proceedings from three years to one year.
The Hon. the Minister for Equality, Employment, Culture and Tourism.

655 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** I have the honour to move that a Bill for an Act to amend the Civil Partnership Act 2014 to make provision for no fault dissolutions and reduce the minimum period of partnership required prior to the commencement of dissolution proceedings from three years to one year be read a first time.

660 **Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Civil Partnership Act 2014 to make provision for no fault dissolutions and reduce the minimum period of partnership required prior to the commencement of dissolution proceedings from three years to one year be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Civil Partnership (Amendment) Act 2024.

**Civil Partnership (Amendment) Bill 2024 –
Second Reading approved**

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker,
665 I beg to move that the Bill for the Civil Partnership Amendment Act 2024 be read a second time.

The purpose of this Bill is to amend the Civil Partnerships Act 2014 to bring in line certain of its provisions with the Matrimonial Causes Act. These amendments come about further to the amendments made to the Matrimonial Causes Act by virtue of the Matrimonial Causes (Amendment) Act 2019, particularly in respect of no fault dissolutions, and to reduce the minimum
670 period of partnership required prior to the commencement of dissolution proceedings from three years to one year.

The genesis of these amendments was to harmonise certain key provisions in the civil partnership regime with those of marriage. This Bill establishes that, as is the case with the amended marriage laws, persons in a civil partnership no longer need to support an application
675 for dissolution, separation or nullity with allegations of adultery, unreasonable behaviour, desertion or any fault. The reduction in time period protects civil partnership partners who, for example, may have been the victims of domestic abuse, by not forcing them to wait for a two- or three-year period after separation before they can bring their civil partnership to an end.

The amendments proposed in the Bill cover the required changes to processes and wording
680 for matters including no fault dissolutions, dissolution, nullity and separation applications after the first year of partnership, as well as an extension of the cooling-off period between the provisional and final pronouncements from six weeks to six months.

I can also confirm that changes to the Civil Partnership Rules have been made in keeping with the amendments made to the Family Proceedings (Matrimonial Causes) Rules in 2019 in order to
685 mirror the changes I have mentioned to the civil partnership regime.

For all the reasons above, Madam Speaker, I commend this Bill to the House.

Madam Speaker: Before I put the question, does any hon. Member wish to speak on the general principles or merits of the Bill?
690

Hon. J Ladislaus: Madam Speaker, I used to be a matrimonial practitioner, so I thought I would rise and make comment.

We, on this side of the House, agree wholeheartedly with bringing the legislation in relation to civil partnerships in line with the Matrimonial Causes Act. The amendments will serve to do things
695 such as simplifying the way in which you can obtain a dissolution. It increases privacy between parties, it increases the speed, it reduces the cost between the parties and also it goes some way to helping, as well – and I think it is important to say – victims of domestic abuse because the order is obtained in a faster manner and it allows obviously for a quicker separation, a formal separation of parties, which allows for healing to commence. So, we wholeheartedly agree with
700 the changes made.

Madam Speaker: Does any other hon. Member wish to speak? In that case, I will call on the mover to reply.

Hon. C P Santos: Madam Speaker, I would like to thank the hon. Member opposite for the support of this Bill.
705

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Civil Partnership Act 2014, to make provision for no fault dissolutions and reduce the minimum period of partnership required prior to the commencement of dissolution proceedings from three years to one year be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.
710

Clerk: The Civil Partnership (Amendment) Act 2024.

**Civil Partnership (Amendment) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

715 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all Members agree.

Madam Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

720 **Members:** Aye.

**Boy Scouts Association (Amendment) Bill 2024 –
First Reading approved**

Clerk: A Bill for an Act to amend the Boy Scouts Association Act. The Hon. the Minister for Equality, Employment, Culture and Tourism.

725 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** I have the honour to move that a Bill for an Act to amend the Boy Scouts Association Act be read a first time.

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

730 **Clerk:** The Boy Scouts Association (Amendment) Act 2024.

**Boy Scouts Association (Amendment) Bill 2024 –
Second Reading approved**

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, I have the honour to move that the Bill for the Boy Scouts Association (Amendment) Bill 2024 be read a second time.

735 This short Bill amends the current Act in two ways. The first is related to nomenclature. Although scouting has its origins in 1908, the Boy Scouts Association was created in 1912 when King George V granted a royal charter. In 1967, that name was changed by a supplemental charter to the Scout Association. At the time, no action was taken to update Gibraltar's legislation. This matter was brought to my attention in mid-October and I immediately commissioned the drafting of the Bill before us today. The changes I have just referred to are made by Clause 3(2) to (6) of
740 the Bill.

The second way in which the principal Act is amended relates to the penal provisions. In updating the nomenclature, it was brought to my attention that the penal provisions also needed modernisation. The fine of £10 has not been revised for a very long time indeed. In Trinidad and Tobago, which has equivalent legislation, the fine is \$400. I have, therefore, amended the fine to
745 level 1 on the standard scale, which is currently £200. The penal provision also currently provides

for the imposition of a custodial sentence of one month. This is removed altogether. Clause 3(7) effects these changes.

I commend the Bill to the House.

750 **Madam Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

755 **Hon. G Origo:** Madam Speaker, thank you for the opportunity. I rise to speak on behalf of my hon. Colleague who is not in the Chamber at the moment but I have managed to go over the Bill with my colleague and we have discussed and are happy with the merits and purpose as provided by the Hon. Minister opposite. We agree that it is high time to get in line with appropriate wording and the removal of the references to 'Boy', to the 'Scouts Association', as is done in other jurisdictions, and also with the amendment to the fine, to be increased in line with more modern legislation. So, we, on this side of the House, will be indicating our support for this Bill.

760

Madam Speaker: Does any other hon. Member wish to speak?

765 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, very briefly, as a scout for many years, from age eight, and the son of a former Chief Commissioner whose deputy, in fact, was the father of the Hon. Mr Clinton, I just want to briefly say that I fully support this and take the opportunity to congratulate the Scouts Association for its continued activity and for remaining relevant in the present day.

770 **Madam Speaker:** If no other hon. Member – Yes, the Hon. Mr Clinton.

Hon. R M Clinton: Thank you, Madam Speaker, just to echo the comments that the Hon. Minister has just made in terms of the Scouts Association, with which I obviously fully associate myself. I congratulate the Scouts Association for obviously having been in Gibraltar for so long. This amendment is obviously an oversight and it is entirely correct that we do correct that today.

775

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

780 **Hon. Dr K Azopardi:** Madam Speaker, obviously I echo the words on this side of the House. This was a matter which, as the Hon. Minister knows, we had raised on this side of the House and he confirmed that the Government was looking at it, and so clearly we are supportive of the principles of this Bill. I declare my interest as a longstanding member of the 1st/4th Scout Group.

Madam Speaker: I now call upon the mover to reply.

785 **Hon. C P Santos:** Madam Speaker, we are all part of the 1st/4th family because I am very proud, as Cub Scout of the Year 1987, to be able to pass this legislation. (*Interjection*) This is a very momentous occasion for me because, today, passing these Bills and legislation is the closest my dear mother will ever see her son to becoming a lawyer. This is the closest she will ever get to it, (*Laughter*) so I hope she is glad that I have been a part of this today.

790 Thank you for the support on the other side of the House.

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

795 **Clerk:** The Boy Scouts Association (Amendment) Act 2024.

**Boy Scouts Association (Amendment) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, I beg to give notice that the Committee Stage and Third Reading of the Bill be taken today, if all Members agree.

800 **Madam Speaker:** Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members: Aye.

**Stamp Duties (Amendment) Bill 2024 –
First Reading approved**

805 **Clerk:** A Bill for an Act to amend the Stamp Duties Act 2005. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to move that a Bill for an Act to amend the Stamp Duties Act be read a first time.

810 **Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Stamp Duties Act 2005 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Stamp Duties (Amendment) Act 2024.

**Stamp Duties (Amendment) Bill 2024 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to move that the Bill for the Stamp Duties (Amendment) Act be read a second time.

815 The Bill gives effect to the Budget measure I announced in July 2023, by which, firstly, the first and second time home buyers' allowance will be increased from £260,000 to £300,000. This amendment is deemed to have come into effect on 11th July 2023, which is the date the measure was announced. Secondly, the Bill increases the stamp duty on sales over £800,000 from 3.5% to 4.5%.

820 Madam Speaker, I will be moving an amendment to the Bill at the Committee Stage, of which I will give written notice.

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

825 **Hon. R M Clinton:** Thank you, Madam Speaker. I am not going to subject the House to a re-run of my address earlier this week in respect of the roll-up provisions of previous Budget measures, but unfortunately this does fall into that category of catch-up legislation retrospectively, going back to July 2023 in respect of the 2023 Budget. The problem is that I do not understand – and perhaps the Chief Minister can advise the House – what has happened in the interim from when
830 he stood up and gave his Budget speech. It is significant that he announced that the stamp duty

on sales over £800,000 will go up from 3.5% to 4.5% – it is a full 1% – on line 799 of his 2023 Budget speech, but how is this going to be applied retrospectively? How is this 1% tax being collected? Has it been collected or is there now going to be some kind of ...? I do not know; I do not know how it would work. How do you collect stamp duty in respect of stamp duty that was not due because he had not passed the law? How does that work? I really do not understand how this will work, unless the Chief Minister will tell the House that it has actually been applied and that tax has been deducted at a rate of 1% extra despite the fact the legislation was not passed. I would be grateful to know from the Chief Minister how exactly this measure has been administered in the interim. Again, I come back to the point – I am not going to labour it, Madam Speaker – that these things need to be legislated faster. I am not going to do and rerun of what I said earlier this week, but this relates to the Budget measures of 2023, which is the previous Parliament. We will, of course, be abstaining on this Bill.

Madam Speaker: Does any other hon. Member wish to speak? In that case, I call upon the mover to reply.

Hon. Chief Minister: Madam Speaker, I am used to the hon. Gentleman making the same point over and over again; I am even used to him saying he is not going to make the same point over and over again and then going on to do nothing more and nothing less than make the same point over and over again. But I do not want to have to make the same point I made last time, over and over again, and I am therefore tempted, in order not to make the same point over and over again, to simply refer the hon. Gentleman to the things I said in the course of my intervention during the last session, but given that he has not, apparently, understood them, I shall have to repeat them over and over again. And that is very simple, that we have had established in this House at the very earliest, since 2011, the very clear understanding that it is possible to legislate retrospectively to give what is known as retrospective legal cover to charges, whether those are tax charges or other charges such as stamp duties. That was not established by us; it was established by the party that he is sitting with. It was established by the man who was the Chief Minister of Gibraltar until 2011 and who enjoyed his support and the support of the now Leader of the Opposition, who was a Minister at the time. Indeed, when Sir Peter Caruana explained to the House his view – which we have accepted – of what the provision was, he actually referred me, I believe, or Mr Licudi, and the now Father of the House, to the fact that the Constitution actually provides for this retrospective legal cover and indeed the Interpretation and General Clauses Act also provides for this. The hon. Gentleman is able to find all of this data from the *Hansard*, which is publicly available and, today, is searchable, not just by having to go to print copies but actually searchable online. If he uses the key words ‘retrospective legal cover’, he will be able to find exactly when in 2011 we had this debate and dealt with all of these issues. As I told him, Madam Speaker, also during the course of my intervention, I think on Monday afternoon, these matters were challenged in the United Kingdom in 2008, in a challenge to the Finance Act of 2008, in particular section 58 of the Finance Act, and the European Court of Human Rights has found that none of the issues that the hon. Gentleman is making are of sound legal foundation.

I am used to the fact that despite having been told that over and over again, the hon. Gentleman will get up and say that he is not going to make the point over and over again and go on and do nothing more and nothing less than make the point over and over again. We have answered those points already. Nothing that he says dissuades us from wanting to continue with this legislation and with adopting the attitude that the Gibraltar Social Democrats took when they were the Government of Gibraltar and did not bring Finance Acts, despite them having changed their mind, apparently, since his halcyon arrival in this House in 2015.

I, therefore, Madam Speaker, disregard what the hon. Gentleman has said and commend the Bill to the House.

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Stamp Duties Act 2005, be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

885

Clerk: The Stamp Duties (Amendment) Act 2024.

**Stamp Duties (Amendment) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

890

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

Madam Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

895

Members: Aye.

**Tobacco (Amendment No. 2) Bill 2024 –
First Reading approved**

Clerk: A Bill for an Act to amend the Tobacco Act 1997. The Hon. the Chief Minister.

900

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to move that a Bill for an Act to amend the Tobacco Act 1997 be read a first time.

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Tobacco Act 1997 be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

905

Clerk: The Tobacco (Amendment No. 2) Act 2024.

**Tobacco (Amendment No. 2) Bill 2024 –
Second Reading approved**

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to move that the Bill for the Tobacco (Amendment No. 2) Act be read a second time.

910

This Bill amends Section 6 of the Tobacco Act 1997 to introduce a new condition to be imposed in respect of a retail or wholesale licence. This condition prevents a corporate body which holds a licence from pledging a security to shareholding, save with the previous written consent of the Collector of Customs; a very short provision.

I commend the Bill and the thinking of this provision to the House.

915

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

Hon. Dr K Azopardi: Madam Speaker, we will support the Bill. I had some concerns on the provision at Clause 3(2)(cc)(i) and (ii) and the use of the word ‘charged’, but I do notice that in the Tobacco Act ... I thought it should read ‘convicted’, but I notice that in Section 6 of the Tobacco Act the relevant provision under which this is going to be inserted does say ‘charged’. This is going to be introduced into a scheme that allows the Collector of Customs to refuse to issue a wholesale or retail licence. We are, as I said, supportive, but I do have to say that as a matter of principle it seems that this Bill, that builds on a previous provision, creates a scheme under which the Collector of Customs is mandated to refuse a change of director or shareholding when there is a charge of someone within the organisation with an offence, but is not prevented from the issue of a wholesale or retail licence if two years have elapsed from a conviction, which is later on, in Section 6.

I just raise this issue of principle for the perhaps Chief Minister to consider, outside of the scope of this particular amending legislation, as to the compatibility of these sections, although they are long standing, and as I said, we will support the principle of this Bill.

Madam Speaker: Does any other hon. Member wish to speak? In that case, I call upon the mover to reply.

Hon. Chief Minister: Madam Speaker, I am grateful for the Hon. the Leader of the Opposition indicating that they are going to be supporting this Bill.

I do not want to transport you to a different place, but there is a golden thread that runs through English law that better a thousand guilty men go free than an innocent man go to jail. That is not the thread that was sewn into the Tobacco Act when it was created in 1997 for a reason that from this side of the House we accept. That is to say the Tobacco Act does not deal with people in the context of the provisions in Section 6 only after they have been convicted. The Tobacco Act, in Section 6, gives the Collector power to deal with people from the moment that they are charged – that is to say before the prosecution’s burden of proof has been discharged. This is about people who have been charged continuing to be in control of tobacco wholesale licences. This is not something that we have made up, and I will be corrected if I am wrong but I believe that the provision that the Hon. Mr Azopardi, the Leader of the Opposition, has referred to in Section 6 is one that the GSD introduced when they brought the Tobacco Act in 1997. That is relevant because that is, therefore, a provision that the Hon. Keith Azopardi, then a Minister, I forget with which portfolio, in 1997 voted for. I want to just reflect on that for a moment. Mr Azopardi, as a Minister, voted for the provision which gave the power to the Collector of Customs to deal in a particular way with wholesale licences in respect of someone who was charged, not convicted: the very point he is making now. We accept that that is the legislative scheme that we have inherited. We accept that it has worked well in the 30-year period since then. We accept the argument that when you are dealing with the question of charging – hypothecating – the asset, not the individual, you need to have the same scheme as you have in the context of assigning the asset. So, what this section does is, it says the Collector of Customs has the right to decide whether or not you can assign your tobacco licence, and you cannot assign it unless the Collector of Customs approves who you are assigning it to, and all of the criteria apply to those individuals who you may assign it to. Then the Collector of Customs is finding, potentially, himself or herself in a situation where if somebody has not sought consent to assign the asset but instead they have charged ... let me use the other word, hypothecated the asset, mortgaged the asset, and failed to comply with the obligations under that mortgage, the person who is the mortgagee can take the asset or can purport to take the asset but still needs the consent of the Collector of Customs. Well, that just puts us in the very invidious situation where a person may have been given security over an asset – in this case a tobacco licence – where the regulator in that space, the Collector of Customs, may not approve them to be the assignee of that licence but they have already given them the cash in respect of which the asset was security. The Bill ensures that at the stage of mortgaging or hypothecation, the person to be approved as the potential

holder of that asset in the event that the security provisions are not complied with and that person takes the asset is somebody who would have been approved by the Collector of Customs, at least at the time of the mortgage or hypothecation taking place, to be the assignee of the asset. And so it has to be the same legislative scheme. If, for assignment, you are talking about a person who has been charged, then on mortgage you also have to talk about the same structure of approval filter, and that is why we are adopting what I might call – perhaps, you might say, mischievously – the Azopardi doctrine – only because the Hon. the Leader of the Opposition voted for it then, in 1997 – as the same doctrine or structure that we approve today, despite the Hon. Mr Azopardi apparently having issue with it now. It has worked well for 30 years. Look, it is the season of goodwill, Madam Speaker. I would not want to spoil that in any way and I am very happy to talk about the fact that this Bill, which they passed almost 30 years ago, has worked well. Where we can agree, let's agree.

Madam Speaker, I commend the Bill as drafted to the House.

Madam Speaker: I now put the question which is that a Bill for an Act to amend the Tobacco Act 1997 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Tobacco (Amendment No. 2) Act 2024.

**Tobacco (Amendment No. 2) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

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

Madam Speaker: Do all hon. Members agree that the Committee Stage and Third Reading of the Bill be taken today?

Members: Aye.

COMMITTEE STAGE AND THIRD READING

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

1015

Chief Minister (Hon. F R Picardo): Madam Speaker, I pray that the House should resolve itself into Committee to consider the following Bills clause by clause, namely; the Genetically Modified Organisms Bill 2024, the Control of Major Accident Hazards Bill 2024, the Litter Control (Amendment) Bill 2024, the Transport (Amendment No. 2) Bill 2024, the Traffic (Amendment) Bill 2024, the Traffic (Amendment) Bill 2024 – must be another one – the Education and Training (Amendment) Bill 2024, the Transport (Amendment No. 3) Bill 2024, the Sanctions (Amendment) Bill 2024, the Global Minimum Tax Bill 2024, the Income Tax (Amendment No. 3) Bill 2024, the Income Tax (Amendment No. 4) Bill 2024, the Income Tax (Amendment No. 2) Bill 2024, the Financial Services (Amendment No. 2) Bill 2024, the Care Agency (Amendment) Bill 2024, the Register of Property Occupation (Amendment) Bill 2024, the Gibraltar Culture Bill 2024, the Civil Partnership (Amendment) Bill 2024, the Boy Scouts Association (Amendment) Bill 2024, the Stamp Duties (Amendment) Bill 2024 and the Tobacco (Amendment No. 2) Bill 2024.

1020

1025

In Committee of the whole House

**Genetically Modified Organisms Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to restate the law relating to genetically modified organisms, with modifications; and matters connected thereto.

1030

Part 1, clauses 1 to 3.

Madam Chair: Part 1, clauses 1 to 3 stand part of the Bill.

Clerk: Part 2, clauses 4 to 9.

1035

Madam Chair: Part 2, clauses 4 to 9 stand part of the Bill.

Clerk: Part 3, clauses 10 to 20.

1040

Madam Chair: Part 3, clauses 10 to 20 stand part of the Bill.

Clerk: Part 4, clauses 21 to 28.

Madam Chair: Part 4, clauses 21 to 28 stand part of the Bill.

1045

Clerk: The long title.

Madam Chair: The long title stands part of the Bill.

**Control of Major Accident Hazards Bill 2024 –
Clauses considered and approved with amendments**

1050 **Clerk:** A Bill for an Act to repeal and restate the law on the control and prevention of major accidents involving dangerous substances, the limitation of their consequences for human health and the environment; and for connected purposes.

Part 1, clauses 1 and 2.

1055 **Madam Chair:** Just a moment, Mr Clerk.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Chair, I would just like to remind the House of the contents of my letter of 10th June, which makes some housekeeping amendments.

1060

Clerk: Part 1, clauses 1 and 2.

Madam Chair: Part 1, clauses 1 and 2 stand part of the Bill.

1065 **Clerk:** Clause 3.

Hon. Prof. J E Cortes: Madam Chair, I refer once again to my letter of 10th June, in which I am proposing an amendment to clause 3. I propose, if there are no objections to any of the amendments – I think there will be none – that we consider them accepted as we go through, clause by clause.

1070

Madam Chair: Any objections to the amendments proposed for clause 3? No objections? All right, in that case, clause 3, as amended, stands part of the Bill.

1075 **Clerk:** Clauses 4 and 5.

Madam Chair: There is an amendment to clause 5.

Hon. Prof. J E Cortes: Madam Chair, once again, the amendment proposed in my letter of 10th June.

1080

Madam Chair: Any objection to the amendment to clause 5(2)?

Madam Chair: Clause 4 stands part of the Bill.

1085 Clause 5, as amended, stands part of the Bill.

Clerk: Part 2, clauses 6 to 8.

Madam Chair: Part 2, clauses 6 to 8 stand part of the Bill.

1090

Clerk: Clauses 9 to 11.

Madam Chair: Clauses 9 to 11 stand part of the Bill.

1095 **Clerk:** Clauses 12 to 20.

Madam Chair: Clauses 12 to 20 stand part of the Bill.

Clerk: Part 3, clauses 21 to 29.

1100

Madam Chair: Part 3, clauses 21 to 29 stand part of the Bill.

Clerk: Clauses 30 to 33.

1105

Madam Chair: Clauses 30 to 33 stand part of the Bill.

Clerk: Part 4, clause 34.

Madam Chair: Part 4, clause 34 stands part of the Bill.

1110

Clerk: Part 5, clause 35.

Madam Chair: Part 5, clause 35 stands part of the Bill.

1115

Clerk: Clause 36.

Hon. Prof. J E Cortes: Madam Chair, there are a number of, again, housekeeping amendments included in my letter of 10th June.

1120

Madam Chair: Any objections to the amendments proposed for clause 36? Clause 36 stands part of the Bill.

Clerk: Clause 37.

1125

Madam Chair: Clause 37 stands part of the Bill.

Clerk: Schedules 1 to 4.

Madam Chair: Schedules 1 to 4 stand part of the Bill.

1130

Clerk: The long title.

Madam Speaker: The long title stands part of the Bill.

**Litter Control (Amendment) Bill 2024 –
Clauses considered and approved with amendments**

Clerk: A Bill for an Act to amend the Litter Control Act 1990.
Clauses 1 and 2.

1135

Madam Chair: Clauses 1 and 2 stand part of the Bill.

Clerk: Clause 3.

1140

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Chair, I refer to my letter of 11th December proposing changes which I already explained at the Second Reading.

1145 **Madam Chair:** Any objections to the amendments proposed for clause 3? Clause 3, as amended, stands part of the Bill.

Clerk: The long title.

1150 **Madam Chair:** The long title stands part of the Bill.

**Transport (Amendment No. 2) Bill 2024 –
Clauses considered and approved with amendment**

Clerk: A Bill for an Act to amend the Transport Act 1998.
Clause 1

Madam Chair: Clause 1 stands part of the Bill.

1155

Clerk: Clause 2

Madam Chair: Clause 2 stands part of the Bill.

1160 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Chair, there is an amendment – again, I covered this in the Second Reading – included in my letter of 11th December.

1165 **Madam Chair:** Any objections to the amendments proposed for clause 2? Clause 2, as amended, stands part of the Bill.

Clerk: Clause 3.

1170 **Hon. Prof. J E Cortes:** Once again, there is a housekeeping amendment included in my letter of 11th December.

Madam Chair: Any objections to the amendments for clause 3? Clause 3, as amended, stands part of the Bill.

1175 **Clerk:** The long title.

Madam Speaker: The long title stands part of the Bill.

**Traffic (Amendment) Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Traffic Act 2005.
Clauses 1 to 3.

1180

Madam Chair: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

1185 **Madam Speaker:** The long title stands part of the Bill.

**Traffic (Amendment) Bill 2024 –
Clauses considered and approved with amendment**

Clerk: A Bill for an Act to amend the Traffic Act 2005.
Clause 1.

Madam Chair: Clause 1 stands part of the Bill.

1190

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Chair, my letter of 9th December ... As I explained during Second Reading, just to clarify, this is amendment number 2 of the Traffic Act.

1195 **Madam Chair:** Any objections to the amendment for clause 1? Clause 1 stands part of the Bill.

Clerk: Clauses 2 and 3.

Madam Chair: Clauses 2 and 3 stand part of the Bill.

1200

Clerk: The long title.

Madam Chair: The long title stands part of the Bill.

1205

**Education and Training (Amendment) Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Education and Training Act. Clauses 1 to 3.

Madam Chair: Clauses 1 to 3 stand part of the Bill.

1210

Clerk: The long title.

Madam Speaker: The long title stands part of the Bill.

**Transport (Amendment No. 3) Bill 2024 –
Clauses considered and approved with amendments**

1215 **Clerk:** A Bill for an Act to amend the Transport Act 1998, to make provision for the inclusion of a second vehicle to road service licences in respect of taxis for the purposes of carrying out a night city service.
Clauses 1 and 2.

Madam Chair: Clauses 1 and 2 stand part of the Bill.

1220

Clerk: Clause 3.

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Chair, my letter of 9th December ... Once again, I explained the rationale, which was accepted by the hon. Member, during my Second Reading. There are some amendments in clause 3 which allow this arrangement to continue during the day as well as during the night.

Madam Chair: Any objections to the amendments in clause 3? Clause 3 stands part of the Bill.

Clerk: The long title.

Madam Chair: The long title stands part of the Bill.

Sanctions (Amendment) Bill 2024 – Clauses considered and approved with amendment

Clerk: A Bill for an Act to amend the Sanctions Act 2019 to make provision about sanctions screening by relevant financial businesses, to amend the Proceeds of Crime Act 2015; and for connected purposes.

Clauses 1 to 3.

Madam Speaker: Clauses 1 to 3 stand part of the Bill.

Clerk: Clause 4.

Minister for Justice, Trade and Industry (N Feetham): Madam Chair, we have given notice of our intention to propose amendments to the Bill. I refer to our letter of 10th December.

We are proposing, in clause 4(3)(a), for the word ‘and’, in both places where it appears, to substitute ‘or’. In other words, for ‘and’, in both places it appears, we are proposing a substitution of ‘or’.

After clause 4(3), we are proposing to insert the following clause in section 157A: ‘In subsection (5)(a), for ‘subsections (6), (7), (8), (9), (10), (11) or (12)’ substitute ‘Sections 6, 7, 9, 10 and 11’, and in subsection (5)(c), for ‘subsection (9)’ substitute ‘subsection (12)’.

Madam Chair: Any objections to the proposed amendments? Clause 4 stands part of the Bill.

Clerk: The long title.

Madam Speaker: The long title stands part of the Bill.

Global Minimum Tax Bill 2024 – Clauses considered and approved

Clerk: A Bill for an Act to impose a Global Minimum Tax including a Qualifying Domestic Minimum Top-Up Tax compliant with the Organisation for Economic Co-Operation and Development (OECD) objectives by direct reference to their Global Anti-Base Erosion Model Rules and Commentary and for connected purposes.

Clauses 1 and 2.

Madam Chair: Clauses 1 and 2 stand part of the Bill.

Clerk: Part 1, clauses 3 to 8.

Madam Chair: Part 1, clauses 3 to 8 stand part of the Bill.

1265 **Clerk:** Part 2, clauses 9 to 11.

Madam Chair: Part 2, clauses 9 to 11 stand part of the Bill.

1270 **Clerk:** Part 3, clauses 12 to 13.

Madam Chair: Part 3, clauses 12 to 13 stand part of the Bill.

Clerk: Part 4, clauses 14 to 25.

1275 **Madam Chair:** Part 4, clauses 14 to 25 stand part of the Bill.

Clerk: Part 5, clauses 26 to 29.

1280 **Madam Chair:** Part 5, clauses 26 to 29 stand part of the Bill.

Clerk: Part 6, clause 30.

Madam Chair: Part 6, clause 30 stands part of the Bill.

1285 **Clerk:** Part 7, clauses 31 to 37.

Madam Chair: Part 7, clauses 31 to 37 stand part of the Bill.

1290 **Clerk:** Part 8, clauses 38 to 40.

Madam Chair: Part 8, clauses 38 to 40 stand part of the Bill.

Clerk: Part 9, clauses 41 to 42.

1295 **Madam Chair:** Part 9, clauses 41 to 42 stand part of the Bill.

Clerk: Part 10, clauses 43 to 49.

1300 **Madam Chair:** Part 10, clauses 43 to 49 stand part of the Bill.

Clerk: Part 11, clauses 50 to 52.

Madam Chair: Part 11, clauses 50 to 52 stand part of the Bill.

1305 **Clerk:** The long title.

Madam Chair: The long title stands part of the Bill.

**Income Tax (Amendment No. 3) Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Income Tax Act 2010.
Clauses 1 to 3.

1310

Madam Chair: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

1315

Madam Speaker: The long title stands part of the Bill.

**Income Tax (Amendment No. 4) Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Income Tax Act 2010.
Clauses 1 to 3.

1320

Madam Chair: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

Madam Chair: The long title stands part of the Bill.

1325

**Income Tax (Amendment No. 2) Bill 2024 –
Clauses considered and approved with amendments**

Clerk: A Bill for an Act to amend the Income Tax Act 2010.
Clause 1.

1330

Madam Chair: Clause 1 stands part of the Bill.

Clerk: Clause 2.

1335

Hon. N Feetham: Madam Chair, we have given notice of our intention to propose an amendment to this clause. We are proposing that in clause 2(2) we substitute the current subsection with the following: 'Subsection (3) comes into operation on 1st January 2025.'

Madam Chair: Any objections to the amendment to clause 2? Clause 2 stands part of the Bill.

1340

Clerk: Clause 3.

1345

Hon. N Feetham: Madam Chair, we move that an amendment be made in clause 3(3)(c) which inserts into Schedule 1 a paragraph headed 'Part 2': 'For (i) substitute 'a property constructed prior to and held by the owner since 1st January 1988'.

1350 We are also moving that in paragraphs 1(2)(a) and (b), for the words 'three or more taxable properties' we substitute 'five or more taxable properties'; in paragraph 1(2)(b)(i), for the word 'amount' we substitute the word 'profit'; in paragraph 1(8) we delete the closing speech, which was there by mistake; and after paragraph 1(8) we insert the following subparagraph: 'The Minister with responsibility for taxation may by order prescribe any class or category of property to be included within the definition of an exempted property, provided that no order shall be made under this paragraph unless it has been approved by resolution of the Parliament.'

1355

Madam Chair: Any objections to the amendments proposed for clause 3? Clause 3, as amended, stands part of the Bill.

1360 For the avoidance of doubt and for the purposes of *Hansard*, the previous clause, clause 2, stands part of the Bill as amended.

Clerk: The long title.

Madam Speaker: The long title stands part of the Bill.

**Financial Services (Amendment No. 2) Bill 2024 –
Clauses considered and approved**

1365 **Clerk:** A Bill for an Act to amend the Financial Services Act 2019 to provide for market access arrangements between Gibraltar and the United Kingdom in respect of financial services; to amend the regulatory objective relating to the reputation of Gibraltar; to transfer responsibility for administering the Gibraltar investor compensation scheme to the Financial Services Resolution and Compensation Committee; to make further provision concerning financial promotions; to amend the matters considered by the Decision Making Committee and provide for decision making in exceptional cases; to amend provisions relating to confidentiality, information gathering and the assistance of other regulators and to provide for related offences; to amend the regime for regulated individuals and non-executive directors; to amend publication powers and the time limits for considering applications and certain notices; to amend the definitions of financial crime and designated regulatory objectives; to extend indemnities for costs to include damages; and for connected purposes.

1370

1375

Clauses 1 to 10.

1380 **Madam Chair:** Clauses 1 to 10 stand part of the Bill.

Clerk: Clauses 11 to 20.

Madam Chair: Clauses 11 to 20 stand part of the Bill.

1385

Clerk: Clauses 21 to 29.

Madam Chair: Clauses 21 to 29 stand part of the Bill.

1390 **Clerk:** The long title.

Madam Chair: The long title stands part of the Bill.

**Care Agency (Amendment) Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Care Agency Act 2009.
Clauses 1 to 3.

1395

Madam Chair: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

1400

Madam Chair: The long title stands part of the Bill.

**Register of Property Occupation (Amendment) Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Registered Property Occupation Act 2021.
Clauses 1 to 7.

1405

Madam Chair: Clauses 1 to 7 stand part of the Bill.

Clerk: The long title.

Madam Speaker: The long title stands part of the Bill.

1410

**Gibraltar Culture Bill 2024 –
Clauses considered and approved with amendments**

Clerk: A Bill for an Act to make provision for the management, enhancement and enjoyment of culture in Gibraltar, of the art collection belonging to His Majesty's Government of Gibraltar, for the preservation of buildings and premises used for cultural purposes, to establish the Gibraltar Arts Advisory Council, to provide for the Gibraltar Public Lending Library, and other cultural connected matters.

1415

Part 1, clauses 1 to 3.

Madam Chair: Part 1, clauses 1 to 3 stand part of the Bill.

1420

Clerk: Part 2, clauses 4 to 8.

Madam Chair: Part 2, clauses 4 to 8 stand part of the Bill.

1425

Clerk: Clause 9.

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Chair, I refer to my letter of 10th June. This is already included as an amendment.

1430 I have also received an amendment today by the hon. Member opposite to clause 9(3). There is no objection to his amendment, but it is not really necessary as regulations are, as a rule, published in the Gazette already.

1435 **Hon. E J Reyes:** Madam Chair, I have proposed the amendment to insert in clause 3, after the words 'by regulations', 'published in the Gazette', so that it is in keeping with what then appears in other sections, so for uniformity, because it also appears in nine clauses. I am proposing to put it as published, the same as in clause 10(3), where clause 10(3) says 'the Minister may by regulations publish in the Gazette', so that the words match each other.

1440 **Hon. C P Santos:** As mentioned, I have no objections, and if it is going to make it a more cohesive Act, then yes, no objections.

Madam Speaker: We have the amendments, then, to clause 9(2) and (3). Clause 9, as amended, stands part of the Bill.

1445

Clerk: Part 3, clauses 10 to 12.

Madam Chair: Part 3, clauses 10 to 12 stand –

1450 **Hon. E J Reyes:** Sorry, Madam Chair, I had given notice that in subclause 11(c), after 'provide advice to any person' I am proposing to insert more equity in the same way as it appears in another section. In fact, in the amendment the Hon. Minister has just made to clause 9(2). He actually suggested, and we accepted, inserting the words 'or entity', and for uniformity I am proposing that we do the same in clause 11(c).

1455

Madam Chair: Any objections to those amendments?

Hon. C P Santos: No objections.

1460 **Madam Speaker:** Clause 10 stands part of the Bill.
Clause 11, as amended, stands part of the Bill.

Clerk: Clause 12.

1465 **Madam Chair:** Clause 12 stands part of the Bill.

Clerk: Part 4, clauses 13 to 14.

Madam Chair: Part 4, clauses 13 to 14 stand part of the Bill.

1470

Clerk: Clause 15.

Hon. E J Reyes: Madam Chair, in clause 15(1) I again propose the same amendment: after 'any person' insert the words 'or entity' so that we keep the uniformity throughout.

1475

Madam Chair: Any objection to the proposed amendment?

Hon. C P Santos: No objection. There are some amendments in clause 15, as stated in my letter of 10th June.

1480 **Madam Chair:** Any objections to those amendments in the letter of 18th June 2024? Clause 15, as amended, stands part of the Bill.

Clerk: Part 5, clause 16.

1485 **Madam Chair:** Part 5, clause 16 stands part of the Bill.

Hon. C P Santos: Madam Chair, I refer to my letter of 18th June with an amendment to clause 16.

1490 **Madam Chair:** Any objections to clause 16? Clause 16, as amended, stands part of the Bill.

Clerk: Clause 17.

Madam Chair: Clause 17 stands part of the Bill.

1495

Clerk: Part 6, clause 18.

Madam Chair: Part 6, clause 18 stands part of the Bill.

1500 **Clerk:** Clause 19.

Hon. C P Santos: Madam Chair, I refer to my letter of the 18th of June and an amendment to clause 19.

1505 **Madam Chair:** Any objections to the amendments proposed to clause 19? Clause 19 stands part of the Bill.

Clerk: Clauses 20 to 21.

1510 **Madam Chair:** Clauses 20 to 21 stand part of the Bill.

Clerk: Clause 22.

1515 **Hon. C P Santos:** Madam Chair, again, as referred in my letter of 18th June, there is an amendment to this clause.

Madam Chair: Any objections to the amendments proposed for clause 22? Clause 22, as amended, stands part of the Bill.

1520 **Clerk:** Clause 23.

Madam Chair: Clause 23 stands part of the Bill.

Clerk: Part 7, clauses 24 to 26.

1525

Madam Chair: Part 7, clauses 24 to 26 stand part of the Bill.

Clerk: Schedule 1.

1530 **Hon. C P Santos:** Madam Chair, again, I refer to my letter of 18th June.

Madam Chair: Any objections to the amendments proposed for Schedule 1? Schedule 1, as amended, stands part of the Bill.

1535 **Clerk:** Schedule 2.

Hon. C P Santos: Again, Madam Chair, as referred to in my letter of 18th June, there is an amendment to Schedule 2.

1540 **Madam Chair:** Any objections to the amendments proposed to Schedule 2? Schedule 2 stands part of the Bill.

Clerk: The long title.

1545 **Madam Speaker:** The long title stands part of the Bill.

**Civil Partnership (Amendment) Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Civil Partnership Act 2014 to make provision for no fault dissolutions and reduce the minimum period of partnership required prior to the commencement of dissolution proceedings from three years to one year.

Clauses 1 to 4.

1550 **Madam Chair:** Clauses 1 to 4 stand part of the Bill.

Clerk: The long title.

1555 **Madam Chair:** The long title stands part of the Bill.

**Boy Scouts Association (Amendment) Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Boy Scouts Association Act.
Clauses 1 to 3.

1560

Madam Chair: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

1565

Madam Speaker: The long title stands part of the Bill.

**Stamp Duties (Amendment) Bill 2024 –
Clauses considered and approved**

1570 **Clerk:** A Bill for an Act to amend the Stamp Duties Act 2005.
Clauses 1 and 2.

Madam Chair: Clauses 1 and 2 stand part of the Bill.

1575 **Clerk:** Clause 3.

Chief Minister (Hon. F R Picardo): Madam Speaker, I was going to move an amendment to this clause, but I note that the drafters helpfully had included in the reissued version of the Bill after the Election the amendment that we would have moved if we had taken the Bill before, so there is no need to move it, as it was included in the Bill now as drafted in its 2024 version, so it can stand exactly as it is.

Madam Chair: Clause 3 stands part of the Bill.

1585 **Clerk:** The long title.

Madam Chair: The long title stands part of the Bill.

**Tobacco (Amendment No. 2) Bill 2024 –
Clauses considered and approved**

Clerk: A Bill for an Act to amend the Tobacco Act 1997.
Clauses 1 to 3.

1590 **Madam Chair:** Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

1595 **Madam Speaker:** The long title stands part of the Bill.

**Genetically Modified Organisms Bill 2024; Control of Major Accident Hazards Bill 2024;
Litter Control (Amendment) Bill 2024; Transport (Amendment No. 2) Bill 2024;
Traffic (Amendment) Bill 2024; Traffic (Amendment) Bill 2024;
Education and Training (Amendment) Bill 2024; Transport (Amendment No. 3) Bill 2024;
Sanctions (Amendment) Bill 2024; Global Minimum Tax Bill 2024;
Income Tax (Amendment No. 3) Bill 2024; Income Tax (Amendment No. 4) Bill 2024;
Income Tax (Amendment No. 2) Bill 2024; Financial Services (Amendment No. 2) Bill 2024;
Register of Property Occupation (Amendment) Bill 2024; Stamp Duties (Amendment) Bill 2024;
Tobacco (Amendment No. 2) Bill 2024; Gibraltar Culture Bill 2024;
Civil Partnership (Amendment) Bill 2024 –
Third Readings approved: Bills passed**

Clerk: The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to report that the Stamp Duties (Amendment) Bill 2024, the Tobacco (Amendment No.2) Bill 2024, the Income Tax (Amendment No. 2) Bill 2024, the Sanctions (Amendment) Bill 2024, the Financial Services (Amendment) Bill 2024, the Global Minimum Tax Bill 2024, the Income Tax (Amendment No. 3) Bill 2024, the Income Tax (Amendment No. 4) Bill 2024, the Care Agency (Amendment) Bill 2024, the Register of Property Occupation (Amendment) Bill 2024, the Genetically Modified Organisms Bill 2024, the Litter Control (Amendment) Bill 2024, the Transport (Amendment No.2) Bill 2024, the Traffic (Amendment) Bill 2024, the Transport (Amendment No.3) Bill 2024, the Gibraltar Culture Bill 2024, the Civil Partnerships (Amendment) Bill 2024 and the Boy Scouts Association (Amendment) Bill 2024 have been considered in committee and agreed to, some of them with amendments, and I now move that they be read a third time and passed.

Madam Chair: I am going to need that list; I have about four lists.

Madam Speaker: I now put the question, which is that the Genetically Modified Organisms Bill 2024, the Control of Major Accident Hazards Bill 2024, the Litter Control (Amendment) Bill 2024, the Transport (Amendment No. 2) Bill 2024, the Traffic (Amendment) Bill 2024, the Traffic (Amendment) Bill 2024, the Education and Training (Amendment) Bill 2024, the Transport (Amendment No. 3) Bill 2024, the Sanctions (Amendment) Bill 2024, the Global Minimum Tax Bill 2024, the Income Tax (Amendment No. 3) Bill 2024, the Income Tax (Amendment No. 4) Bill 2024, the Income Tax (Amendment No. 2) Bill 2024, the Financial Services (Amendment No. 2) Bill 2024, the Register of Property Occupation (Amendment) Bill 2024, the Stamp Duties (Amendment) Bill 2024 and the Tobacco (Amendment No. 2) Bill 2024 be read a third time and passed.

Those in favour of the Genetically Modified Organisms Bill 2024? (**Members:** Aye.) Those against? Carried.

Those in favour of the Control of Major Accident Hazards Bill 2024? (**Members:** Aye.) Those against? Carried.

Those in favour of the Litter Control (Amendment) Bill 2024? (**Members:** Aye.) Those against? Carried.

Those in favour of the Transport (Amendment No. 2) Bill 2024? (**Members:** Aye.) Those against? Carried.

Those in favour of the Traffic (Amendment) Bill 2024? (**Members:** Aye.) Those against? Carried.

Those in favour of the Traffic (Amendment) Bill 2024? (**Members:** Aye.) Those against? Carried.

Those in favour of the Education and Training (Amendment) Bill 2024? (**Members:** Aye.) Those against? Carried.

Those in favour of the Transport (Amendment No. 3) Bill 2024? (**Members:** Aye.) Those against? Carried.

1635 Those in favour of the Sanctions (Amendment) Bill 2024? (**Members:** Aye.) Those against? Carried.

Those in favour of the Global Minimum Tax Bill 2024? (**Members:** Aye.) Those against? Carried.

Those in favour of the Income Tax (Amendment No. 3) Bill 2024? (**Members:** Aye.) Those against?

1640

Hon. R M Clinton: Madam Speaker, on this one we are abstaining.

Madam Speaker: I note that the Opposition abstain in respect of the Income Tax (Amendment No. 3) Bill, which is carried.

1645 The Income Tax (Amendment No. 4) Bill 2024: those in favour? (**Members:** Aye.) Those against? Carried.

The Income Tax (Amendment No. 2) Bill 2024: those in favour?

Members: Aye.

1650

Hon. R M Clinton: Madam Speaker, the Opposition abstain.

Madam Speaker: The Opposition, it is noted, abstain from the Income Tax (Amendment No. 2) Bill 2024, which is carried.

1655 The Financial Services (Amendment No. 2) Bill 2024: those in favour? (**Members:** Aye.) Those against? Carried.

The Care Agency (Amendment) Bill 2024: those in favour? (**Members:** Aye.) Those against? Carried.

1660 The Register of Property Occupation (Amendment) Bill 2024: those in favour? (**Members:** Aye.) Those against? Carried.

The Stamp Duties (Amendment) Bill 2024: those in favour? (**Members:** Aye.) Those against? Carried.

The Tobacco (Amendment No. 2) Bill 2024: those in favour? (**Members:** Aye.) Those against? Carried.

1665 The Boy Scouts Association (Amendment) Bill 2024: those in favour? (**Members:** Aye.) Those against? Carried.

Hon. R M Clinton: Madam Speaker, if I may interrupt for a minute, I misread my notes and I should have read 'against' for the Income Tax (Amendment No. 2) Bill.

1670

Hon. Chief Minister: Madam Speaker, I am afraid the moment has passed. The Bill has been voted on; the vote has been recorded. The Opposition may be in error or otherwise, but their vote has been recorded. There is no provision in the Rules in any Parliament to go back to change a vote. Therefore, Madam Speaker, I would ask that we continue with the business of the House as set out on the Order Paper, and that if hon. Members wish to write to you ... They may wish to do so, but I am afraid that, as has happened recently in other parliaments, a vote is a vote. If they have recorded it incorrectly, they may wish to publicly say that, but their vote has to be recorded as it was at the time, as an abstention.

1675

Madam Speaker: This is the Income Tax (Amendment No. 2) Bill. Well, the vote has been taken, the vote has been recorded, but for the purposes of *Hansard* the hon. Member may highlight that that was a mistake and that they intended to vote against.

1680

Hon. R M Clinton: Yes, and in fact it was my personal mistake rather than a mistake on behalf of the entire bench.

1685

Madam Speaker: The record will record that, but the vote is as it was passed.

Hon. R M Clinton: The intention of the Opposition was to vote against.

1690

Hon. D J Bossino: Madam Speaker, as the Hon. the Chief Minister says, there is a very perhaps infamous case where I think there was an error by a PSOE MP in the Cortes some time ago where I think he mistakenly pressed the wrong button and that had a change, because I think it was a one-man majority vote. In this instance, all we are seeking to do as an Opposition is to correct the record, and I am grateful for grateful for the Speaker's assistance in that regard because the reality is that our vote in opposition would not have made any difference given that the other side have a majority.

1695

Hon. Chief Minister: The record is not in any way altered. The record is that the vote that has been entered on behalf of the Opposition is an abstention. The *Hansard* will show that that abstention is one that has been entered in error – it will, obviously – but the record of the vote cannot be amended, Madam Speaker, by any rule that I am aware of, which applies in this Parliament or in any other, once you have walked through a division lobby, which is a different sort of mistake to what you might say, and without reliance on other systems of law which are Napoleonic and are not our own.

1700

1705

Madam Speaker: For the avoidance of doubt, the vote stands. The record reflecting the manner of voting in that vote stands and the record will also reflect that the Hon. Mr Clinton has risen to say that that was a mistake and that they had intended to vote against it. I think that clears the record. All right, we can proceed.

1710

Chief Minister: Madam Speaker, on that concordant note I move that the House should now adjourn until tomorrow at 3 p.m., when it is my intention to suspend standing orders to deal, first of all, with Government Motions before moving on to questions.

1715

Madam Speaker: Before I address the adjournment, I understand the Hon. Mr Reyes has something he wishes to raise.

Hon. E J Reyes: Thank you, Madam Speaker. I know we have been through the Committee Stage, but I cannot recall a few minutes ago having actually voted in favour of the Gibraltar Culture Bill. I do not think it has been mentioned, for the record, after the closing of the Third Reading. I think some paperwork must have been mislaid. I have two Bills here that have been through the Committee Stage, but you have not asked for a formal vote. They are Bill 2/24 and Bill 15/24. I stand to be corrected if I missed it.

1720

1725

Madam Speaker: I think the Hon. Mr Reyes is quite right; they did not appear to be on my list, but we did not vote on the Gibraltar Culture Bill or the Civil Partnership (Amendment) Bill.

To that end, before I deal with the adjournment, if I could deal first with the Gibraltar Culture Bill 2024: those in favour? (**Members:** Aye.) Those against? Carried.

1730

The Civil Partnership (Amendment) Bill 2024: those in favour? (**Members:** Aye.) Those against? Carried.

1735

Hon. R M Clinton: Madam Speaker, at the risk of incurring your wrath, I may have missed the Stamp Duties Act 2005. I do not know if we voted on that.

Madam Speaker: We did.

Hon. R M Clinton: Well, we should have recorded an abstention on that. It may be that because we have so many of them we missed it, but again I apologise.

Madam Speaker: The Stamp Duties (Amendment) Bill 2024 was voted on and it was carried.

Hon. R M Clinton: I do not believe there was an Opposition vote recorded at the time.

Madam Speaker: Well, there were ayes which carried it. There was nothing to the contrary, so it has been carried. If the Hon. Mr Clinton wants to make a comment or clarification on it now, then he –

Hon. R M Clinton: Yes, of course the ayes carried it, but we would have recorded an abstention.

Hon. Chief Minister: Madam Speaker, again, when Opposition Members are silent and it is carried by ayes, it is recorded as carried by all the ayes; that is to say without opposition. That has been the way that it has been consistently in the practice of this House, not for 12 years, not for 16 years when they were in Government; it has been the practice of this House since this House was constituted. Therefore, the record of the vote will show now, because it has already happened, that it has been voted on by ayes across the floor of the House. If the hon. Member, for the *Hansard* purposes, wants to say that they would have abstained if they had realised, well, that is fine, but the vote goes through as all those present in favour, because that is how the ayes are recorded when there is not anything else said.

Madam Speaker: I do not want to spend any unnecessary time discussing this. It is the same as the previous situation. The vote was carried with ayes but the *Hansard* will show that the Hon. Mr Clinton has flagged that that was an error and that the Opposition – would have abstained? (**Hon. D J Bossino:** Yes.) – would have abstained.

Hon. D J Bossino: As indicated by Mr Clinton.

Madam Speaker: I am grateful to the Hon. Mr Reyes for drawing my attention to the two Acts that slipped off the long list.

Adjournment

Madam Speaker: What I have before me now is the adjournment.

Chief Minister (Hon. F R Picardo): Madam Speaker, I formally move that the House should now adjourn to tomorrow at three o'clock, first of all dealing with Government Motions. I am heartened to do that and to move the adjournment with the acceptance of Members opposite that they too appear to sometimes make mistakes, something which they only like to visit at our door.

Madam Speaker: I now propose the question, which is that this House do now adjourn to tomorrow at 3 p.m.

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

This House will now adjourn to tomorrow at 3 p.m.

The House adjourned at 1.10 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 8.40 p.m.

Gibraltar, Thursday, 19th December 2024

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The Gibraltar Parliament

The Parliament met at 3 p.m.

[MADAM SPEAKER: Hon. Judge K Ramagge GMH *in the Chair*]

[CLERK TO THE PARLIAMENT: J B Reyes Esq *in attendance*]

Standing Order 7(1) suspended to proceed with a Government Statement

Clerk: Meeting of Parliament, Thursday, 19th December 2024.
Suspension of Standing Orders. The Hon. the Chief Minister.

5 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1), in order to proceed with a Government Statement.

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

Acquisition of AquaGib – Statement by the Chief Minister

Clerk: The Hon. the Chief Minister.

10

Chief Minister (Hon. F R Picardo): Madam Speaker, I am delighted to be able to inform this House that the Government of Gibraltar has acquired the remaining 67% shareholding in AquaGib from Northumbrian Water Group, bringing the company into full public ownership. As of today, AquaGib and water supply come back into public ownership. This acquisition, which we initially
15 announced during the 2022 Budget address, has faced unavoidable delays due to the unexpected fire that year and its aftermath, which made it challenging to conclude the transaction earlier. The Government has purchased the two thirds of shares held by Northumbrian Water Group for £7.5 million, ensuring that Gibraltar's water supply is managed and operated entirely now in the public interest. By taking this step, we are strengthening national control over critical
20 infrastructure. AquaGib will continue to operate as an independent entity, just like Gibtelecom, with a new board overseeing its governance and long-term sustainability. Private ownership has brought good commercial practice to the provision of the service, and we want that to continue.

I take this opportunity to thank Northumbrian Water Group and the outgoing shareholders for their unwavering collaboration and support over the years. Their partnership has been
25 instrumental in developing AquaGib into the mature and professional water and sewerage service company it is today. In particular, I would like to thank Stuart Hazen, who has been Northumbrian Water Group's longest-serving appointed director, with over 10 years on the AquaGib board. He has provided a continuity and corporate memory that is so invaluable to any board. Also, particular thanks to Steve Craig, who joined more recently but assisted immensely with the
30 complex insurance claims arising from the unfortunate fire incident. I also extend my gratitude to their personnel, both past and present, whose expertise and insights have contributed significantly to AquaGib's success. I would like to assure this House that the transition in ownership will not result in any disruption to consumers, employees and stakeholders. I also want

to express my appreciation to AquaGib's staff for their steadfast commitment to delivering reliable water services to the people of Gibraltar. As we look to the future, this acquisition underscores my Government's commitment to ensuring that essential services are aligned with the needs of our community, with profits reinvested for the benefit of taxpayers. We will also continue to engage external expertise, where necessary, to ensure that AquaGib operates with the highest standards of efficiency and professionalism. The current and past Financial Secretaries, Charles Santos and Albert Mena, have been instrumental in delivering this deal. Also essential have been Paul Singleton and the determined and single-minded current Minister for the Utilities, Ms Arias-Vasquez. I thank them all.

This is a historic moment for Gibraltar, one that reflects our determination to safeguard and enhance the service that our community relies upon, and where we take full control now of the supply of water to our people, the elixir of life.

Thank you, Madam Speaker.

Madam Speaker: Does any hon. Member wish to ask questions for the purpose of clarification on any points made in that Statement? The Hon. Mr Clinton.

Hon. R M Clinton: Thank you, Madam Speaker, just two points of clarification and, of course, I am grateful to the Chief Minister for making the Statement, which we obviously have been anticipating for some time. Two questions, if the Chief Minister would be kind enough to clarify. On the £7.5 million purchase consideration, if he could indicate the source of the £7.5 million: is this coming directly from the Government – the Consolidated Fund, the Improvement Development Fund or some other Government entity? I would be grateful if he could be precise as to the source of the funding and how these two thirds of shares will be held. Will they be held directly by the Government or through some other entity?

And finally, Madam Speaker, a very simple point: although I appreciate he has made the announcement today, what is the contractual effective date of the transfer of the company and the ownership of the shares?

Thank you, Madam Speaker.

Hon. Chief Minister: Madam Speaker, thank you for the opportunity to clarify those issues.

Of course, I should have started by saying that when this journey began and the Father of the House was Chief Minister of Gibraltar, it was not with AquaGib, it was with Lyonnaise des Eaux, the French company, which then ceded its shareholding to Northumberland Water. I am very pleased that this journey comes to this conclusion, because it shows that the joint-venture schemes which the Father of the House, as Chief Minister of Gibraltar under the first socialist administration, embarked upon, have given the results that we wanted to see. We have seen how the Water Department transformed itself into this commercial entity that we now fully acquire control of.

The £7.5 million will be funded through the Gibraltar Savings Bank. I indicated that already, I believe, when I said we were acquiring the AquaGib shareholding in the same way as we were acquiring the Gibtelecom shareholding. The holding vehicle will be Gibraltar AquaGib Holdings and the effective completion date is today.

Madam Speaker: Does any other hon. Member wish to ask a question for the purposes of clarification? The Hon. Mr Sacarello.

Hon. C A Sacarello: Thank you, Madam Speaker, yes, I would like to ask the Chief Minister if the intention is for the Government to retain public ownership of AquaGib for the foreseeable future, or if there is any intention in the future to privatise this company.

85 **Hon. Chief Minister:** Madam Speaker, I refer the hon. Gentleman to the terms of my Statement.

Madam Speaker: Does any other hon. Member wish to ask a question? All right, we will move on.

Standing Order 7(1) suspended to proceed with Government Motion

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

Chief Minister (Hon. F R Picardo): I beg to move, under Standing Order 7(3), to suspend Standing Order 7(1) in order to proceed with Government Motions

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

Standing Order 19 suspended to proceed with Government Motion

Clerk: Government motions. The Hon. the Chief Minister.

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

I hereby give notice, under Standing Order 59, to proceed with the suspension of Standing Order 19 in order to proceed with a Government Motion.

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

**Allegations attempting to mislead the public –
Amended motion carried**

Clerk: The Hon. the Chief Minister.

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

THIS HOUSE deplores that the Leader of the Opposition, the Hon. Keith Azopardi KC MP, and the Hon. Damon Bossino MP have attempted to mislead the public in making allegations against the Chief Minister which are factually incorrect, absolutely untrue and designed in themselves to mislead the public, including via the publication of doctored documentation.

105 Madam Speaker, it is December; we are about to enter the Christmas period. It is not without a heavy heart that I bring a motion of this sort at this time of year, in particular against the two individuals who I am forced to mention in that motion, who are, outside of this place, are not people that I have a low regard for; in fact, I have a high regard for both of them.

110 There are important issues to deal with in this community. There will be people in Gibraltar this Christmas who will rely on Father Charlie giving them a hamper because they do not have the ability to make ends meet, there are people in this community who are not as well off as the

majority, and there are issues that this community needs to deal with – not least finalising the arrangements between the United Kingdom and the European Union about our future relationship with the European Union, if we are able to reach a final accommodation in that respect, or indeed continuing to plan for the eventuality that we do not have such arrangements – and yet we are forced to bring a motion in these terms to deal with the politics – politics with a small ‘p’; the small-town politics of the small ‘p’ – that hon. Members opposite are trying to play outside of this place whilst referring to things that have happened in this place. It is for that reason that despite the season it is not possible to ignore some of the things that hon. Members have said and have purported to say that they have shown in their press statements, because they relate to things that have happened in this place and answers that have been given in this place, all of which answers have been honest and correct. For that reason, we just cannot ignore, despite the season, the things that have been said, because it would be unfair to ignore the things that have been said and the things that have been said about people, even who are not elected to this place.

It is very easy, through innuendo, to try to tarnish reputations that have been built over 20, 30, sometimes even more years; reputations that have been built through hard work, through the endeavour of trying to always protect the people of Gibraltar and the public purse – insofar as it relates to me, and indeed to other Members of the Government bench, after 13 years of constant hard work through thick and thin. It is very easy, through innuendo, to try to trash that simply for the purposes of trying to climb the greasy pole of politics. It is perhaps that bit of that well-known phrase from Tony Blair that is about the arena of low skulduggery that one has to take on in order to defend the nobler purpose of politics. I know that this happens in politics, that people say things about each other that might be sharp, but it is also true that there has to be a line in the sand, and when people who have elected political office say things which are demonstrably untrue, there is a mechanism to deal with that. If it had been alleged in this place that I had misled the House, then there is a mechanism to deal with that, which is to bring a motion and debate it. There is another way of doing it, which is to simply not have the gumption to do it in this place and do it outside. It is quite remarkable, when the allegation is quite as serious as the allegation that somebody has misled the House, that the person making that allegation does not engage the mechanism in the House through the House’s procedures to deal with it, but instead, in what I can only describe as a cowardly fashion, goes outside and pretends to do it from outside the House.

I am very happy for my political career and everything I do in politics to be judged on the basis of what I have done; what I will not tolerate is that I should be judged on the basis of what I have not done. This is not a question of interpretation, because we can all interpret what I have done in one way or another; it is about the core facts, the facts underlying the argument. Frankly, what I am not going to allow to pass, even in the season of good cheer, is that for the purposes of someone cheaply getting their name up in headlines, they should be able to unfairly tarnish the reputations of Members of this side of the House. And so that is what this motion is about. It is about showing the objective reality of what has been done in the context of the rental at 80a Queensway, and not what I might call the narrative of Members opposite of what has been done. There is a simple reason for having to do that: because their narrative is not true. It is pejorative and it is untrue.

The Hon. Leader of the Opposition, when he was, yesterday, on GBC’s flagship *Gibraltar Today* and received notice of this motion, said that it was disgraceful that we were bringing the motion. It is quite remarkable that the Leader of the Opposition thinks that the use of the parliamentary device which is designed to ensure that matters are properly debated across the floor of the House and ventilated and gives him the opportunity to put his view about what is being said, is disgraceful, but he thinks it is proper to go, through a press release, to a media outlet and make the worst allegation that can be made against a parliamentarian in a place where the parliamentarian cannot challenge what is being said in debate. Of course, we can put out our own press release, but that is not debate. This is a Parliament. The Chief Minister is elected as the Leader of the House, and the Leader of the Opposition is elected on the opposite bench. The

concept of parliament comes from the word 'parley', which is about debate. How can it be disgraceful to put a motion to debate that puts to them, here, what they have put to me outside of here? No. What is disgraceful is to try to tarnish 20 years of political trajectory as an elected Member of this House, 13 years as the senior elected representative of the people of Gibraltar, on the basis of untrue innuendos and not have the gumption to put the arguments here; trying to suggest that something has been done wrong in order to plant the seed of impropriety in the brains of members of this community, and perhaps even beyond this community, but then not come here and defend what it is that they have said outside. In particular, it is galling to see that when what has been done has been done properly and carefully to ensure that we create a better working environment for the people who work in the public sector and a better place for the public to interact with the public sector, which is accessible etc; all of the things that Members opposite pretend at general election time or when they are supping Heineken with the civil servants and public sector workers at the GGCA Christmas party, would pretend they would be doing until the time comes to make the choice to invest in doing that.

And so it is for that reason that I have to get up now ahead of Question Time, the final Question Time of the year, to deal with these outrageous accusations that have been put and to also address some of the other things that the Hon. Mr Bossino has said outside of this place, and to set the record straight with facts. So, let's cut to the chase of those facts.

The Hon. Mr Bossino issued a statement on 9th December accusing the Government, and me in particular, of misleading Parliament. That is not an accusation that can be made in this Parliament other than in a substantive motion. It was not done in this Parliament; it was done in a press release. The press release was the second press release that the GSD had issued on the subject of the Bassadone Group rental deal. The first press release was issued on 2nd December, and that press release said this:

The Government has already spent £610,000 in rent over the last 18 months ...

That is a quote from the press release from the GSD of 2nd December. That press release also said this:

a well-known business entity which is very closely connected with the GSLP will receive millions of tax payer pounds on the one hand while the Government, on the other, sells off public assets,

And then Mr Bossino is quoted by the GSD as saying:

Who, in the end, benefits?

That is how the press release ends.

By the time you get to 9th December, the tone has changed. You might say this is just a difference of opinion on how we spend government money, but by 9th December the GSD press release is headed 'Chief Minister misleads on Bassadone Group deal', and then it says this:

The Chief Minister has shockingly misled Parliament as regards the rental payments which are being made to Bassadone Industrial World Limited in respect of this company's property at 80a Queensway to be used for civil service offices.

It then attacks us for entering into these arrangements on 8th September 2023, and it says:

It is clear that what the GSLP did was to frantically have the 21-year deal sewn up ahead of a new Government being sworn in, beneficial to its friends and benefactors.

Very pejorative language. This is no longer just a disagreement about how we are doing things; this is an allegation of wrongdoing. Mr Bossino then advises me:

Before descending to personal insults what the Government should do is apologise to the public for not being straight with them and for leading them down another garden path like with so many other issues. Enough is enough.

On 10th December, in reply to the Government's response to that, in a press statement which is headed 'Chief Minister continues to mislead on Bassadone Group deal', the GSD say this:

In a further and worrying development, the Chief Minister states that he answered in the way he did because he claims that Mr Bossino asked for rental payments 'to date'. That is not the case.

That press release ends with the words 'Who, in the end, benefits from this deal?' That is the question that they ask.

205 It is highly notable that Mr Bossino said all of these things outside of the House and not here. Not because it cannot be said here; of course it can be said here. Very serious. This is really, really serious, and if it is so serious and the hon. Gentleman believes it, he should have said it here in a substantive motion. It is important that if hon. Members believe that any other hon. Member has misled the House, has been given the opportunity to correct the record and does not do so, we all
210 go through the iron of fire, the circle of fire, of having to deal with that, but in the proper way and with the proper mechanisms to address these things, not with the kangaroo court of public opinion. Perhaps you might say, 'Well, what's the point of putting a motion? I am going to lose it to the Government majority.' Well, Madam Speaker, I dare say that if he were able to demonstrate that I misled the House, I would ask him for the opportunity to correct the record and not go
215 through the flaming iron of a motion on misleading. But of course, as he knows, that is not the case and they would not be able to convince the least partisan person that I have done anything which amounts to misleading the House.

I am going to come to all of the detail of that, but I want to also now start by saying that the only misleading that has been done – again, outside of this place, not here, and in the terms of
220 the motion – has, in fact, been done by Members opposite, by the self-same Members opposite that I have mentioned, Mr Bossino and the Hon. Mr Azopardi. What has become apparent is that they have engaged in a concerted attempt to mislead not just the public but also to mislead the media, journalists and the public. I would say, adopting the terminology that the Hon. Mr Azopardi used on the radio, on *Gibraltar Today*, that is what is disgraceful and that is disgraceful politics. It
225 debases the political debate because it erodes trust in all politicians, not just the ones doing it. It erodes trust in the political class and it erodes trust in democracy. That is the reality, and whilst I am Chief Minister and Leader of this House, I consider it my duty, in keeping with the oaths I have taken, both in the Convent and in this place, to ensure that I stand up to that sort of behaviour, to shine the spotlight on that sort of behaviour and to identify for the public – in this place, the cradle
230 of our democracy, in glorious technicolour – the electorate and the wider community, the frankly despicable manner in which hon. Members opposite have tried to play with the public's understanding of the transactions in place, that have been entered into properly, transparently and diligently by the Government on behalf of the people that we represent and in the best interests of our public sector workers and those who will interact with them at those offices.

235 So, what are the issues here? This all comes back to what I said in answer to questions in the last session of this Parliament when I dealt with the questions from the Hon. Mr Bossino on the rental from Bassadone Industrial World at 80a Queensway. The Hon. Mr Bossino, you may recall, Madam Speaker, was not here. I do not know where he was. I assume he was at work. He might have been at an important personal commitment; he might have been at an important work
240 engagement. When we are not here, it is because we are on Government business. When they are not here, it may relate to something else, something perfectly proper to absent oneself from Parliament for, or something perhaps not so legitimate to absent oneself from Parliament for. But the fact is he was not here, he did not hear what I had to say, and the questions were asked by the Hon. the Leader of the Opposition. So perhaps he did not understand what I said because he
245 was not here to hear it and it might not have translated well when he watched it back or when he

had reports of it back, but what I specifically told the House was that I was not giving the rent payable, I was giving the rent paid to date. When the hon. Gentleman says in his press release that that is not what he asked for, that is *exactly* what he asked for: 'In a further and worrying development, the Chief Minister states that he answered in the way he did because he claims that Mr Bossino asked for rental payments "to date". This is not the case. Mr Bossino sought information on the "rental amounts".' It is a quote from them. That was the specific question he put down, the rent paid to date, which I had told them also in the answer was paid over a period which included a rent-free period. There can be no doubt of that, Madam Speaker; it is all in *Hansard*. It is all there for them to see what they asked and what they said.

This is the question that I was asked by the Hon. the Leader of the Opposition on behalf of the Hon. Mr Bossino:

How much has been paid by the Government in respect of the properties it is renting from the Bassadone Group in the dockyard area to date?

That is the question, exactly the opposite of what the Hon. Mr Bossino said in his statement his question was not. Let me just remind the House again what the statement says, a direct quote from the GSD press release of 10th December: 'In a further and worrying development, the Chief Minister states that he answered in the way he did because he claims that Mr Bossino asked for rental payments "to date". This is not the case. Mr Bossino sought information on the "rental amounts".' Full stop, end quote. Question: 'How much has been paid by the Government in respect of the properties it is renting from the Bassadone Group in the dockyard area to date?' So, the question in Parliament is the complete opposite of the question they say in their press release they asked. I then replied:

Madam Speaker, Government entered one deed of sub-underlease with the Bassadone Group

– because they asked how many we had entered into –

in respect of Government office space. In the period from 1st July 2023 to date, the Government has paid a total of £610,866.69 in rent

– *to date* –

in respect of the property rented from the Bassadone Group in the dockyard area.

We then continue and we have supplementaries, and I explain to them that there is a rent-free period, that I am doing the maths of calculating the months and dividing by the months. That is the truth and they quoted it as the truth in their statement of 2nd December. They only changed their tune after they searched the public register and obtained a copy of the registered deed.

Madam Speaker, I am going to hand the Hon. Mr Bossino and all other Members, should they wish to have regard to it, a copy of the transcript of those exchanges of 28th November. I understand that *Hansard* is not yet completed, but I assume that they will have done this work themselves and gone online, listened to the exchanges and transcribed. Here it is. He will see, all hon. Members will see, and anybody watching who can do the same exercise themselves would see that I never say anywhere in the whole exchange what the rent for the premises is. I talk always about the rent we have paid to date, which was the question that they asked. They also asked another question about what the rent was, but that question was not addressed and neither was there a follow-up question, for a simple reason – why not? – because the rent payable under the lease is publicly available information and therefore they cannot ask the question in this House, 'How much rent do you pay in respect of this property?' because it would not be a proper question, Madam Speaker, although that would be a matter for you. But if it is publicly available information which you can obtain, as they obtained it, by carrying out a search at LPS against the

285 address, it is not something that hon. Members are allowed to ask here. That is why I did not answer.

We have a system of registered land in Gibraltar. It is called the mirror principle. You register all interest in land, and therefore anybody can go and see what rights exist over any particular area of land. Here, in this respect, they can go and see the mirror, the register, and see what the rent payable is. They did it; by the time of their second press release, they had done so. It does not mean that we misled the House in any respect whatsoever. I assume he had read the transcript and he had not just looked at the answer that his colleague gave him as the first answer, then looked at the lease and said, 'Ah, he has misled Parliament,' because if that is what he did, it would be so shockingly and glaringly amateurish that it would not be a mistake that would have been committed by a Member who had been here for a week, let alone a Member who has now been here for more than a decade, although he is never got to the place he has wanted to get in the decade. If that is the exercise that he did, then he could not reach the conclusion that he has reached because the answer given was the rent actually paid in the whole period of occupation, which was the other question that they asked. What that shows – and it shows it beyond a reasonable doubt and beyond peradventure – is that the heinous, mistaken accusation against me is mislaid, it is improper and it is wrong. It is a trumped-up charge that has no basis and it should be completely withdrawn by the Hon. Mr Bossino if he is to be true to any objective standard of decency in the political process.

Madam Speaker, we may have a disagreement about whether it makes sense to do the Bassadone deal or it does not make sense to do the Bassadone deal. I will come now to the detail of that. We may have an ideological difference about whether it makes sense for the Government to rent or for the Government to own. I would be surprised if that were the case, because they rented when they were in Government, so if they are going to say it is wrong to rent it will be another departure from the ideology that they defended for all the years that they were in Government. We can have those disagreements. They can say, 'We have changed our minds,' and 'Peter Caruana was not perfect,' they might say, 'and that thing which he did we do not like.' No problem. We can have those disagreements, that is what we are in politics for, but from that to saying that I have misled Parliament and then, when that is shown not to be the case, not to withdraw from the allegation is indecent in my submission.

I am not going to hold my breath to wait for Mr Bossino to resile from the foolish and untrue accusation that he made, however heinous it may be, but I will tell him this, Madam Speaker, through the Chair: that the boy I grew up with, the man I knew him to be, would simply say, 'Okay, fair enough, I have got it wrong, but I still disagree with you,' but the politician I have opposite me today will likely double down and will not accept that he is wrong, however many times he may be shown that he is wrong, even though I put it to him, Madam Speaker, again through the Chair, that the public would hold him in higher regard and would take more seriously his remarks in the future if he did withdraw now the allegation which has been shown to be incorrect.

If we leave that allegation behind, this allegation of misleading, and we move to the substance of whether this is a good deal or not a good deal, this is the lowest contracted rent that the Government pays in any of its rental agreements. It is not *one* of the lowest, this is the lowest rent that we pay. This is a key factor that Mr Bossino conveniently chooses to ignore in his criticism. At 80a Queensway we pay £28 per square foot, which is nearly £1 less per square foot than the rent we pay anywhere else. So, on the substance, on the commerciality of these agreements, we would say they are completely wrong and mistaken. We can have that disagreement but we must have it on the basis that this is the lowest rent that we pay, and that is also throwing into the mix that we got a year's rent-free period and a £1.5 million contribution in cash from Bassadone towards the fitout costs of the new facilities and the lowest rent. And so, when Mr Bossino did the simplistic calculation that he did, which suggested that therefore Bassadone would come into profit over eight years, that was wrong because he did not calculate any of these things. Again, I am left wondering whether he read the transcript of what had transpired in his absence from the House. So, as we said in our own press release, doing his type of calculation – which I think made

very little sense, but he did the calculation – if we sell £10 million of Government property, if we receive £7.5 million for the property from Bassadone and we have £2.5 million in benefits on rental period and cash for the fitout, that leaves just £2 million over the 22-year period of the Government being out of pocket in the way that he did the calculation, which was nonsensical. But if you do it that way, you then unequivocally get the best property deal ever done in the history of the Government, and probably of any government in the world.

Whatever, it is certainly a better deal than the hospital mortgage that they did, which was a hospital sale and leaseback, that is to say rental, which was done when the Hon. the Leader of the Opposition was Minister for Health and the details of which I will come to later, but if you are going to say to us that we do not do good deals, when in fact it is the lowest rent on the market, please compare it to the deals that you did in order to make the assessment objective. And that is without even considering the excellent facilities we are going to get for our public servants, the synergies of people all being in the same place, the efficiencies that will deliver, the benefits to the public that all of these Departments are going to be in the same place, and the release of land. When you turn that which can objectively be defended as one of the best deals that we have ever done, on which we can disagree, and you suggest that it is actually the worst deal that we have ever done, that is just lazy politics. It is so lazy that it is politics done without checking facts and just wanting to score the cheapest, quickest political points.

Let's do another comparison. I can tell the House that the office of the Principal Auditor at the World Trade Centre is almost £10 more expensive per square foot than the new, modern and state-of-the-art offices our public servants will be moving into at 80a Queensway; not £1, not £2, £10 more expensive per square foot. And, more than that, if you work out the average cost per employee at the Office of the Principal Auditor – that is to say the office holder of this Parliament, who is there to ensure that nothing untoward goes on in the public service, who defends the value for money that we spend public money on – then the cost per employee at the World Trade Centre for the Principal Auditor's office is £8,356.08. The average cost per employee at the new, modern offices at 80a Queensway will be £4,172. I do not want to be accused of misleading Parliament, but that is almost exactly half, £4,172 per employee per year; Principal Auditor's office, £8,356 per year per employee. So, if the guardian of the public purse, the guardian of value for money thinks that £8,356 per year of rental per employee is value for money then surely £4,172 a year must be double the value for money, half the price to the taxpayer per employee than per employee in the Principal Auditor's office. So, the cheapest rent and half the cost of each employee in the Principal Auditor's office: a much better deal than the hospital deal, that is for sure.

In the hospital deal, in 2003, with the Hon. the now Leader of the Opposition, then the Minister for Health, the Government bought the property for £8.5 million. It then mortgaged it, sold it on the sale and lease back, for £50 million and incurred a liability to pay up to £110 million. Who benefited? Isn't that the question that hon. Members opposite asked three times in their press releases? Who benefited? I will tell them who benefited: some bankers who were very closely connected to the GSD at the time. And to be fair, the Hon. Mr Daniel Feetham, who has been leader of the GSD and Leader of the Opposition, was expressly contrary to those arrangements from the minute that they were done, when he was the leader of the Labour Party, and even when he was leader of the GSD, although he will permit me to say, because he knows it is true, that I did not hear much out of him when he was in the GSD and not its leader. So, even leaders of the GSD have been against the hospital deal. We ended up paying for a property that we owned for £8 million, £98 million of rent. So, when the Hon. Mr Bossino does the nonsensical analysis that he did, saying that in respect of the property at 80a Queensway, Bassadone will come into profit after eight years, which is completely wrong, he has forgotten this: this is what he defended as the golden legacy of the GSD. He stood for election in 2011 for these arrangements to continue. So, why didn't the Hon. Mr Bossino do this analysis when he was attacking us for the property at 80a Queensway? Or is it that there is one standard for them, where they can sell a property for

£8 million and it costs us £98 million, and another one for us where we properly set out how we are going to deal with the costs and have explained that?

390 These are Members of Parliament, both Mr Bossino and Mr Azopardi, who are going hoarse
telling people that they can be better managers of our affairs than me and the diligent Deputy
Chief Minister and the diligent Ministerial team that I have around me. They are going hoarse
saying, 'We could do it better,' but this shows that they launch themselves into positions without
analysing things. Can one imagine how dangerous it would be if one were shooting from the hip,
395 like they obviously shot on this issue, on other matters without doing the analysis at the
negotiating table with the Europeans and the Spanish – imagine, Madam Speaker! – or in any
other negotiation, or in the relationship with the British Government, where they have such
fundamental failure of analysis that they do not see the bull charging across the field towards
them when they say these things? It is a typical Hon. Mr Bossino set-piece mistake, which shows
400 how much they value putting their name to a headline and getting 20 minutes of fame, or three
minutes of fame in a GBC YouTube interview, ahead of careful analysis before they address what
could be a difference between us about how we might house public servants. That is the sort of
thing that leads you to lose an election. It is the sort of thing that leads you to say that you are
inclusive and diverse and have for one of your candidates the sort of person who is spewing anti-
405 Semitic hate, or to say that you are better guardians of the public purse than anybody else and
have as one of your candidates a person who spent £100,000 on a couple of phone calls of public
money. That is the sort of absence of analysis that we have seen even in relation to this matter.

Perhaps the most incredible comment that I have seen in the press releases from the Hon.
Mr Bossino in the things that he that he has said and which is clearly, outside of this House,
410 intentionally misleading or so foolishly uninformed that it misleads because the hon. Gentleman
might not know what he is talking about, is that the deed of sub-underlease was signed on
8th September 2024, the last working day before the 2023 General Election. Well, Madam
Speaker, I congratulate the Hon. Mr Bossino for stating the obvious. It is true that the agreement
was signed on 8th September 2023. He should know: Triay, Stagnetto, Neish were the lawyers.
415 The election was not called on 9th September, 10th September or 11th September, the election
was called on 12th September, so there were three full days in between, in which any document
can be constitutionally entered into. The Constitution does not say that documents have to be
entered into on working days, but the hon. Gentleman says this as if this was something,
somehow, untoward: 'You signed the day before the election was called.' I do not want to
420 mischaracterise what Mr Bossino said about this, because I have enough with the
mischaracterisations they do of me. I am going to quote. He was asked this by the GBC interviewer:

You have also raised the fact that the lease was signed the day before the last General Election. What point are you making?

Mr Bossino said this:

Well, what we are saying is that something ... A commercial arrangement which is entered into by the Government on its last working day ... Let's be absolutely clear: 8th September, from our recollection, was, in fact, the Friday before the Election was actually called, and the Government entered into an arrangement with Bassadone whereby ... the people understand what this is ... whereby over a period of 21 years, we, the taxpayer, are going to have to be spending close to £22 million, if not more, and we are caught by that on the last day that the Government had the authority and the power to do so. Why didn't they wait? Because there could have been a change of Government and we, had we been elected on 12th October, may have had a different approach and a different view, but no, we would have been beholden to those contractual arrangements.

That is exactly what the Hon. Mr Bossino said.

In the press release he said this:

The reality is that on the last working day before the 2023 election was called the GSLP Government agreed to pay the Bassadone entity £22M in rent over 21 years when the Government had sold that same plot to the Bassadone Group for £7.5M two years earlier. This deal raises serious questions.

Obviously he is creating the innuendo that signing it on that day was somehow wrong or improper because it was signed just before the election. Let's be very clear. The Government, whether it is the GSLP Liberals or the GSD – and by the way, I sometimes feel I have to remind them that it is the GSLP Liberals in Government; when it is a negative comment, it is only the GSLP. Maybe it is because of matters of a personal political heritage that do not draw him into putting the full nomenclature of the Government parties. *(Interjection) 'Ahi tampoco se hizo Leader. Bueno ninguno de los doz se hizo Leader'*. Let's see, Madam Speaker.

Let's be very clear. Whether it is the GSLP Liberals, the GSD or any other party that may be in Government, the day before an election is called – that is to say not 8th, 9th, 10th or 11th September – the Government is perfectly empowered to enter into legal contractual arrangements, because that agreement is signed before a General Election is called; the purdah period has not begun. But there is at least one agreement that was signed well after a General Election had been called, and it is not an agreement signed by the GSLP or by the GSLP Liberals. It is an agreement signed by the GSD, an agreement signed after the General Election had been called, granting a 12% pay rise to all GJBS staff, an agreement which was, in our view, unethical, improper, contrary to purdah and unlawful. And it is not me saying that, it was the then – that is to say not the current – Attorney General, Ricky Rhoda, in a legal opinion he provided to the Government in 2012. This is not something that Mr Bossino, in making his allegation that there was something improper about us entering into the contracts before the General Election was called, can pretend to have been unaware of, because all of this was set out in a Government Press Release that we provided on 29th November 2012. It is not the policy of the Government to publish the legal advice it receives, Madam Speaker, on this or any other matter, but at that time, in November 2012, the Deputy Chief Minister and I felt it was appropriate for the people to know what had happened. The Attorney General said this, and we published it at the time, and the Hon. Mr Bossino was a Member of this House at the time:

I am asked to advise (a) whether the offer by the Government to grant a 12% pay rise to GJBS employees, as well as an additional two extra increments communicated to the managing director of GJBS in a memorandum from the Acting Chief Secretary dated 8th November 2011 was within the *vires* of the caretaker Government, and (b) in the event that those commitments were *ultra vires*, what the remedies of the Government are.

The Attorney said this:

The first question is fairly simple to deal with, as section 45(9) of the Gibraltar Constitution Order 2006 clearly sets out the powers of a caretaker Government – caretaker Governments start when the Election is called, not before – namely: 'Shall discharge their functions until new Elections are held and the Chief Minister appointed in accordance with this Constitution following such Election, but such executive authority may not be exercised save in the event of public emergency, including public order or safety, to commit or bind the next successor Government of Gibraltar to public funding or liability, except in the ordinary course of the day-to-day affairs of Gibraltar.' It is clear here that the letter from the Acting Chief Secretary dated 8th November 2011 was committing the next successor Government to public funding or liability. The only question is whether the power which the authority exercised was in the ordinary course of the day-to-day affairs of Gibraltar. I do not think that any court would find that a commitment to a 12% pay rise plus two additional increments would count as day-to-day affairs of Gibraltar. Thus, in my view,

– says the Attorney General –

the decision of the Government communicated to GJBS by the Chief Secretary was *ultra vires* the powers of the caretaker Government.

The GSD caretaker Government: the Government that the Hon. Mr Bossino stood for election with, who said that that was a golden legacy. That was the Government that signed agreements after the Election had been called, which were *ultra vires* in the view of the Attorney General.

455 Madam Speaker, although it is publicly available information, I am now providing a copy to all Members of the House of the press release of 29th November 2012; and, even if it might not have been made public before, given that it is now over a decade old, I am providing a copy of the letter from then Acting Chief Secretary, which is the letter in question, dated 8th November 2012, and allowing all Members of the House and the public to see that. Press Release 793/2012. So, when
460 Mr Bossino makes the remarks that he makes to GBC, he is making them in the knowledge that actually, although he is attacking me for not having done this because these arrangements are entered into when we are not a caretaker Government – we are still the Government on 8th September; the Election is not called until the 12th – it is actually the party that he represents that incurred the sin of entering into these arrangements despite the Constitutional provision that
465 they should not do so. Therefore, Madam Speaker, I will ask the House to conclude that because the hon. Gentleman must be imputed knowledge of this press release, which was issued at a time when he was a Member of this House the first time, and in respect of a Government whose record he defended in the 2011 General Election, his remarks later, this year, about the arrangements entered into on 8th September must have been designed to mislead people, intentionally
470 designed to mislead people, and, indeed, as a criticism of us, which suggests that they would not have done that thing a day before a General Election is called, let alone after a General Election had been called – which is exactly what they had done in 2011.

Madam Speaker, if that was the only contract that they had entered into after a General Election had been called, at least that we are aware of, one might have thought it only happened
475 on one occasion and it would not happen again. But 2011 was a seminal year. The Hon. Mr Bossino stood for election with the GSD, and that election period started in late October, early November, and through that period the Hon. Mr Bossino was a candidate for the GSD, and this happened while he was a candidate for the GSD. This is what he was defending for the GSD. But not just the GJBS contract. The problem with this happening a decade ago is that sometimes people might
480 forget, now that they attack us, what it was that they used to do; and they are attacking us for things we did not do, which they did do, which they now say to us would be wrong if we had done them, although they did them. He shakes his head, but has he forgotten about the other contract, Madam Speaker, the one for millions of pounds? We honoured the GJBS agreement because the men and women of GJBS did not deserve that we should not honour the pay raise that they had
485 been told they would get. In fact, I became aware of it before the General Election, and I told them that they could freely choose to vote for whoever they wanted to vote for, that they did not have to be bought and paid for their vote, that their pay rise would be respected.

What about the contract for airport handling? The people of Gibraltar went to the polls on 8th December 2011. It was such a tight Election that we did not know the result until about 8.30
490 in the morning on 9th December. On 7th December 2011, the airport contract was signed with Bland's, benefactors and supporters – not just the day before the Election was called, not just the day after the Election was called, the day before people voted, 29 days after the Election had been called, the day before we won the Election. Outrageous and completely outside the spirit and letter of the relevant section of the Constitution.

495 In case hon. Members have forgotten, I am going to circulate to all Members of the House a copy of the front page of the agreement, the full front page of the agreement and the first page of the contract, dated 7th December 2011. You could not make this stuff up. They criticise us by saying that I somehow misled the House when I did not. They criticise us for doing a bad deal when it is the lowest rent we pay. They criticise us for signing a document just before the Election is called when they sign documents after the Election is called, in some instances the day before the
500 Election is held. But I have gone further also in this motion and said that hon. Members have sought to mislead through the doctrine of documents. Why do I say that they did that, and why do I say that the House should find that they did? Well, we know that they have the deed of sub-

underlease, which is registered. They are entitled to it. Anybody is entitled to it. It is available because it is a registrable document. We registered it. That gives notice to the world of its terms. We could have chosen not to register it. If you do an arrangement which you do not like anybody to see, you can lie on contract. You are left without the protection of registered land, but you can lie on contract. We did not do that, neither would the lessor have wanted to do that, because these arrangements stand the test of electricity. They are the best arrangements, the cheapest rent. So, hon. Members have the deed of sub-underlease.

On 10th December, the Hon. the Leader of the Opposition puts out a social media message – I do not know whether it is a tweet or Facebook or all of them; I have the wherewithal not to follow him – and puts out some of the answers I give to the House as part of the deed, part of their press release or whatever, or our press release, and the front page of the deed of sub-underlease. Hon. Members can see it; I am just passing it round. The deed of sub-underlease is on the bottom left. You can see it there. Each of those is a picture. You open it up and the whole thing opens. This is published at the same time as they are saying that I am misleading Parliament. It is a heinous offence to mislead Parliament because in doing so you mislead your public as well.

All of this is a strategy designed to show and give credibility to the things that the Hon. Leader of the Opposition and the Hon. Mr Bossino are saying and putting. But, Madam Speaker, all of these things are based on a doctored document that they put out for the media to see, for journalists to report on, for the public to see. Here it is, in the second handout I am giving hon. Members. The second page contains the full picture put on the Leader of the Opposition's social media feed, which is this one, but the first page is this one, actually. Spot the difference between one and the other. The logo of the law firm of the Leader of the Opposition and the Hon. Mr Bossino cut out, hidden from view in the social media post that the Leader of the Opposition put. I suppose it makes sense, because if you issue three press releases saying, 'Who benefits?' and the answer to the question, whether it is the Chief Minister, the party that is the lessor or the Leader of the Opposition, I cannot imagine that what they wanted people to conclude was that who benefits is the Leader of the Opposition and the Hon. Mr Bossino, who made the legal fees; that they were paid by Bassadone Group International World Ltd for the negotiation of the lease. They benefited, Madam Speaker. They are the ones who profited. I guess that is why they wanted the words TSN to disappear like that, just like on the screen. Show them that, instead of this; a doctored document to try to make out a trumped up charge that bears absolutely no analysis.

Madam Speaker, I do not want you, for one moment, to forget that I am not the one who asks the question, 'Who benefits?' The GSD press release of 2nd December ends with the words, 'Who, in the end, benefits?' The GSD press release of 10th December 2024 ends with the following words: 'Who, in the end, benefits from this deal?' They do, Madam Speaker. They benefit from these deals. I make no criticism of the partners of Triay, Stagnetto, Neish for benefiting from the legal representation of a reputable company like Bassadone and its group. We have paid Triay, Stagnetto, Neish. The Government has paid Triay, Stagnetto, Neish millions of pounds of fees; in particular Mr Stagnetto, Mr Neish and Mr Lavarello, who are excellent professionals whom I have the highest professional regard for, as I do for the Hon. the Leader of the Opposition, whom I have instructed when he has not been in that post and whom I have also paid, as Leader of the House, many hundreds of thousands of pounds of legal fees. They do the work and they get paid. They benefit. At least we know that the question that they put in their press release was rhetorical. They knew the answer all along. *They* were pocketing the benefit, *they* were pocketing the cash – trousering it, as people say colloquially in the United Kingdom.

These are the accusers who seek to create an innuendo of impropriety on the part of the Government for the cheapest rental deal the Government has ever done, at half the rate per public servant than is the case in the office of the Principal Auditor. So, Madam Speaker, I know that the Hon. Mr Clinton is bored because he is not talking and he is only interested in hearing his own voice talking about numbers, but when you do the analysis and you look carefully at what has been done by the hon. Members opposite mentioned in the context of this motion, there is little that one can see as a realistic defence to the charge that actually, outside of this place, the

ones who have been misleading the public and intentionally seeking to do so are not any Members of the Government bench – it is not me, in particular – it is actually them. It is both – and that is why they are named expressly – the Hon. the Leader of the Opposition and the Hon. Mr Bossino. That is why this House should deplore that the Leader of the Opposition and the Hon. Mr Bossino should have attempted to mislead the public by making allegations against me which are factually incorrect, which are absolutely untrue, as I have demonstrated, and are designed and were designed in themselves to mislead the public, including via the publication of the doctored front page of the deed of sub-underlease by the exclusion of the reference to their self-same own law firm. That is the reality, Madam Speaker.

Additionally, when Mr Bossino put his questions and was not here to ask them, and the Leader of the Opposition asked them for him, none of them declared an interest in the matter. Mr Bossino was not here to do so, but he did not do so in the context of his interviews with the national broadcaster; and Mr Azopardi, who asked the questions on behalf of Mr Bossino, did not say a word about the fact that actually the arrangements that they were seeking to impugn were arrangements that they had represented the lessor on.

Madam Speaker, for all of those reasons and not wanting to keep the House any longer, I think it is demonstrated beyond peradventure that far from having incurred the fateful and heinous sin of misleading the House – a charge which has not been put against me in this place but has been put against me outside of this place and which cannot be put against me in this place unless it is on a substantive motion – far from doing that I have told the House the truth on every occasion that I have had the privilege of addressing it since 2003 when I was first elected. I shall always do so out of respect for the Mace, the Speaker, every one of my colleagues, whichever side I have sat on, and everything that this House represents. Unfortunately, for the reasons I have set out in the detail of the motion, I have just reminded the House of, the same cannot be true of hon. Members. And so, Madam Speaker, I commend the motion to the House, and I ask for the House's support in censuring hon. Members opposite for the attempts they have made to mislead the public in Gibraltar. (*Banging on desks*)

Madam Speaker: I now propose the question in terms of the motion moved by the Hon. the Chief Minister. Does any hon. Member wish to speak? Yes, the Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Yes, I do want to speak on this motion; I feel obliged to speak on the motion, given that it targets myself and my hon. Colleague Mr Bossino.

First of all, Madam Speaker, I apologise to you because of what you have just heard. With your trained judicial ear it might have been difficult to get out of a judicial frame of mind and have thought that some of the arguments that you have heard would not get past the first threshold, were you sitting in a judicial capacity, as we will demonstrate when we answer what has been said.

What we have just been treated to is a nonsense and a charade, and, I repeat, a disgrace. What we are seeing here is a playing of games and an abuse of power from a Government that cannot be held to account because it has an inbuilt majority in this House. The executive has an inbuilt majority in this House. This goes to the core of what we have been saying for so long, that the Government does what it pleases in this House, presents whatever issues it pleases in the manner it pleases with as little notice as it pleases and, in effect, gets away with a lack of accountability. But we are not going to allow the Government to treat this as the circus. We will call it out as the attempt of what it is, because there is one thing I will agree with the Chief Minister on: this is about the core facts, and I am going to go there. Oh yes, it is about the core facts, because beyond all the bluster we have heard about deals in 2011 and here and there. This is about the deal and Queensway, so let's talk about the deal and Queensway.

If there is an erosion of trust in politics, there is an erosion of trust because of the Chief Minister's behaviour, both inside this House and outside this House. This is a disgrace, a reversal of the reality. The reality is that the Chief Minister, as I will show, did not give accurate information

to the House when he answered those Questions 999 and 1000, I think it was in late November. He did not give accurate information, and it is clear from the transcript he did not. This is a reversal of the reality. Having been caught out, to silence the Opposition he brings this motion in an attempt to silence, in an attempt to confuse. So, suddenly he now becomes victim, not perpetrator, when in reality he is the perpetrator of the inaccurate information. Of course, it is also a slightly dangerous precedent because this is a motion that seeks to condemn us for not misleading the House but misleading the public. So, what is this going to be now? Is this the starting gun for us facing motion after motion every time they do not like a tweet, every time they do not like an inconvenient truth in a political statement, in a press release? We have exchanges of press releases. Every time we do not agree on something, there is going to be a motion that we have misled the public? This is a twist, a deliberate twist to create a mirage – the mirage that the Chief Ministers is the victim, when in reality he is the perpetrator. This is not about anyone else. This is not about third parties, it is not about commercial entities, it is about him, because our gripe is not with anybody else. This is about an assessment of value for money and it is an objective one that we make, and we are entitled to have an objective view, a legitimate view on value for money in relation to this deal. We are entitled to do that and we are entitled to reach conclusions on the information available to *us*, not the information available in his brain that he does not impart.

We have not misled anyone, as I will demonstrate. What we said was built, first, on what he told this House. Then, it was built on what we discovered subsequently, which showed that he gave inaccurate information to this House. And we do so from the position that it is a valid political judgement on the facts that we have gleaned. That is all. But this has become a charade of the Chief Minister because, as I have said on occasion before, despite his intelligence and the high regard that I have always had for him, there are times when he cannot get out of his juvenile Monty Python sketch with his dead parrot. Because this is what it is. I called it Trumpian on the *Gibraltar Today* programme but I am not sure if it is Trumpian or George Orwell, but I have had occasion to refer to it in this House before in the context of the Hon. Chief Minister, because he has been caught out and I will show why he has been caught out. He has been caught out giving inaccurate information to this House, which we will show again. So, now it is, 'The GSD are eating the cats' distraction scenario, and he gets up to make a string of bad points and, if this were submarine warfare, depth charges are thrown into the sea. They create bombs and lots of smoke and so on to confuse; a string of confusion points so that either people do not understand the reality or they forget the reality because we have moved on. We are no longer talking about what he said in this House in answer to the particular questions. We are now talking about the deal that was done in 2012 or 2011 with GJBS. Well, we refuse to do that. Let's come back to the reality of what was said in this House when I asked the questions on behalf of my hon. and Learned Friend Mr Bossino. Unless we do that, the Hon. Chief Minister will be successful in confusing, in removing us from the reality. In the inimitable words of George Orwell, I believe that the true objective of the Hon. Chief Minister is to hope that everything is left faded into mist because the past was erased, the erasure was forgotten and the lie became the truth. That it is what is happening here, steeped in confusion tactics and devoid of reality. This is a dangerous precedent. Are we going to now have Big Brother watching us, auditing every tweet and running to this House to present motions on the fact of our tweets or as to the size of the cropping of extracts from *Hansard*?

Who holds the Chief Minister back when there is an in-built majority and unfortunately we perhaps will not see a Minister have the courage to recognise that, once I finish, the Chief Minister has presented inaccurate information to this House. Who holds him back? Well, even if we do not have the help of a Minister today, I can tell him we will not shirk from our job. We will continue to do the job we have been elected to do (**A Member:** Hear, hear.) without being scared of doing so. If this is an attempt to intimidate the Opposition, it will not work. (**A Member:** Yes.) We will not accept that the Chief Minister abuses his position and starts a tirade of motions against the Opposition because he does not like the truth. Does he really want to go into the scenario of misleading the public? Does he really? We do not accept that we have misled the public. Does he

660 really want to go there, the author of the statement that he was 0.01% away from the Brexit deal
before the last Elections to persuade people of Gibraltar to vote for him, when 15 months on we
do not have a deal: 0.01%? Does he really not think that a lot of people in Gibraltar consider that
to have been a deliberate misleading of the public, or what he says when he gerrymanders the
budgetary figures? Does he really believe, when he stands up with his best altar-boy face, that he
665 always tells the truth? Does he really believe that people think that? In every quarter of Gibraltar,
from Europa Point to the Frontier, from Western Beach to Eastern Beach, there will be people
sitting at home, perhaps with some dusty letter received from the GSLP at Election time, thinking,
'I kept that letter in the hope that promised was fulfilled, but not quite – I am still waiting seven
or eight years on.' There will still be many people out there thinking, 'Well, maybe I am not sure I
670 can entirely accept that the Chief Minister is not the biggest culprit when it comes to the issue of
who is misleading the public.'

Madam Speaker, I am going to get into the detail but these preliminaries are important
because the tactic of the Chief Minister is deny, deny, deny in the hope of creating either some
people who believe him or enough confusion to get away from the scene of the crime, in the
675 slipstream, in some speed. And here we are: he starts his intervention today, getting up, again in
his best altar boy ... to decry the need for him to do so in the advent of the Christmas spirit that is
so absent today. It is so false. He will forgive me but there are times when it is just too much. This
is not a circus Madam Speaker. The hon. Member has always had, regrettably, an awkward
relationship with the truth. If truth was a virus, they would have invented the Picardo vaccine
680 because that would have been sure to eradicate the truth, or at least eradicate it as they now
define it, which is 50% of the truth maybe. The hon. Member has always had an awkward
relationship with the truth. That is not just my judgement, it is the judgement of many people
because he now has a reputation, which we have spoken about before. He may not like it, but he
has got a reputation. 'No more lies!' shouted the teachers in his face. 'No more lies!' he half
685 mocked the teachers. Not just mocking; part of it was trying to recreate the truth with his most
serious face. The fake outrage that we see from time to time, the fake outrage that we have seen
today, the fake outrage of the victim who is only coming here compelled to do so because the
heinous GSD have forced him. He did not want to break the Christmas spirit, he really did not, but
he is forced to because – (**A Member:** Hear, hear.) Well, Madam Speaker, it is fake. It is fake
690 because the Chief Minister knows he gave Parliament inaccurate information. (1) He knows he
then allowed us to believe it. (2) He knows he allowed us to repeat it. (3) And now he knows –
because he is now pretending to be shocked at what we said as a political judgement, even though
he did not correct the record when we acted on inaccurate information and when we presented
the real facts that we had found out – he pretends it is not there.

695 All that is demonstrable when we look at the detail. I have to say this before we look at the
detail: we will not be taking lessons – I will not be taking lessons and Mr Bossino will not be taking
lessons – from the Hon. the Chief Minister on conflicts. We will not. Why didn't we declare our
interests when I asked questions on behalf of Mr Bossino? Because I did not even know that TSN
had acted for Bassadone Industrial. I did not even know. We found out subsequently when we got
700 the deed. I will not take lessons from the hon. Member on conflicts. I will not take lessons from
the Chief Minister on the 36 North interest, the company vying for a lucrative public contract
which would have netted him a nice sum had it been awarded. We will not take lessons from the
person who, despite the conflicts of interest as a core participant, actively took a role signing
letters of assurance to potential witnesses in the same inquiry that would judge his conduct. No,
705 we will not take lessons from him on these issues because the reality, as I said just a moment ago,
is that we were not even aware that TSN was instructed by Bassadone until we saw the deed,
which we only saw in December, not in November; it was just before we issued our press release.

I am not here, Madam Speaker, as Leader of the Opposition to protect the clients of TSN – I am
not – because as Leader of the Opposition my role is to assess and make a judgement on the things
710 that I see and a judgement on the issue, a political judgement and a judgement on value for
money. We take a very different view on value for money and on public benefits. But perhaps the

difference between the Chief Minister and I is that faced with the same choices I choose not to protect the clients of TSN and argue for the better public benefit and, in my judgement, better value for money; he, the Chief Minister, faced with similar choices, seeks to protect his friends and his law firm, sending Whatsapps in outrage, or to advise them or their lawyers on what to do in relation to police investigations. Maybe that is the difference between the Chief Minister and I faced with crossroads.

Madam Speaker I couldn't help to think that perhaps it is because the Hon. the Chief Minister has probably never gone to the Privy Council in an advocacy role, or the Court of Appeal, but I could not help but think that if he had been making some of those points before the Court of Appeal, he would have been interrupted by a Court of Appeal judge, who would have stared at him icily and said to him, 'Is that your best point, Mr Picardo?' because they were somewhat poor, I have to say.

So let's look at the detail, shall we? Let's look at the detail and let's start with the chronology. Let's look at the chronology because this chronology is, at least superficially, clear. The Government announced that it had reached an agreement, and in principle, which we took to be the terms of an agreement – some heads of terms, presumably – in July 2020, in relation to premises adjacent to the Bassadone Group, where they would have the new showrooms, which is this particular premises. That was in July 2020. My hon. Colleague sitting to my left, Mr Clinton asked questions in this House about that agreement or deal in March 2021, where it was said that there would be a consideration of £7.5 million paid for that site. So, by that time it was still clear, and it was very clear from the extracts, that the Chief Minister said to the House that there had not been completion, at that stage, yet, of the deal. So, we take that at face value. That is the chronology.

Then let's jump to the particular questions. When we now jump to the particular questions and answers that have been given and everything that happens subsequently, Madam Speaker will see that there has been inaccurate information given to this House, firstly; and secondly, that we have not misled the public, still less the House. We are not charged with misleading the House. We have not misled the public in relation to these arrangements. The Hon. the Chief Minister complains that we used inaccurate information. Well, to the extent that we used some inaccurate information at the beginning of our press release exchange, it was the information he gave us, which happened to be inaccurate we now know. Subsequently, we used what we believed to be accurate information which we have gleaned from the deed. But he complains about the manner in which we have used this information and so on. Well, the lady does protest too much, and the lady in this particular case is, of course, Miss Lead, personified by the Chief Minister.

Let's look at the detail. The questions that I asked on behalf of my hon. Colleague were questions that were tabled by my hon. Colleague Mr Bossino. He asked two questions, not just one, so it is not true ... Even today, the Hon. the Chief Minister specifically said to this House, 'I specifically said I was not giving the rent payable but the rent to date, because that is the question I was asked.' Well, not even that is accurate because he was asked more than the rent to date and he did not say in our exchanges that he was only giving the rent payable to date, as I will show. There were two questions filed by my hon. Colleague. He said:

How much has been paid by the Government in respect of the properties it is renting from the Bassadone Group in the dockyard area to date?

– question one – and then the other question was:

Please provide the number of leases or other agreements together with the rental amounts entered into by the Government with the Bassadone Group in respect of Government office space.

– question two. Let me just pick up those questions. Question one was how much has been paid by the Government in rent to date, and we got the answer: £610,000. The other question was

please provide the agreements, together with the rental amounts entered into. The rental amounts entered into is not what is paid to date. It is the agreement in respect of rent that you have entered into. What is the rent that is payable, the agreement for rent entered into? That is what the Hon. Mr Bossino asked: what was the rent entered into? The Hon. Chief Minister answered in this way:

Government entered one deed of sub-underlease with the Bassadone Group in respect of government office space. In the period from 1st July 2023 to date, the Government has paid a total of £610, in rent in respect of the property rented from the Bassadone Group in the dockyard area. Hon. Members will have been able to work out, relying on their excellent mental arithmetic skills, that this amounts to a sum of £21,816.66 per month. The new arrangements will release upwards of £8,844,000 of capital value in the properties that will be surrendered by the departments moving to this new area.

When he used the phrase ‘hon. Members will have been able to work out, relying on their excellent mental arithmetic skills, that this amounts to a sum of £21,816.66 per month’, he was leading us to believe that the answer to the question of the rental arrangements entered into was that the rent was £21,816 per month. He led us to believe that and in subsequent exchanges did not correct the record and made it worse. He made it worse, as I will show. There are a number of supplementaries that I asked, but one of the supplementaries I asked ... I was standing here with my phone, doing the calculation, and I thought, ‘Well, this does not work because we have been told it is £610,000 from July 2023. That is loosely 18 months. This does not work.’ The maths did not work for me. I did not understand it. When you multiply £22,000 by the number of years, it just does not work out, so I asked the Chief Minister, in my exchange:

Does the Chief Minister think that is value for money? If the intention is to, in effect, put these properties out to tender to maximise the capital value of, they are paying £610,000 in rent to Bassadone for the property in Queensway. Over 12 years, that is already going to be £8.4 million, roughly speaking, so the Government is going to pay more in rent than the capital value it will deliver from the properties that are being vacated. Is that value for money?

He said:

The excellent mental arithmetic skills that I referred to in the context of my first answer, Madam Speaker, seem to have eluded the Hon. Leader of the Opposition because that is for 28 months, not for a year. The question asked me how much had been paid in the period since we had started the lease, which was July 2023. I worked it out for him as approximately £21,600 a month, so it is slightly different. We do believe it is value for money.

‘I worked it out for him as approximately £21,600 a month,’ – again leading us to believe that that was the rent. I then said:

I am grateful for the Chief Minister clarifying the level of rent

– he has told me is £21,600 –

which I had not taken a note of. I am pretty sure he had said £610 million from July 2023 to date, but if there is a monthly figure of around £21,000, by 18 months it works out at £380,000, so I am not sure where the discrepancy comes from. Perhaps he can clarify that for me.

That was my question. He is saying £21,000, so how does this work? With my calculator saying this does not work – 22×18 is 380, it is not 610 – how does this work? He says:

I will look at that. I think the lease date is earlier but there was a rent-free period which is all rolled up and the rent comes to this, as I understand it, the £21,000.

That is what it says. Just to make sure, I ask again. I am making a value for money point, so I say:

Paying £22,000 a month, practically for the rental, for the occupation of a private office premises rather than occupying a place that you are not paying rent on ... you have to do a calculation as to whether it is worth doing in that way. Has there been an assessment of the kind of refurbishment that would be needed for the Government to remain in these buildings?

I am premising my question on the cost of refurbishment, on the fact that the Hon. the Chief Minister has led me to believe that this is rent of £22,000. Does he correct the record? No, Madam Speaker. He says this instead:

Yes, Madam Speaker, and that is what led us to this, because the costs were increasingly astronomical. I do now have, thanks to those listening, the area, which I think the hon. Gentleman might find helpful, which is 3,618m².

So, I have the area: 3,618m. And then the Chief Minister says this, which is the last nail in the coffin:

My calculations whilst he was on his feet suggest that that is 2p shy of £6 per square metre, which I think he will recognise as a very decent rate.

Madam Speaker, it is only £6 per square metre if you do the maths of taking the rent at £22,000; otherwise, it is not £6 per square metre. It is only £6 per square metre, I repeat, if you accept as accurate that the rent is £22,000. That was fundamentally inaccurate and that was again confirming to us that we should take the figure of £22,000 as the accurate figure. And may I just say, because I am going to turn to press releases, that he told the House, on 28th November, £6 per square foot, which can only correlate to £22,000 rent, but in a subsequent press release the Government has said it is £28 per square foot. (**A Member:** Metre.) Per metre, sorry, per square metre. Sorry, I keep using that terminology. The reality is that the Chief Minister did provide inaccurate information to this House because the only basis on which you can reach that sum that he gratuitously offered to me is you accept it was £22,000 as rent. That is the reality.

And what did we say, Madam Speaker? Well, outside this House, which is what we are accused of ... We have not been accused of misleading this House, we are accused of misleading the public. What did we say? Well, we issued a Press Release on 29th November, embargoed till 2nd December. The deal did not make sense, we said. We made a value for money judgement, and in part of that Press Release we said:

Government's plans to on the one hand sell its buildings but on the other spend £5.5M in rental payments in favour of the Bassadone Group at Queensway does not make financial sense or deliver value for money.

– we are making a judgement –

As stated in Parliament last week, the Government is spending almost £22,000 a month in rent at a property owned by the Bassadone Group in order to house numerous Government departments, including the Care Agency, ITLD and the Education department. The Government has already spent £610,000 in rent over the last 18 months and the civil servants are not even in occupation of the property because the fitting out has not been done. It is unclear when it will exactly be ready. This significant expense does not take account of the cost outlay there will be in kitting out the office space.

All that is true, and when we say that there was an assertion that the Government can realise certain value on the sale of possible properties, we say:

the reality is there is going to be an ongoing rental liability into the future. There will always be. There will also be a loss to the Government of clearly valuable real estate forever. All of this has been done on the potentially questionable basis that the Government says that the cost of refurbishment is prohibitive.

A value for money judgement.

Given that the 21 year lease will cost £5.5M and does not include the cost of fitting out the 3600m2 is this deal value for money?

This was the perfect opportunity, surely, for the Government to issue a press release and say, 'No, hang on, the rent is not £22,000, it is much more,' but they did not do that. They continued to allow us to believe what had been said in the House days before.

805 And yes, there have been a number of social media posts. I think in one of them, on 3rd December, I said this:

Since July 2023, the GSLP Government

– I apologise if perhaps I did not use the full abbreviations; a bit long for Twitter sometimes –

paid Bassadone Group £600,000 plus for rental of Queensway offices, which civil servants are not even occupying.

– that is true –

Fitting out is taking a while.

– also true because they have been paying rent for 18 months and they are still not in occupation –

The 21-year lease will cost £5.5 million, and that does not even include refurbishment costs.

810 Well, that part is not true – although I believed it to be true at the time, based on the information given to me by the Chief Minister – because the 21-year lease is not going to cost £5.5 million, the 21-year lease is going to cost £22 million, but I believed, on the information given to me at face value, that the Chief Minister was giving me accurate information, because I come to this House always on the basis that the Chief Minister of Gibraltar provides accurate
815 information. Maybe I am naïve about these things, but that is what I should at least believe if I believe in the institutions of Government and democracy and the way that things should be done. I believe that people want to believe their Ministers and Government, and I am not one to undermine that confidence lightly but when facts emerge that are undeniable, incontrovertible and are not corrected by the Government of the day, then I regret that we are in the position that
820 we are because, as I have said, having issued the press release that we balked at the figure on value for money, because we said £22,000, £5.5 million, they had a perfect opportunity to correct the record.

The Government issued a press release on 4th December: a perfect opportunity to correct the record. Did they correct the record? Instead of correcting the record, they say 'GSD can't see the wood from the trees'. Well, no, we could not see the wood for the trees because we did not have the accurate information. That is the headline. And nowhere in a four-paragraph press release do they correct the record. In fact, the press release said:

The Chief Minister, Fabian Picardo, said: 'From his usual shortsighted position,

– my hon. Colleague is shortsighted, but it does not help when he does not get accurate information; I am shortsighted, too –

Mr Bossino has failed to see the Government's plan in its proper context and has extracted only the numbers that he wants to see.

830 Well, with all due respect, only the numbers that we were being given.

We issued a press release afterwards. This was more than a week later. That is when we first had the deed. We did a search at the Land Registry to we got the deed. At that point I realised

TSM had been instructed. That is how serious practitioners at TSN are with confidentiality: my hon. Colleague Mr Bossino and I did not know. That is when we got the deed, and when we got the deed we were astounded because far from the ££22,000, the deed says in clause 1:

so that the first rental payment shall fall due on 1st April 2024 and the underlessee shall pay to the underlessor for the period from 1st April 2024 to 31st March 2025 an annual rent of £1,047,200 ...

– or, loosely speaking, £87,000 a month and not ££22,000 a month as we had been led to believe –

subject to an increase on 1st April 2025 and every anniversary thereof.

That is why this deal, rather than £5.5 million, is going to cost the taxpayer £22 million. We make the value judgement, which they may not share, that is not good for money because they have sold the land for £7.5 million only to rent not the land, all of it, but part of it, because what is clear from the deed is that they are renting part of it and the rest of it is still being used for workshops. They were going to rent part of it, so they sell all of it for £7.5 million and they rent part of it for £22 million. We take the view that it is not a good deal, irrespective of other things like the fact that there might be a contribution from the Bassadone Group, because equally it does not take account of things like the refurbishment costs that could cost, presumably, millions. We do not have those figures, but we take the view that it does not seem to us to stack up as a good value for money deal.

So, we issued a press release, and that is the press release where we did say ‘Chief Minister misleads on Bassadone Group deal’. It is headed like that. We made the first allegation in that press release of 6th December 2024 that the Hon. Chief Minister misled Parliament as regards the rental payments, and we did so on the basis that the information that I have gone through in detail suggested, implied very clearly, led us to believe – deliberately did so when he did the calculation about the £6 – that the rent was £22,000. There could have been no other conclusion that could be drawn when you string those paragraphs together.

The Chief Minister will get up, no doubt, in reply, to use his usual verbose, rambling answers, seeking to confuse, and will seek to persuade everyone how that cannot have been true, it is outrageous, but the extract demonstrates that he led us to believe it was £22,000, he then affirmed it and even volunteered a calculation by the metre that could only have been reached if it was £22,000. That was inaccurate because they entered into a deal that was entirely different. That was to provide inaccurate information. That was to mislead Parliament.

Madam Speaker: I am going to interrupt there for a moment because I am concerned about the allegation about the Hon. the Chief Minister misleading Parliament, only because the Hon. the Leader of the Opposition will be aware that that is unparliamentary and that that kind of accusation, in my view, needs to be dealt with by the bringing of a substantive motion and not by an allegation made across the floor.

The motion before the House today is an attempt to mislead the public in making allegations against Chief Minister which are false. I have not stopped the Hon. the Leader of the Opposition until now because the language has been measured, I thought purposely so, and the way that the Hon. the Leader of the Opposition has phrased the situation has been ‘given information which has been inaccurate’. That I will allow, but if the Hon. the Leader of the Opposition wants to make a specific allegation of deliberately misleading Parliament, that should properly be the basis of a substantive motion, so I ask the Hon. the Leader of the Opposition to choose his language carefully.

Hon. Dr K Azopardi: Madam Speaker, I will choose my language carefully and as Madam Speaker does indeed notice that I have been choosing my language very carefully up until this point, even though I have to say that the Hon. Chief Minister, when he stood up in his original intervention, prefaced a lot of his remarks on the basis that he had not misled Parliament. I have not used that language up until this point because I do take on board what Madam Speaker says.

Perhaps, therefore, before I continue, this is the right moment for me to move an amendment to this motion, if I may. If the Hon. the Clerk can come and distribute this, I would like to move an amendment. Let me just get the Clerk to give Madam Speaker the first copy and then others can flow.

Madam Speaker, I beg to move this amendment to the motion, and I will read the letter, if I may. I beg to give notice of the following amendment to the motion dated 18th December 2024 in the name of the Hon. the Chief Minister on the above subject.

The amendments to the above motion are as follows:

(1) The deletion of all the words after 'This House'.

(2) The insertion of the following language in substitution of the existing language:

'Notes that the Chief Minister, the Hon. Fabian Picardo KC MP, misled the House when answering questions in relation to the rental of a property at 80a Queensway, namely Questions 999 and 1000/2024, regrets and condemns that he should have done so, and requests that he should correct the record and apologise to the House.'

Accordingly the effect of the amendments would be that the motion, as amended, would read as follows: 'THIS HOUSE notes that the Chief Minister, the Hon. Fabian Picardo KC MP, misled the House when answering questions in relation to the rental of a property at 80a Queensway, namely Questions 999 and 1000/2024, regrets and condemns that he should have done so, and requests that he should correct the record and apologise to the House accordingly.'

Madam Speaker, I will continue my address, if I may, speaking on my amendment. And speaking on my amendment, I will now measure my language a bit less on the basis that I am speaking on the amendment that asserts positively that the Chief Minister has misled the House, because that was the title –

Madam Speaker: I am going to interrupt the Hon. the Leader of the Opposition, who has been in this House far longer than I have, and I am open to guidance from both sides but do I not need to propose the question in terms of the amendment moved by you before you –?

Hon. Dr K Azopardi: Yes, you may well, but I –

Madam Speaker: Well, I like to practise properly. I now propose the question in terms of the amendment moved by the Hon. the Leader of the Opposition, and now the Hon. Leader of the Opposition can speak on the amendment.

Hon. Dr K Azopardi: Thank you, speaking on my amendment proposal. Indeed, that is why we issued that press release that the Hon. Chief Minister had misled the House, because we believe that when you put everything together, that can only have been the conclusion of the facts that we had. He gave the House inaccurate information, led us up the garden path, then confirmed the inaccurate information and did not correct the record when he had an opportunity to do so. Our gripe, as I said, is with him, it is with nobody else.

Yes, we have also issued social media posts and so on, on this matter. That press release was on 6th December. On 9th December, I tweeted about that, that he had 'seriously misled Parliament when indicating the rent was approximately £21,000 per month. In fact, it is over £1 million a year. That does not even include the refurbishment costs. This is a bad deal for you and the taxpayer. Who benefits?' That is what I said in a tweet on that day. But that, in our view,

920 was fact because he had seriously misled Parliament when indicating the rent was approximately £21,000 per month, because in fact it is over £1 million a year – that is what the deed says – and it does not even include refurbishment costs. Fact. ‘This is a bad deal for you and the taxpayer’: value judgement. ‘Who benefits?’: value judgement. Value judgement that we are calling into question that there is sufficient public benefit. One would have thought that the shorthand was obvious. That is what we are saying: there is not sufficient public benefit, there is not sufficient value for money. That is what we are saying.

I also said, in another post, that this was ‘a bonfire with your money’. I appreciate that in social media we use much more colourful language, but so does the Chief Minister. I did not invent the wheel there. I arrived at the wheel far later than the Chief Minister on this issue. I am sure I can pull up some colourful tweets of the Chief Minister on his thread. ‘A bonfire with your money’, I said. ‘Now clear that the GSLP signed a £22 million rental contract with Bassadone Industrial on the last working day before the 2023 election. Again, that is a fact.’

We can get into a sidetrack about deals done in 2011 and all of that, fine, but the point is that the hon. Member’s motion and my amendment to the motion are about what happened in the House on 28th November in relation to *this* deal. Forget the other deals, it is about this deal. Let’s examine this deal. Does he really want to examine other deals? He quoted the constitutional section about caretaker Governments. I am not going to defend that contracts were entered into wrongly and unconstitutionally. I am not going to defend that, but if he does not mind me saying so, the genesis of that constitutional provision was that when we came to the constitutional talks, we needed to have a safeguard because there had not been one. Before 1996, there were plenty of contracts entered into in the interregnum once the dissolution of the House had been done, but let’s not go there. (*Interjection*) Maybe before 1996 as well – I am not disagreeing – but the reality is that we are talking about *this* agreement, *this* value for money, what was said to the House on *this* occasion. So, we ask why sell it for £7.5 million and rent it back for £22 million? Again, it is a value judgement; it is an entirely legitimate comment to make.

The reaction of the hon. Members, the Government, on 10th December was to issue a press release. What is remarkable about that particular press release is that they say:

First of all, the GSD is wrong to say that the Chief Minister misled Parliament in any way. In fact the Chief Minister specifically stated that the calculation he was giving Parliament was NOT the rent payable,

– ‘NOT’ in block capitals. There is not a single sentence in the transcripts where the Chief Minister says, ‘I am giving you a calculation and it is not the rent payable.’ The contrary is the case. Everything that he said was to make us believe it was the rent. It is not even accurate on 10th December.

This press release is a monument of hyperbole – this is the one where I think they say this is the best deal ever in the political history of Gibraltar – but today the Hon. Chief Minister went even further. He is drowning in his own hyperbole because today he said it might even be the best deal in the world. There are no boundaries to exaggeration. Let’s keep it straight and tight. Let’s talk about *this*, whether *this* is value for money. Really, are we going to do this actuarial assessment of all the deals that have ever been done in Gibraltar and all the deals in the world? And this is the one that is the best deal ever?

The reality is that you do not get away from the core facts, because the Hon. Chief Minister said at the very beginning the facts matter. Indeed, but the core facts are simple. This is not a complicated issue. If this was a case, it would not be a complicated case. This is: he said to the House and led it to believe and did a calculation that made it believe it was £22,000 rent per month, he did not correct the record and it is a million a year; it is £87,000 per month. It is wrong, it is inaccurate, and he does not correct the record. The problem the Hon. Chief Minister has is that having manoeuvred himself into this position, he just does not know how to back down, so it is a scattergun approach.

On 10th December, I issued another social media post where I said, ‘The GSLP say this is the best rental property deal ever done in the political history of Gibraltar – hyperbole, value. You judge the chronology.’ And we set out the chronology as we believed it to be. In July 2020 there is a GSLP Government press release announcing the sale of the property. That is a Government press release. Fact. In March 2021 Mr Picardo confirms the sale value of £7.5 million. Fact. It is in *Hansard*, in this House. In July 2021 the property is transferred from Government to Bassadone. We believed that to be fact. On 8th September 2023, Government entered into a £22 million deal to rent part of the property for use as offices – who benefits? – again making a value judgement conclusion to the tweet. This is the one which the Hon. the Chief Minister complains about, where apparently the allegation of doctoring solely rests on the fact that we cropped a picture of the lease. Well, as the hon. Member knows, when you issue a tweet you can upload up to four images, that is all. The lease is 23 or 24 pages long. I cannot upload the whole lease. I wanted to show the parties. We cropped the image. Fine. The image is accurate; it shows the parties. There is nothing inaccurate about it. I cropped the extract from *Hansard* and I circled the relevant parts. I circled the relevant part of the clause on the rental overpayment. I cropped the article in the *Chronicle* and I magnified it. So what? That is all I did. It is not doctoring.

Madam Speaker, in answer to the Government’s press release we issued a further press release and we said the Chief Minister ‘continues to mislead on the Bassadone Group deal’, and that press release is there for everyone to see. We set out that he had made very clear in his answers, we thought, that the rent was less than £22,000 and not £87,000. That is the basic point that the Hon. the Chief Minister cannot get away from, and their reaction is to lash out: the headline of the next press release, ‘Bossino desperately seeking relevance’ on 12th December and lashing out at both my colleague and me on a number of irrelevant issues, because it is about confusion. It is about not getting to the reality and it is about making sure that the public are distracted from the stripping down of the core issue. The stripping down of the core issue is this: the lease says it is £87,000 per month, ergo more than £1 million; the rent, the Chief Minister told us, was £22,000. That is the core issue. The rest of it is a lot of gas. There is a lot of gas in the hon. Member’s contribution.

Madam Speaker, that is why we have presented this amendment: because the Chief Minister has a duty to give accurate information to this House, and if he is serious about that role, then faced with the fact that he had given inaccurate information – and I am not even going to suggest that it was deliberate, but faced with the fact that he had given inaccurate information and therefore misled the House, what he should have done is corrected the record immediately or answered in a press release and said, ‘You have issued a press release that is 5.5 and £22,000. I have now realised actually it is more.’ And that is the record; probably it would have gone no further than that. We might have made a value for money judgement and that is it, but no, he is so intent at never, ever ceding an inch of territory that it has become about us – because they are eating the cats in the GSD.

Madam Speaker, this is serious. This is serious because here we are on the eve of Christmas with this motion, which is a charade because the Ministerial Code says this at paragraph 1.3c:

It is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Chief Minister;

It is in the same terms as the English UK Ministerial Code. Before I reply on my amendment, I give the hon. Member the opportunity to correct the record, once more, because this is serious. People are entitled to believe the information given by Ministers in this House, and if it is not accurate it should be corrected, and if it is not corrected it is a deliberate attempt to mislead this House again when it is incontrovertible what the deed says.

I look round the hon. Members. I appreciate the difficulties with collective responsibility, having been on that side, but are having heard ... perhaps not having reflected before on what

1015 was specifically said and what it was, perhaps hon. Members did not understand precisely why
we thought we had been driven to those conclusions. Having seen the transcript, having seen
1020 what is said in the subsequent answers, hon. Members on that side, some of them at least, must
think in their own minds that it is clear that the Chief Minister gave information that could only
have been understood as meaning that the rent was £22,000 per month and therefore he misled
the House. Hon. Members on that side have a choice. If they decide not to back the amendment,
1025 then in effect they are also accepting that misleading. Do they want to be remembered on that
basis? Remember, they will be on that basis, because whatever you do in this case of this scenario,
there is nothing better, when you see the mist that is being hurled on the other side on this issue,
to have the piercing laser of getting back to the basics on the two facts that are clear, and the two
facts are that the lease that we have subsequently seen shows that the rent was much higher than
1030 what the Chief Minister said to the House on 28th November, and that what he said on
28th November can only have been understood to be the rent and he allowed the House to
believe that, and the public to believe that when we issued subsequent press releases.

For those reasons, Madam Speaker, I commend the amendment that we are making to this
motion. (*Banging on desks*)

1030 **Madam Speaker:** Does any hon. Member wish to speak on the amendment? Yes, the Hon.
Chief Minister.

1035 **Hon. Chief Minister:** Well, Madam Speaker, I know that the hon. Gentleman has – (*Interjection*)
I am dealing with the amendment.

Madam Speaker: I have asked if any hon. Member wishes to speak on the amendment. The
Hon. the Chief Minister was the first one to catch my eye. The Hon. the Chief Minister has the
1040 floor.

Hon. Chief Minister: I am dealing with the amendment, Madam Speaker, and will speak on the
amendment. I am sure other Members will want to speak on the substantive motion and indeed
perhaps even on the amendment.

1045 Madam Speaker, in getting up to address the issues on the amendment I have to say to the
hon. Gentleman that he left open whether I had ever appeared in the Privy Council or the Court
of Appeal. I have, (*Interjection*) in both, Madam Speaker, before I was elected as a Member of this
House. I must tell the hon. Gentleman that nobody ever asked me whether I was making my best
point, but I did not ever have to wake any of the judges up, which might be the affliction he might
1050 be under if he were to treat any tribunal to the somnoric advocacy that he has treated us to
today. What we have had to deal with is simply the Hon. the Leader of the Opposition, over the
course of almost an hour and a bit, taking us, very slowly, through his press releases and then,
even more slowly, through the transcript, and not being able to point in the transcript to anything
which demonstrated that I had said anything which misled the House. Indeed, he has been left to
1055 say that what I said could only be understood to be the rent, even though when he goes back to
read it, it is all about the amounts paid to date, not the rent, because he has been told that in the
amounts paid to date there is a rent-free period and therefore it cannot be the rent. And indeed,
the question that they asked about what is the rent, for all the reasons I said before, is not a proper
question because that is publicly available information.

1060 So, far from demonstrating that I have in any way misled the House as support for his
purported amendment, what the hon. Gentleman has done is bring into this House the things
which I said in my original motion were the attempts outside of this House to mislead the public
into this House and therefore to incur in the most heinous of Parliamentary sins, because he has
said his own words, as *Hansard* will show, that what I did suggested, implied and led them to
1065 believe that that was the rent. That is to say he cannot point to anything in the transcript that
shows that I said it was the rent. 'He suggested, he implied, he led us to believe': he cannot point

to the section of the *Hansard* where I said it was the rent because I never said it, and therefore I never misled the House. That is the reality and that is the answer to his point, but in trying to suggest to the House that I had misled it and bringing into the House the misleading that he had done outside the House, what I say to the hon. Gentleman in respect of his amendment is that his amendment misleads the House and the hon. Gentleman has misled the House. As I can only do that on a substantive motion, Madam Speaker, I propose to amend the amendment that the hon. Gentleman has circulated, and I propose to amend it by giving notice in writing of the following amendment to the amendment:

That it should be entirely deleted and that after the word 'documentation' in the motion as originally drafted the following words should appear:

'and have today further sought to mislead the House by bringing their attempts to mislead into the House, and therefore condemns that they should have done so and that they should disrespect the Parliament and the people in this way, and calls upon them to apologise to the House, to the people and journalists that may have been misled by them, in particular after the Leader of the Opposition has admitted that he cropped out the logo of his law firm.'

Madam Speaker, speaking to the amendment to the amendment, unless you want to put it formally ...

Madam Speaker: Yes, I am going to propose the question in terms of the amendment to the amendment moved by the Hon. the Chief Minister.

Hon. Chief Minister: Speaking to the amendment to the amendment, Madam Speaker, it has been remarkable to see that the Hon. the Leader of the Opposition has squirmed on the end of the hook that he made for himself when he cropped out – for public consumption, for journalists to report, for the world to see – the names and dates in respect of the front page of the lease, but providentially, he says, without saying it, almost inadvertently, pleading innocence and ignorance, the logo of the law firm, that answers the question that they posed in their press releases two times over: who benefits? The partners of TSN benefit – rightly so, as I said in my first intervention, for their professional work – by charging their professional fees but including the Hon. the Leader of the Opposition and the Hon. Mr Bossino. *They* benefit, Madam Speaker. But in bringing all of the attempts to mislead the public which they have done outside of the House into the House and taking us through them and making the heinous allegation which they have been unable to prove – in fact, they have been demonstrated not to be able to prove – into this House, the hon. Member has just misled the House, and he must stand condemned for that. And he must stand condemned for having admitted that he doctored the document that he put into the public domain, because he has now admitted that he deliberately did so. He deliberately opened it up in order to take out the bits which were less relevant, the reference to his law firm. So, Madam Speaker, what could just have been a motion where hon. Members might have been condemned for what they did outside, which we had demonstrated, by the time I finished speaking on my first address, was improper for all of the reasons I had set out, now becomes, unfortunately, a motion in which they will find themselves condemned for actually misleading the House because they have brought those things into the House.

But, Madam Speaker, just on the point that the hon. Member made – and I will make a lot of points in respect of the full final motion in the end – it is not that this Government is changing the rules of the game by bringing a motion on misleading because of something that has been said outside of this place, and that this changes the way things are done and that this is a new thing that this Government is bringing which has never been done before, with the alleged potential cataclysmic consequences that the hon. Gentleman alleges for everything that we do – I think I must have woken everyone up who was falling asleep when the hon. Gentleman was speaking; it is that they did that first. Or is it that the hon. Gentlemen have forgotten the motion I had to face

1110 in 2011 because of a Facebook post? Bringing motions because of things done or said on social media is not something we are doing for the first time; it is something the Gibraltar Social Democrats in Government did for the first time.

1115 Everything that the hon. Gentleman has said has demonstrated that far from misleading the House, I gave the House entirely accurate information. Everything he has said has demonstrated that he cannot point to one phrase where I am said to have told the House what the rent was. Everything I have said has been demonstrated to be about the sums paid to date and talking about the rent-free period, thereby not being able to give the rent paid to date. Everything that has been said demonstrates that that question would have been an improper question because the rent was available in a public registered document. And everything that has been said by the hon. Gentleman's own final analysis to the jury sat here, all 17 of us, is only to be able to say, 'You see, 1120 although he did not say it, that is what he was trying to lead us to believe.' He said it himself. That is what he suggested, that is what he implied, that is what he led us to believe: a demonstration that none of what I said can be pointed as misleading Parliament, except for everything that he has said, which they said outside and which he has now repeated here.

1125 For those reasons, Madam Speaker, I commend my amendment to the amendment to the House that the hon. Gentleman should now stand condemned of misleading the House. I call that he apologise to the Parliament, to the people and to the journalists that were misled by his admission that he cropped that document and doctored it.

1130 **Madam Speaker:** Does any hon. Member wish to speak on the amendment to the amendment? What the House has before it now is the amendment to the amendment to the original motion. Now we are dealing with the amendment to the amendment.

1135 **Hon. Dr K Azopardi:** Only on the amendment to the amendment, if I may. I appreciate that this might be boring for some people, but just making the technical point that the amendment had deleted all the words after 'This House' – that was the amendment; he is amending my amendment – the Hon. Chief Minister has amended my amendment by deleting every word proposed in the amendment. In other words, the language in paragraph 2 of my amendment. He has deleted that and he has, instead, inserted that paragraph. He purports to say, in the first paragraph, 'after the word documentation in the motion as originally drafted', but he does not 1140 put forward in his amendment to the amendment the reinsertion of the original language. That language is not there anymore, so you only have the last paragraph. He has not proposed an amendment to reinsert the language that I deleted in paragraph one. All he has done is delete my amendment but not the deletion of his original language. I make that point first. Secondly – *(Interjection by Hon. Chief Minister)* That is what it says. *(Interjection by Hon. Chief Minister)* Well, 1145 you can reply. *(Interjection by Hon. Chief Minister)* The hon. Member is speaking to me from a sedentary position. He has the right of reply on the amendment to the amendment. I am not making a stupid point. Unfortunately, the amendment is defective; that is what I am saying.

1150 On the substantive issue, what a load of nonsense. I used elegant language. If he wants me to use slightly more inelegant language, the Chief Minister misled the House. Everything that I strung together from the transcript shows that he told the House that the rent was £22,000 per month, and it happened not to be that. That is the issue and that is at the heart of it. I am afraid to say that he can squirm as much as he wants, he can get as nervous as he wants from his sedentary position, he can shoot from the hip with defective amendments, but it does not alter the basic facts: when you get back to the reality, the House was told x and the reality is y.

1155

Madam Speaker: Does any other hon. Member wish to speak on the amendment to the amendment? Yes, the Hon. Sir Joe Bossano.

1160 **Hon. Sir JJ Bossano:** Madam Speaker, I believe the amendment to the amendment is necessary in order to remove the amendment introduced by the Hon. Leader of the Opposition because that

amendment requires us to believe that the Hon. Chief Minister thought that he could persuade them that the rent was £22,000 notwithstanding the fact that there was a public document with a different figure. Unless going to the Registry became something which required ... not to breach the Official Secrets Act, I do not know how the Hon. Chief Minister would have been able to prevent them from finding the other figure. So, it requires a level of stupidity which I do not correlate with the Hon. Chief Minister. He may have other faults – I think he has more faults than other people – but stupidity is not one of them. It would be very stupid of us collectively if we concluded that the answer to the hon. Member's question was crafted in order to make him believe that the rent that was going to be paid for 21 years was, in fact, one quarter of the real rent and that the real rent would never see the light of day when the real rent passes through all the people in the Treasury, all the guys who say things outside the Treasury that they should not be saying, when in Gibraltar everybody knows what everybody else is doing and everybody else is saying. So the answer is that it would have been a miracle for that attempt that the Chief Minister is being accused of, of misleading, to survive. It would be impossible to mislead them that the official figure, in the agreement in which his colleagues in his law firm were involved ... Never mind having to look for it, he is the law firm that negotiated the £89,000. Therefore, it is possible that the way the questions were answered led the hon. Member to the conclusion that it was the figure that he said and that he believed that that was the figure and that he was misled by the way the answer was given – that may be possible – but it is impossible to think that anybody would deliberately mislead him and think that that would not be discovered within 24 hours, because there was a figure in the public domain, which is the one that they got and checked against the information that was out. Therefore, since the underlying assumption in the amendment that he has brought and in the things that he has said in and out of this House, that this was an attempt, by giving a deliberately false answer to a simple question – something which I hope they will never attribute to me, since I only say yes or no and there cannot be any misinterpretations ... *(Interjection)* They should encourage us all to say just yes or no, and then there will be no doubt which of the two it is.

For that reason, Madam Speaker, I support the amendment to the amendment principally because the original amendment has to be removed because it is nonsense.

Madam Speaker: Does any other hon. Member wish to speak on the amendment to the amendment?

Hon. D J Bossino: Madam Speaker, I will be speaking to the other motions, but as far as this particular motion is concerned, which is the third motion which we have before the House, what we have been treated to by both speakers on that side of the House is, with the greatest of respect to them, complete and utter nonsense and diatribe. That is what we have been treated to when I have heard particularly the last speaker. And as far as the first speaker is concerned, the Hon. the Chief Minister, it is very obvious and very clear, as my friend the Hon. Leader of the Opposition says, that he is totally caught between a rock and a hard place. He is nervous and he is trying to confuse and obfuscate, which is what he accuses me of having done in the exchange of press releases, in this House. That is what he is trying to do. That is his *modus operandi*.

The Hon. the Minister for Economic Development rises in this House ... and he has a lot of experience; he has been in this House since the year I was born, but surely he must understand ... I know he deals with these things glibly and it is obvious and it is black upon white ... The reality is that when this question, which was mine, was filed and was on the Order Paper and was put on my behalf – and I will deal with those issues later on when I speak to the other motions – we did not even have an address, so it was not possible in advance of having filed that question, which I filed as a result of information that I had received, to have done a search and to be armed with that information. We, perhaps naively, perhaps innocently, thought that we were going to be given accurate, honest and truthful answers when the reality is the complete opposite, as my Learned Friend, the Leader of the Opposition, has very ably and very clearly shown. So let's not

confuse matters. The point that the Hon. the Minister for Economic Development makes was simply not available to him because we did not have the information at the time as to details of the address. That information was, as far as that bit of information was concerned, yes, truthfully given to us. We did not go scurrying off to Land Property Services to do a search, as I will show in the chronology, because the reality is that we thought that the information that we were led to believe – ergo misled by the Hon. Chief Minister to believe – was that the rent was in the region of £22,000 a month, although then I was still being told, but I did not believe them, that the rent is much higher, to the tune of £85,000. In fact, we have been able to show – yes, as a result of publicly available documents which we were able to search once we had the specific address – that in fact it amounts to around £87,000 a month.

The other point which I think is very important to deal with and address as far as the Hon. Sir Joe Bossano is concerned deals with this non-point distraction of a point, a ridiculous point, but maybe it speaks to what is in the hon. Gentleman's mind about TSN's involvement or non-involvement. It is completely and utterly ridiculous for the hon. Member Sir Joe Bossano to say we should have known because our firm was acting. The fact is the honest truth is that we did not know, and that quite frankly shows beyond peradventure that TSN operates properly and takes its conflict of interest very seriously and we do have very strict ethical rules such that the politicians in the firm were not aware. It was discovered, as the Hon. Leader of the Opposition says, when we started to carry out further investigations, and I was absolutely shocked to find that my school chum the Chief Minister misled the House in a very significant way.

I thought it was important for me to rise to clarify those two particular issues because of what I have heard the Hon. the Minister for Economic Development say as respects the third motion, which is what we are dealing with at the moment, but as I have already indicated, I wish to speak in respect of the other motions.

Madam Speaker: Does any other hon. Member wish to speak on the amendment to the amendment? In that case, I call on the mover of the amendment to the amendment to reply.

Hon. Chief Minister: Thank you, Madam Speaker. Let me just start by dealing with the first nonsensical point made by Members opposite on the amendment to the amendment, the idea that the amendment to the amendment is defective because the original motion has been completely deleted by the first amendment and therefore there is nothing to hang this additional wording on. Of course, that can only come if the Hon. the Leader of the Opposition, in making that first nonsensical point, has only read the amendment to the amendment and has not read the paragraph before the amendment to the amendment, which says that we should delete the whole of his amendment, which seeks to delete the original motion, and go back to the original motion with the word 'documentation' in it. By moving this amendment, what I am proposing is that the effect of the first amendment, which deletes the original motion, should no longer be there. You are left once again with the original motion – which is where the word 'documentation' appears – as originally drafted, which is what I have said in my amendment to the amendment and hang the rest of it at the end of it. So, his first nonsensical point is utter nonsense.

The second point that the hon. Gentleman has made, again, in replying to the amendment to the amendment, is that I said that this was the rent. If I was making that point about him and it was that clear cut, I would get the transcript and I would say, 'And here it is'. The hon. Gentleman has not been able to do that. Instead, he has said, 'And you see, he led us to believe you can only interpret it in this way,' because he cannot point to my having misled the House as suggested. That is the second nonsensical point.

The third point that we have been treated to is frankly the best point I have heard all afternoon, and it is the point made by the Father of the House, the oldest Member of the House, who, as usual, managed to distil everything in a moment and say, 'For goodness' sake, in everything that the Chief Minister has told you and where he has told you that the rent is public, don't you see that if he had been meaning to do what you were suggesting he was trying to do, it would have

1265 been utterly foolish because the real rent was public?' I could not have put it better myself, and indeed I did not put it that well myself as succinctly and as clearly as he has. Madam Speaker, the hon. my old school chum now says from a sedentary position, 'You did not put it as well,' having ridiculed the point. I have been with people who contradict themselves; I have never been with somebody who contradicts himself that quickly and as often as the hon. Gentleman does. But by
1270 doing so, he gives further credence to my third point.

Finally, Madam Speaker, I want to end by dealing with the hon. my school chum's last point where he said that something that the Father of the House had said was ridiculous. I think that is unnecessarily disrespectful to the Hon. the Father of the House, who has been here since the year he and I were born. I, too, might think that he does some things which are not exactly in keeping
1275 with how one might like things done in the third decade of the 21st century, but I respect him because I think when he does them he is probably right about doing them in that way because he has been here for 50 years, he has seen lots of fads come and go, and the way that he does things is designed to ensure always the best interest of the people of Gibraltar. I would never describe anything that Joe Bossano has ever done – even the things I might have disagreed with him on,
1280 and they are few and far between but we are all human beings and we all have disagreements with other individuals – as ridiculous. It ill behoves the hon. my old school chum, who has never been able to persuade anybody to elect him to high political office or, indeed, has not even been able to persuade a small cabal of people who meet in College Lane to elect him to lead them, however many times he has tried, to refer to anything that Joe Bossano has done as ridiculous,
1285 because the man has been Chief Minister of Gibraltar twice, the man has been Leader of the Opposition and the man has given his life to Gibraltar and he deserves a bit more respect than that. Even if you want to call me every name under the sun, at the end of the day, we will always be old school chums.

Madam Speaker, the honest truth, I think, is that if the two hon. Members opposite are the
1290 only people who did not know that TSN was acting for Bassadone World in respect of this transaction, it ill behoves Gibraltar that they should ever be in charge of the place because when you are in No. 6 Convent Place, you need to know what is going on everywhere, even at Triay Stagnetto Neish.

1295 **Hon. D J Bossino:** The clients would not be happy.

Hon. Chief Minister: The hon. Gentleman says the clients might not be happy. The client was very happy to be using the excellence standards at Triay Stagnetto Neish to represent them on this matter, and I was very happy that they were using Triay Stagnetto Neish to represent them
1300 on this matter because I knew that they would register the document, I knew that it would be dealt with properly and I knew that the lease that we would be entering into it, prepared by them, would be a lease well prepared. I say 'them' – I mean their partners, not them, because they do not practise in property law. So be it.

Madam Speaker, for all of those reasons, I propose the amendment to the amendment to the
1305 House, and if approved then I pray that we continue with the whole motion as approved, which will include the reference to the Hon. the Leader of the House misleading the House but not a reference to the Chief Minister misleading the House, which would then not be something that could be said further in the debate.

1310 **Madam Speaker:** I now put the question in terms of the amendment to the amendment moved by the Hon. Chief Minister. Those in favour?

Several Members: Aye.

1315 **Hon. Chief Minister:** Division.

Hon. D J Bossino: I call a division.

1320 **Hon. Chief Minister:** You cannot call it too. Once a division has been called, it has been called, for goodness' sake! *(Laughter)*

Hon. D J Bossino: We got in there first.

Madam Speaker: All right, a division.

Voting resulted as follows:

FOR	AGAINST	ABSENT
Hon. G Arias-Vasquez	Hon. Dr K Azopardi	None
Hon. Sir J J Bossano	Hon. D J Bossino	
Hon. L M Bruzon	Hon. R M Clinton	
Hon. Prof. J E Cortes	Hon. J Ladislaus	
Hon. N Feetham	Hon. G Origo	
Hon. Dr J J Garcia	Hon. E J Reyes	
Hon. P A Orfila	Hon. C A Sacarello	
Hon. F R Picardo	Hon. A Sanchez	
Hon. C P Santos		

1325 **Madam Speaker:** The result of the division: there are 9 ayes and 8 noes. The ayes have it. The amendment to the amendment is carried.

Now, as I understand it – I am sure I will be put right if I am wrong – what the House has before it is the amendment to the original motion as amended by the amendment to the amendment.

1330 In relation to the amendment proposed by the Hon. the Leader of the Opposition, I had opened the question as to whether any hon. Member wished to speak on it after the Hon. the Leader of the Opposition moved it. The Hon. the Chief Minister spoke on it. Does any other hon. Member wish to speak on the amendment before I put the question? If no other hon. Member wishes to speak, I will call upon the mover to reply.

1335 **Hon. D J Bossino:** Madam Speaker, the Hon. the Leader of the Opposition would not be responding to motion two, which is the one that amends the Hon. the Chief Minister's motion one. Therefore, it is –

1340 **Madam Speaker:** The Hon. the Leader of the Opposition would be responding because he is the mover of the amendment, so before I call on the mover to respond I am asking whether any other hon. Member wishes to speak.

1345 **Hon. D J Bossino:** And this is the point of clarification that I sought. So, I can speak on the Hon. Leader of Opposition's proposed amendment to the Hon. Chief Minister's motion.

Hon. Chief Minister: But now as amended.

Hon. D J Bossino: Oh, I see, as amended.

1350 **Hon. Chief Minister:** Now it is about him misleading.

Madam Speaker: Yes, because the original motion has now been amended by the amendment to the amendment, but we still have to speak, if I am right, on the amendment.

1355

Hon. Chief Minister: Madam Speaker, it has now been amended, so the original motion is still as it is. The Hon. the Leader of the Opposition's amendment to the original motion is now before the House, as amended, which no longer includes a reference to me misleading the House; it includes a reference to him misleading the House. So it is now, as you rightly say, back to that, but as amended, but we do not yet have the whole two parts together, so we have to vote it – or somebody has to speak on it, if they wish.

Madam Speaker: So, we are speaking on the amendment. The Hon. Mr Bossino is clear?

Hon. D J Bossino: Yes, I am.

Madam Speaker: I am not sure I am.

Hon. D J Bossino: Well, I know.

Madam Speaker: Speaking on the amendment (**Hon. Chief Minister:** As amended.) as amended. That is right, on the amendment as amended.

Hon. D J Bossino: If the Chair is not particularly clear, and indeed it is difficult, I think, certainly for me, to follow sometimes the procedure of the House, one shudders to think what those listening are thinking when they are seeing these antics.

Madam Speaker: Well, I pray in aid the fact that it is the first time the Chair has had to deal with an amendment to an amendment to an amendment. I am new to the game.

Hon. D J Bossino: But it was.

Madam Speaker: I just want to be clear because it will determine what language is allowed and not allowed. Essentially, if I can pare it back, we have the original motion, which is now amended by the amendment to the amendment, which the Hon. Mr Bossino has called the third motion, and what the Hon. Mr Bossino is speaking to now is the amendment moved by the Hon. the Leader of the Opposition, as amended.

Hon. D J Bossino: Yes, which calls upon the Leader of the Opposition to apologise to the House and to journalists for having been misled by him.

Madam Speaker: No, that is the original motion as amended.

Hon. Chief Minister: By way of point of order, it is the amended motion that is now before the House. Therefore, the reference is to the Leader of the Opposition having to apologise and the Leader of the Opposition having misled the House. That is the motion that is before the House, and so the things that can be said on that substantive motion are those things. Other things cannot be said.

Hon. D J Bossino: That would be for me to determine as I go through it. The reality is –

Hon. Chief Minister: If you cannot comply with the rules, do not come to the big boys' club.

Hon. D J Bossino: And indeed, as the Hon. Leader of the Opposition rightly points out, the original motion is still before the House, so one can say things about that as I intervene. If not, it is going to be just –

Madam Speaker: The original motion is still before the House as amended by the third motion.

1410 **Hon. Chief Minister:** Not yet, Madam Speaker. At the moment, we are only looking at the amendment. We are not talking on the whole motion, we are only looking at the amendment as amended, so if you give a speech now, you give a speech on the amendment, which is now the second limb of what you might call the original motion. If you speak about the first part, then you are not speaking about this thing that we are doing now, which is the amendment.

1415 **Hon. Dr K Azopardi:** Madam Speaker –

Madam Speaker: As I understand it, the Hon. the Leader of the Opposition is replying as the mover to the amendment. Yes.

1420 **Hon. Dr K Azopardi:** I am replying as the mover of the amendment and what I have not had clarity on ... The Hon. the Chief Minister may have called it a stupid point but the reality is that I was making a substantive point, which is that the effect of his amendment deletes and does not reinsert the original language and we are left with the second paragraph. That would need to be cleared up by Madam Speaker taking a view on this matter but let me reply on the substance of the amendment, or the form of the amendment as it stands today.

1425 I opened my contribution today saying that I thought that the whole way that the Hon. the Chief Minister had behaved in bringing this had converted the Parliament into a bit of a circus. The circus has just got worse by the addition of this language because having demonstrated that inaccurate information was provided to the House, he turns it on us and now we are supposed to apologise to the House even though he gave the inaccurate information. The whole thing once again has become a complete disgrace.

1430 **A Member:** Hear, hear.

1435 **Madam Speaker:** Now I have to put the question in terms of the amendment moved by the Hon. the Leader of the Opposition – is that right? (**Clerk:** Yes.) All right. I now put the question in terms of the amendment moved by the Hon. the Leader of the Opposition.

1440 **Hon. Chief Minister:** I call a division, Madam Speaker. We are clear what we are voting on.

Madam Speaker: We are ... Well, I am not, but the hon. Member – (*Laughter*) No, I did not mean ... No, I spoke before ... I meant I am not voting, not I am not clear. For the moment I am clear, but I was I was saying I am not voting.

1445 What hon. Members are voting on now is the amendment moved by the Hon. the Leader of the Opposition, (**Hon. Prof. J E Cortes and Hon. C P Santos:** As amended.) as amended. (*Interjections*) We have voted on the amendment to the amendment. The Hon. the Leader of the Opposition has just spoken, as mover, to the amendment and now we need to vote –

1450 **Hon. Chief Minister:** On a division.

Madam Speaker: Well, yes, a division has been called but the vote is now on the amendment as moved by the Hon. the Leader of the Opposition, (**Hon. Chief Minister:** As amended.) as amended.

1455

Voting resulted as follows:

FOR

Hon. G Arias-Vasquez
Hon. Sir J J Bossano
Hon. L M Bruzon
Hon. Prof. J E Cortes
Hon. N Feetham
Hon. Dr J J Garcia
Hon. P A Orfila
Hon. F R Picardo
Hon. C P Santos

AGAINST

Hon. Dr K Azopardi
Hon. D J Bossino
Hon. R M Clinton
Hon. J Ladislaus
Hon. G Origo
Hon. E J Reyes
Hon. C A Sacarello
Hon. A Sanchez:

ABSENT

None

1460 **Madam Speaker:** There are 9 ayes and 8 noes. The motion is carried.

What the House has before it now, for the avoidance of doubt, is the original motion as amended by the amendment to the amendment, the last amendment.

1465 **Hon. D J Bossino:** Madam Speaker, this is all, in fact, a reflection of what, as I said before, we have been treated to, which is this further confusing of the issue, which is born from something which is very clear, very discreet and very simple, which is that what we say on this side of the House is that nothing that we said outside of this House could be interpreted in any way as a misleading of the public – and indeed of the pejorative term which the Hon. the Chief Minister used, as far as what my hon. Friend the Leader of the Opposition did in respect of the reposting of the first page of the lease, a ‘doctoring’ of it – is absolutely, under any stretch of the imagination, what has happened or what we did, capable of that criticism. Therefore, I will be speaking against the motion, as amended now, because as a result of that preliminary point it does not require any apologies to be given by my friend the Leader of the Opposition in respect of misleading the House because he has not done so.

1475 I am disappointed in the Chief Minister, although, as I have said before in this House, not surprised because it is usual antics. I am disappointed because he cannot even be taken at his word when only yesterday – and I quote to him – he said, ‘This is the season of goodwill and I would not want to spoil that in any way.’ For goodness’ sake, what have we witnessed today?

1480 I am also disappointed, although again not surprised, because after so many years I do not think that he has improved from his Bayside School Debating Society antics. Nothing. I was expecting, when I first received notification of his motion yesterday morning ... ‘Oh my goodness, what has he found? Where is the smoking gun?’ All that he has done, as my friend the Leader of the Opposition says, is adopt this scattergun approach but missing the target. He completely misses the target. We have simply seen smoke and mirrors continuously in what the hon. Gentleman says, and, in typical style, the usual drama and histrionics: ‘This document from 2011 and this other document, and this one said this.’ It is complete and utter nonsense and does not advance his case as he sets out in the motion. There was absolutely no misleading. It was he, as Chief Minister, who provided inaccurate information to this House and led us down the garden path. It was he who did that, and it was based on that that we issued certain press releases. Naively and innocently, the first press release, as my friend went through the audit trail and the chronology in terms of what happened, very clearly referred to the figures that the hon. Gentleman gave us, which he has been able to show, beyond any reasonable doubt – as if that were the standard, because ultimately what is going to happen here is they are going to vote the motion in ... It is not a jury that we are trying to persuade. We harbour hopes, but the gentlemen there, and ladies, are unpersuadable because they are subject to the duty of collective responsibility. But he has been unable to advance his case in favour of the motion. My friend says deny, deny, deny. I add deflect, deflect, deflect – another alliteration – because that is what he is doing constantly and we have seen it now with all these different motions and all the rest of it. He simply cannot help himself.

1500 He says that I should have done this in the proper way. Well, I can share this with him. When
this was discovered by us I was genuinely shocked, as I said earlier, and surprised. I thought, 'How
has he done this? How is it possible that the Chief Minister has given such inaccurate information
to the House? It is not possible.' But then I thought, 'Well, I will issue a press release based on
information ...' No, sorry, that is when I had to issue the press release about the misleading,
1505 because I thought that he would have been given the opportunity on a plate to have corrected
the record – 'Actually, no, that is not the information,' – and then he could have pointed the finger
at his official or officials who gave him the information, that it may have been wrong, and that is
fine. That is why we did not go straight into a motion of misleading the House. But he is the one
who actually, in my respectful view, in an exercise of complete lack of judgement, which is very
1510 worrying for an individual who discharges the constitutional role he currently discharges, seeks to
turn the tables against us and actually gives us the opportunity – perhaps we would not have done
it in this session, perhaps we would have done it in another session, but gives us the opportunity –
to ventilate these issues and actually show to the listening public that what the Hon. the Chief
Minister did was indeed, on any objective analysis, provide inaccurate information. Maybe he was
1515 having a bit of fun – 'Well, I am relying on 'to date' and the rest of it, but I am not going to give
them the true information,' – but that was wrong, and this is why it is simply not possible for us
to be supportive of the motion as currently before the House.

What we are seeing here is a very clear rattling of the cage. The snake inside of the cage is
lashing out. That is what we are seeing here, but ultimately the snake's head will be crushed. That
1520 is what is going to be the case, eventually, with the passage of time. I am absolutely, totally
convinced of that. He is lashing out because he has been caught out. And all of this, I need to tell
the Chief Minister, reflects badly on him. He refers to a motion which he says the horrible,
disgusting GSD brought against him personally as a result of a Facebook post. I imagine – I cannot
recall; I have a vague recollection but I think it is a Facebook post where he made certain
1525 comments about the Budget. I think it was the 2011 Budget, which was the last Budget of the
golden legacy GSD before we were removed from office and the hon. Gentleman won that
Election. But wasn't it in that motion, or perhaps in another debate, where his predecessor – I
have it etched in my psyche; I do not even need to refer to notes – the Hon. Sir Peter Caruana said
of him that the truth was incapable of navigating past his vocal cords, because, quite rightly, in
1530 these things you cannot say 'lie', and Sir Peter very quickly, on his feet, produced this gem, I
thought, and it reminded me of that comment when the Hon. the Chief Minister referred to the
motion.

As I said, all we are being fed are distractions. The reality is that we do not harbour any hope
that there will be a defection on the other side, but it is possible; I have said it before in the context
1535 of I do not know how many motions or debates we have had in this House over the last year, but
it is conceivable. The reality is that because they have a one-person, one-man or one-woman
majority, it is possible that we can win, that this motion can be defeated, and I ask the potential
leaders who are vying for that position to show that they do have that quality. I would, in perhaps
forlorn and vain hope, think that there is a possibility that that can be done, and I ask the Hon.
1540 Mr Feetham or Mrs Vasquez – or indeed I hear now that Prof. Cortes, as I have said before, during
the course of the Appropriation Bill debate – that maybe they can consider voting this motion
down. The unsolicited free advice that I give them is that it would stand them in very good stead.

Another fundamental point which is being lost in this is not just the inaccuracy of the
information that we were provided and on which we had an exchange – and I will go through go
1545 through it briefly – by press release and by interview, the Hon. the Chief Minister and I. It is not
just that; it is also that we continue to be totally and utterly unpersuaded by the contention that
he puts forward that this is value for money. As he has said in interviews before, we can have a
difference, but what he produces is simply also confusing and in many respects, I think also, with
the greatest of respect to him, inaccurate. For the hon. Member to say things, like my friend the
1550 Leader of the Opposition referred to, referring to specifically the square meterage cost by way of

rent was £6 ... I calculated it at £6.03; he said it was £6.02. That was clearly on the basis of a £22,000 rent. It is very clear that that was the case.

Let me tell him this: that what he has done by presenting this motion is actually firing us up, because I am now more convinced than ever, if I require to be further convinced, that hon. Gentlemen ... the sooner they are out of office, the better. That is what needs to happen. The sooner that happens, the better, and it very nearly happened. You just need to look at the configuration of this House: nine, eight. Unprecedented since the new Constitution changed the configuration of the House. Indeed, the Hon. Chief Minister did not top the poll, and that must say something. What that speaks to is that people do not accept what he says anymore. He is not persuasive. So, he needs to either change his chip and adopt a different approach or pass the baton. Do it sooner rather than later. I know that there are Members on both sides of him who are itching to assume the role. Well, just do it now, sooner rather than later.

Madam Speaker, looking at the questions that I filed, it is very obvious and very clear that the information which was sought was about the rental amounts entered into. It is very obvious and very clear. What we were not provided by way of replies was accurate information. It was not forthcoming and my friend the Leader of Opposition has been able to show that very skilfully because it is actually a very simple and obvious point to make, and he knows it. He then says – and relies on, in this House and outside of it – that this information was publicly available, and the Hon. the Minister for Economic Development uses that same point and I dealt with that as respects that amended motion. But the reason why he is using it is because I openly said that it was information which was publicly available during the course of the GBC interview, and of course he latched on to that: ‘He breached the rule – I am going to use that as to why I did not provide an accurate answer in respect of the as question posed,’ which was Question 999/2024. As he does, he enmeshes the interviewer, confuses the interviewer, confuses everybody listening to it, saying ‘We have the same rules here as in the UK, so it is publicly available.’ The reality is when that happens ... We had it only a few days ago – I lose track of time but I think it was a few days ago – in respect of the questions that I asked of the Hon. the Minister for Housing, where he stood up and said although I had filed questions in respect of information which, when I filed it, was not publicly available, ‘It is now publicly available and he needs to refer to that.’ The point I am making there is that they rise and say it and use it out of respect of the Rules of the House but also to aid them and to assist them. Yet, in specific written answer to the question that I am referring to, he said, ‘I will answer this question together with the other question.’ He said, ‘I will answer this question.’ I have dealt with the fact that when this was filed the address details were simply not available and therefore the ability to establish the correct position. Does he think I would not have done so? Does he really think so? The reality is that I was given information and I filed the question thinking that the Hon. Chief Minister would give me accurate information.

Dealing with Question 1000, where he latches on to ‘to date’, I know him. He said, ‘I will not give him the full answer and I will suggest this business, confusing issues, that we have paid £610,000 by way of rent to date, then dividing the number of months.’ And he actually does, rather patronising, say, ‘I will do the working out for them: it is £21,800 and odd per month.’ Well, that was wrong because in July 2023, which was the impression given to the Hon. the Leader of the Opposition, who was asking the questions on my behalf – and I will deal with that point now. I was thinking in July 2023, in August 2023, rent was paid, but the reality is for that 17- or 18-month period it was only for seven months that rent was paid. Of course, if you divide £610,000 by the real figure, £7,000, which he could have clarified when we were being led down the garden path, we would have arrived at the real figure of £87,000. But the whole exchange – which we have transcribed ourselves because the *Hansard* is not available yet; we were not going to come here exposed, so we transcribed it ourselves, as indeed I have transcribed his interview – very clearly shows that he was giving inaccurate information. And then, when it is obvious to any observer – and indeed it would have been obvious, I put it to him, to him – that my friend the Leader of the Opposition was getting the wrong end of the stick, he allowed him to continue down that erroneous path. Why? Because on that day, on that occasion, it was available to him. In fact,

this is the subject of a question that I have on the Order Paper. But the 'to date' question did not deal with rent. It was how much has been paid? The reality is that subject to further information which the Hon. the Chief Minister may or may not provide – I need to be careful about saying exactly if he is so confident; I must be careful with that – it could have been, for example, the fitting-out costs. Or is the hon. Gentleman actually saying that that is zero, as when we asked the question on 28th November, the only payments that were made in respect of 80a Queensway were rent? That may be the case.

The hon. Gentleman – I have made a reference to it – makes a meal of me not being present. How pathetic and how childish can the hon. Gentleman be, saying 'He was not here'? How many times are they not here? How many times is he not here? The fundamental difference is not that we are running Gibraltar. We are also carrying out a huge and significant public service on this side of the House. The reason why there are clashes, as I have told them before, is because we are all – all 17 of us and members of staff – subject to his diary, which he does not share with us. There is never any notification – and it so happened that yes, there was, on this occasion, as far as my absence was concerned, a professional matter which it was impossible for me to get out of. I had to be there. Now he then twists it and says, to tar us with that brush, that we are getting money at the same firm. Quite frankly, it is despicable that he should continue to use these types of behaviour and attacks. He really needs to stop doing that. But I have known him for too long; we are going to be 53 next year. He will not change. We are seeing the same thing that I used to see at Bayside; it is the same thing. He sees a point, he sees a belt and boom, under the belt it goes and then he deals with the consequences later, which is why I tell the hon. Gentleman that that is what he was doing on 28th November. These guys are realising, 'Actually it is more, but am going to leave it as it is.' Therefore, he was inaccurate with the information that he gave to the House. When I realised what the true information was, I am surprised that I was surprised because it is typical of the hon. Gentleman. On this occasion, I am sorry to say, that we had to call it out. And yes, we called it out immediately that we found out, and this is why he must understand when he goes through the chronology and says by 9th December the tone changed, the tone had to change because we had the information; we had, dare I say it, the truth; we had the true, accurate position. He said, 'They only obtained the truth when they basically got it from the public register.' What does he expect? We only had the address when my hon. Friend, in supplementaries, asked for the information – and thankfully he did because then we were able to carry out an inquiry. repeat the point: we did not immediately carry out the inquiry because we thought that he knows ... We issued press releases based on the erroneous information and he did not correct it when he had the first opportunity. In response, what he delves into is a complete and utter attack on the GSD and on me personally by saying all the things that he has repeated across the floor of the House but fails to correct the record. Therefore, it is not possible for the hon. Gentleman to rely on the 'to date' defence. It is simply not possible.

On any analysis of the lease, again it is not a complicated point. It is very clear and I think it is important for the listening public to understand, because even GBC got it confused at one point when they showed images of the property that we are talking about. It is not the snazzy, nice-looking and impressive, I must say, showroom that this particular company has, a company that has made a considerable contribution to Gibraltar's economy; it is actually the building right beside it, which is a big warehouse of the old dockyard. That is important, I think, to point out. The reason why I make that point is because expenditure has had to be or will – I do not know whether it has been incurred already, is in the process of being incurred or will have to be incurred in the future to convert it into office space, but again there is a question on that on the Order Paper for this session, but the lease, in its first clause, very clearly sets out that ... Well, it says, in fact:

In consideration of the Government's cost of fitting out the premises

– suggestive of evidence that there has been a cost incurred, but I was not given that information in the House –

which the Government has agreed to pay, the company shall waive the rent otherwise payable for the first nine months of the term

There we have it: the first nine months, not one year as he said outside of the House on two occasions at least. One year rent free: not correct, inaccurate. He cannot help himself.

so that the first rent and payment shall fall due for payment on 1st April 2024 and the Government shall pay to the company for the period from 1st April 2024 to 31st March 2025

1655 – and the annual rent is there –

£1,047,200

– and if you divided that by seven, then we would have had that figure of £87,000 –

to be increased on 1st April.

1660 We are around the corner, actually. If it was completely and utterly open and transparent, he could have said, ‘Actually, this is the real figure, and by the way, by 1st April 2025 the figure is going to go up by a minimum of about £1,067,000-odd.’ I can refer the House to the actual figure, subject to inflationary increases with a minimum and a maximum of 2% and 5% and all the rest of it, but I will not bore the House with respect to that. But that is what he could have said: ‘Round the corner,’ – April 2025 is around the corner – ‘it is going to go up further,’ but we were not given that information.

1665 As I said, the hon. Gentleman, again, in confusion and obfuscation, leads us down the garden path – Campion Park, Commonwealth Park, down Europa Road, over to the Four Corners and back again. This is what he does. When he says in his prepared answer the new arrangements *will* release – not ‘potentially’, as he then says to the GBC interviewer, again enmeshed in the answers that he gave; I am still not sure what the hon. Gentleman means – a capital value of £8.844 million, and actually it may even be £10.2 million because there may be another office out there where
1670 we can raise a bit more money, the Leader of the Opposition asked him specifically, ‘Is he going to sell these?’ He did not answer. Massive, unadulterated word salad: that is what came back. Again, round the houses: he did not answer the question. The hon. Gentleman was at that stage so shocked and confused by what the hon. Gentleman was saying that he got his way and did not answer the question. And we still do not know what that means by the release of capital value. I
1675 take it as ... I do not know ... we are going to have £8 million or potentially £10.2 million in cash in the bank, because that is what he prays in aid to say that this is a very good deal. These offices were ours, the Gibraltar Government’s, the taxpayers’. We do a fantastic deal and sell it to Bassadone for £7.5 million. Then we are going to rent it back from them at £22 million over
1680 21 years, and we are probably going to be stuck there because the future Governments, to renegotiate that and all the rest of it, the leverage will be in favour of the company, whichever company it may be in the future. But do not worry, because we are going to sell all these properties that are going to be made available and vacant as a result of the move of these Government Departments – and he listed them – and we are going to get £8.8 million. We still thought it was a bad deal, but now he is even putting that issue into question.

1685 It *really* is shocking. I give the hon. Gentleman the opportunity once again ... He gives us the opportunity, but I give him, the Hon. the Chief Minister, the opportunity to correct the record and stop this nonsense once and for all and stop what we all know and he himself knows he is doing, which is to create confusion upon confusion upon layers upon layers. The basic ultimate core truth is that the information that he gave us on 28th November was completely inaccurate. My friend

1690 has gone through the detail of what was said in the House and I do not need to go through that myself, but I give him the opportunity also to correct at least one further point. I think that the hon. Gentleman makes a reference in one of his press releases or in an interview with GBC, to a break clause in the lease. My friend Mr Clinton rightly points out that – we have looked at it – we cannot identify one. I grant him that when he answered the point in the House he was a bit more
1695 circumspect: ‘I am not so sure.’ That is fine. He says:

which will have the usual break clauses in.

But then in a press release – I think it is in a press release, in one of the responses – I think he does talk about a break clause, or certainly in an interview. So, I ask him to correct that record. I have come across this further press release, which is, I think, the press release which ... because he has to have the last word and I gave him that pleasure to have the last word, and on 12th December,
1700 again when he has the opportunity to correct the record, he does not, and it is very clear that ... I know the hon. Gentleman’s thought process. Again, he makes a reference to the question about ‘to date’ and then only gives part of the answer:

‘the Government has paid a total of £610,866.69 in rent to date in respect of the property rented from the Bassadone Group in the dockyard area.’

No reference is made to the other part of the answer, where he makes the mental arithmetic point and it amounts to £28,800. No reference is made to that in that press release, which actually
1705 belies what the hon. Gentleman was doing, playing games, and what he has been doing now is seeking to put pressure on the Opposition. It is not just an act of creating confusion, muddying the facts and creating grey areas where there are not simply black and white, in order to ... He is not only doing that but also creating as much pressure as possible because he has been caught out and it has been found out that he did give inaccurate information to this House.

1710 Madam Speaker, I have made a reference already to word salads and I made a reference to this during the course of the Appropriation Bill because this is how people like the hon. Gentleman escape accountability. This is what they do, they deflect blame and change the subject.

The goal of this tactic

– and I am reading from a quote that I was sent by somebody in reference to the hon. Gentleman –

is to confuse,

– and I am quoting the hell out of you –

using long, convoluted sentences that will do just that.

1715 That is precisely what the hon. Gentleman has done.

The hon. Gentleman says that we have misled people outside of this House, but what does the hon. Gentleman think he and his party have done for many years outside of this House, when we were treated, only a few days ago, to a new definition of what ‘eradication’ means, a bit like what ‘misleading means’ – but I will not go into that. Actually I will, because it talks about the misleading
1720 that we were apparently guilty of outside of this House, which is to give the wrong idea or impression. We have not done that, but we were treated to a new definition of eradication in the context of the housing waiting lists. ‘Eradication’ now apparently means 400 out of the 800 on the list, 50%. That is eradication. A complete and utter nonsense. Talk about misleading people outside of this House. Or when they told people in their 2023 manifesto that designs had been
1725 approved in respect of the police station, and then only a few days ago we were told it is not going to go at the Rooke, with designs, lovely colour pictures and all the rest of it. (*Interjection*) The

sewerage plant, which has been promised since 2011: nothing yet. The dockyard regeneration in 2019 ... There are so many examples where we can also say that they have misled the public. Do we bring motions to this House on each occasion? Is that the practice? I am sure he does not think so himself, because my charge to him is that he is not doing it for that reason. He is doing it to confuse, he is doing it to put pressure, he is doing it to give an impression out there of something that is not the case – because he has been caught out. It is very clear that he gave inaccurate information.

In my view, and in our view on this side of the House, the point that the hon. Gentleman makes about 8th September ... Again, I was not impressed at all. The criticisms still stand. The reality is that this lease was entered into on the last working day of the hon. Gentleman's last Government. That is an undeniable fact. Of course, he then goes on to throw eggs at us and all the rest of it, but the reality is that the accusation that we levelled at him in press releases still stands. It may have been that the deal was done before then, but they sewed it up so that had we, on 12th October, won the Election, we would have been subjected to those contractual arrangements set out in the lease. If they had not entered into the lease, maybe there would have been more room for manoeuvre; I would not know the detail of the legal position as regards that specific point. To suggest that this is the best deal ever is simply not accurate, with the greatest of respect to him, by any stretch whatsoever. I did not mention it in the course of my intervention on the third motion, but the Hon. Sir Joe Bossano did say that it is possible that what the Hon. the Chief Minister said could have led hon. Members to believe. That is what he said.

Madam Speaker: I am not going to allow the hon. Member to revisit an amendment that we have already dealt with.

Hon. D J Bossino: I think it is still relevant to the motion as it is now.

Hon. Chief Minister: No.

Madam Speaker: No, because the hon. Member is going back to a debate which was put forward ... a previous debate by the Hon. Sir Joe Bossano on that amendment, and this is not the time for that, so I ask the hon. Member to move on.

Hon. D J Bossino: The point is that when my Learned Friend referred to letters – and this is developing a theme about the hon. Gentleman bringing a motion here because of things that we have said outside the House and posts that we have issued – it is a very dangerous precedent. It has the signs of a very dictatorial and quite frankly scary approach, because we certainly did witness, I think it was in his first term, when legal letters were issued against people who had said certain things in social media, which is what I thought my friend was going to make a reference to when he referred to letters, but he was referring to other letters. Legal letters were sent, and for the poor citizen who has to face the might of the Gibraltar Government with its almost limited resources, in relative terms compared to the poor citizen, it is a very scary thought, but he had no compunction in instructing Hassan's to issue those letters at £3,000 a shot, if I recall. I think the total amount was £30,000. I think he then desisted because he must have realised that for him it did not make any political sense to do so.

Madam Speaker, he says that the allegation that I made was heinous; I say that what he did in this House was very serious and quite frankly alarming, and for that reason it is impossible for us to support this motion. He says that these are the sorts of things that will not win you an Election. Again, those are childish points that he makes to point score, which is his want and the way he is.

All I can say, finally, is that I know that the hon. Gentleman will have the support of his colleagues – they are bound by collective responsibility – unless they think this is a matter of principle and that they can move away from that. We take a very serious view of this to the point

that I would even say that this is, sadly, should we have won the motion, a resigning offence.
(*Banging on desks*)

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Madam Speaker: Does any other hon. Member wish to speak on the motion as amended? Yes, the Hon. Sir Joe Bossano.

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Hon. Sir J J Bossano: Madam Speaker, it is obvious that they are confused. What emerges from the long speech of the hon. Member opposite is that they spend most of their time being confused and that they are still fighting the Election that took place a year ago. Of course, that has nothing to do with theoretical issue before this House, but that is really what this is all about. It is obvious that they are on a four-year Election campaign, which they think somehow will give them a better chance of being elected than if they wait for when the time comes and then fight the Election

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when the Election is due.
This is going to be a situation, I think, where the relationship cannot be ... I know that lawyers seem to be able to maintain a very warm relationship when they come out of court, and in court they seem to be at each other's throats. It is physically obvious. You go to the court – Madam Chairman, you know that – and you think they are about to kill each other, and then you go down after whoever has won, and they both go and have a pint in Jury's and you think, 'What happened?' The politics that I have come from are not like that, and therefore, if you think something of somebody, you think that of that person 24 hours a day, seven days a week, not just when you are in court fighting and it is different when you are out. Maybe there is something about the profession, which I have never had a great affection for, that makes the people in it behave in that particular manner.

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From my perspective, if this is a good deal or not, I think it is perfectly legitimate to have different views. I happen to think that most of the office rents are too high, and I do not know how good this deal is in comparison with others. I certainly think in any deal that we do we need to be conscious of the state of our finances and not do things that are likely to make them worse rather than better, and I believe that both sides of the House should want that. I think sometimes they seem to want them to be worse when we are here, in the hope that there will be better if they ever get here.

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The hon. Members need to understand that there is one thing about them as a political party that is almost unique: everything that they do when they are in Government is legitimate, and everything that anybody else does when they are in opposition, even if it is identical, is wrong. I have brought this to their attention in the past, in the naive expectation that they might not be familiar with the things that had happened before and that that might make a difference. But it is not true. It does not make a difference. It does not matter what the GSD did or said.

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We had this concern about retrospective legislation. Well, the first retrospective legislation was one year when the GSD Government raised Social Insurance contributions but did not legislate. I thought, 'I think this is illegal,' when I was the Leader of the Opposition, 'I think you are taking money from people's pay packets. When the law says the insurance is £5 you are taking £6. How can that be?' The answer I was given was, 'It does not make any difference because I have announced that it is going to be £6 and I can make retrospective legislation and backdate it.' Not being a lawyer, I did not know you could do that, but I did not assume that I was being lied to or being misled. I accepted that I was being told what was legitimate legal practice. But if something similar happens and we are on this side, the people who introduced it first now say that it should not be done. This is an example that happens again and again. The reality is that many of the things that Governments do are things where they have no choice. Therefore, the philosophical or political orientation of the Government is something that can be deployed perhaps to 30% of what you do, but there is 70% that has to be done because running a state involves having to do certain things and, whether you like it or not, those things have got to be done. All Governments do it. I think that independent of the ideology, all Governments are, in good faith, trying to do the things that they consider to be the best for Gibraltar and its people. I think the way the Members

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1830 behave in opposition leads me to think that they believe that they have the monopoly of a view, that they are the only ones who care about the welfare of Gibraltar, and that everything that we do is because we do not care. If that is what they think of us, then I think that is what we must think of them and pay them with the same coin.

1835 As far as I am concerned, I think the value of what we have had today is not about whether it was an inaccurate figure that was deliberately planted by the Chief Minister to mislead the Opposition, or one where, if they believed that the figure was different ... If that is what they genuinely believed, then perhaps the way they interpreted the answer led them to believe that, assuming that they were being honest in that formulation. It is quite obvious that if you say it was done on the last day before the election, what you are saying ... What is it that you are saying to this Parliament, and what is it that you are saying to the people outside, if anybody is still listening? 1840 What they are saying to them is, 'They were trying to give a very good deal to a friend, which would have been a very bad deal for the Government and for the taxpayers, and they did it the day before they called the Election because they were scared that they were going to lose the Election and they wanted to help their millionaire friends with a very good deal for them.' That is the political message that he is sending. That message is legitimate for them to say, and we should not be going back and saying, 'Okay, so the people who are criticising us, can they stand holier than thou because "We would not do that on the last day before calling it"? No, you just forget the last day. You do it on the day of the Election.' But of course it is you. This is the GSD. There are no rules for the GSD. There is nothing that they can do that is wrong. If the GSD does it, by definition it is right, and if the GSLP does it, by definition it is wrong. We are the rabble; we are the working class. We cannot do things like that; it is only the gentry that are allowed to do that. 1850 *(Laughter)* And so they do not bother to wait for the last day that the law allows, they just go and brush away the law. The law is not there for them, they are the law makers; we are the ones that have to obey the laws. And therefore, what do they do? They give a contract, a day before the Election, for 20 years. We could have done something about it when we came in. We could have said, 'We will retender and then if the person that won it wins it again because it is the best tender, he will have done it legitimately and legally.' But we did not do it, because we did not come in in order to cut heads; we came in in order to do things that needed doing.

1860 I think what this debate has done, better than any other so far, is make a clear dividing line about what sort of Government there would be if the Members were on this side. We are always prepared to think and give the benefit of the doubt to them, and they are always ready to put themselves as the purists that will never do anything wrong, and we, by definition, do everything wrong. I am glad that we have had this debate because we want it to be like that, and that is how it should be: two clearcut alternatives for the people of Gibraltar. *(Banging on desks)*

1865 **Madam Speaker:** Does any other hon. Member wish to speak? Yes, the Hon. Mr Clinton.

Hon. R M Clinton: Madam Speaker, I have been listening carefully for the last four hours. Madam Speaker, as I am sure the general public have been doing too, and I could never have 1870 imagined in my wildest dreams that a set of numbers would inspire so much passion in this Chamber, as I know it is usually the Father of the House and myself who are impassioned by numbers. It does demonstrate the importance of numbers, and it is important how they are represented in this Chamber.

1875 I share with the Father of the House a certain perhaps – and I use the word carefully – 'disdain' for the legal class, because the legal class have a way of doing business. I, like the Father of the House, prefer a very straight and clear position. Either it is right or it is wrong, and you stick to that principle and nothing will move you from that principle. But I have heard a lot today. The Chief Minister started talking about the erosion of trust in the political class. Who are the political class? The Chief Minister obviously believes there is such a thing as a political class, and he 1880 obviously belongs to it. I do not believe there is a political class. I believe there are representatives of the people, and that is what we are meant to be doing in this Chamber. We are not meant to

be engaging in gaslighting each other, nor are we meant to be engaging in political show trials, which is what this has descended to. We are meant to be engaging in constructive politics, I would have thought. But if a Member of this House asks an innocent question and expects an honest answer, what we cannot have is an answer that, as the Father of the House has admitted, could be interpreted in different ways. It is either black or white in my book and in his book. But what has happened, for whatever reason, is this unedifying spectacle of a show trial, and it should never have come to this.

We come here to scrutinise the Government – that is what the people want us to do; they are elected to Government, and that is fine – but when we come here to scrutinise the Government ... As the Leader of the Opposition has said, we are looking at value for money. We want to make sure that the transactions the Government does are value for money, so we ask: what is the rent, or what is the rent paid? It is obvious what kind of information we are trying to elicit. As the Father of the House has said, it was obviously misinterpreted. We are not here to play games. We are here to do the business of the House on behalf of the people of Gibraltar. The people of Gibraltar out there will not think very much of us today. If they people want political show trials, they expect that to be held in other parts of the world, but not in this House.

May I say to the Father of the House, he says it is okay for the GSD to do this and for the GSD to do that and backdating legislation, but faces change, people change. Political parties are not set in stone, otherwise nothing would ever evolve. We still have politics in the 18th century. Things need to change. When I complain about the way we do business in this House, it is because there are better ways of doing it. What is wrong with that? I am not saying that whatever was done is the way to do it. What I am saying is we can do things better. That is not to cast political judgement on either side of the House and say we are better than you or you are better than us. It is just basically common sense. Is that so difficult to understand?

We expect answers to be given in good faith – we ask questions in good faith – but what I have seen today is far from that. It is the Chief Minister's motion that accuses the Leader of the Opposition and my hon. Friend Mr Bossino of acting in bad faith and attempting to mislead the public. But how have they misled the public? The fact is yes, there was a lease given. The fact is we in the Opposition were given to understand the figures were different, and the Chief Minister made no attempt to correct the record. He now turns it round, in a great political show trial, and makes us the culprits on this side of the House. It is all our fault, the bad GSD. It is our fault, it is terrible, but he is the one doing the deal. He is the one who needs to convince the public that he is acting in their interests, not trying to hide behind words and say, 'I did' – or did not – 'say that, but too bad if you misunderstood me.' That is great if you are in court; I presume lawyers do it all the time. I would not know because if I did that as an accountant, I would have been sacked. But for them it is their stock in trade, as the Father of the House will appreciate. I like to deal in certainties. Perhaps if this debate had been had between the Father of the House and me, we would have understood each other perfectly. Maybe we should pass a law that only the Father of the House and myself are to discuss anything that has a number attached to it, but of course that would not be democratic.

When we come to the House we have to accept, and it is a principle of this place, that questions are asked in good faith and we expect answers in good faith. Otherwise, there really is no point coming to this Chamber; we would not be able to hold them to scrutiny. Perhaps that is what they want. I am sure it is not what the Father of the House wants; I think the Father of the House actually enjoys scrutiny. But that is not the impression that I have had today. We have had four hours of accusation and counteraccusation, to the extent – which I find quite perverse – of the Chief Minister suggesting almost that the Principal Auditor somehow condoned paying £38 per square foot to the World Trade Centre when I do not think the Principal Auditor had a choice. It is not an agency; it is a Government Department. Who put them in the World Trade Centre, if not the Government? To try to deploy the Principal Auditor's offices at the World Trade Centre as some kind of shield is perverse at best.

And so, Madam Speaker, I have heard *nothing* today that leads me to believe that we on this side of the House have done anything wrong, and unfortunately the way the Chief Minister has conducted this debate and in fact brought this motion is entirely regrettable and could have been avoided if he had simply answered the question.

Thank you, Madam Speaker. (*Banging on desks*)

Madam Speaker: Does any other hon. Member wish to speak? No? In that case, I will call on the mover of the original motion, as amended, to reply.

Hon. Chief Minister: Thank you, Madam Speaker, now dealing with all of the points that have been made in relation to this motion before the Hon. the Leader of the Opposition moved his first amendment and started to make other points. He started by saying that it was terrible that the motion that I was bringing targeted him. It only targeted him because they targeted me. To use the magnificent example that the Hon. the Father of the House has given, bringing all of his experience into one phrase where he said it is all about them being the gentry, being able to do what they like, and us being the working class and having to be measured by a different standard – that is exactly it, Madam Speaker. Outside of this House, they were constantly saying that I had misled the House. That was fine. Bringing the whole public opprobrium down on Fabian Picardo was absolutely fine, but do not for one moment put the name of the Hon. Keith Azopardi in a measure that you are going to bring to the ring where he can defend himself. That is terrible. That is targeting him. And then, of course, the minute that you move a motion that is against the interests of the Opposition, this is a place where we cannot do accountability because the Government always gets its way, because it has an in-built majority. Well, Madam Speaker, I have to tell the hon. Gentleman that is not a complaint that has been made by any Member on the House on this side of the House; it is something that he has said. He was, with the Father of the House and the Deputy Chief Minister, in the constitutional conference. They set up the structure of this Parliament with an in-built majority. They came back from the United Kingdom and *his* party, not the GSLP Liberals, sought a yes vote for the Constitution. We have the rules of the game that we have because he – I think the Hon. Leader of the Opposition then in the PDP – and the GSD, which he now leads, proposed that it should be supported by the public. So, if we have a system where the in-built majority means that there is not accountability, it is thanks to him, the Hon. the Leader of the Opposition. And so, with that caveat, because he knows he is going to lose the motion, despite the many attempts to get Members on this side of the House to vote with them – and they can vote, by the way, Madam Speaker, whichever way they like; I never whip them, they can vote any way they like, I have said it repeatedly – he says, ‘Now he has been caught out, he seeks to silence the Opposition.’ My goodness, I spoke for an hour, Joe Bossano spoke for 10 minutes and they spoke for three hours. So much for silencing the Opposition. The Hon. Leader of the Opposition does not think that I thought I was going to be the only one to speak in the motion. The Hon. Leader of the Opposition does not think I had not worked out that he was going to amend the motion and how he was going to amend it. There is no attempt to silence the Opposition; there is an attempt to finally clear the record of the nonsense that they have said.

I have already dealt with this question of whether it is a precedent to deal with social media issues by way of motion. It is not. In that motion, I was not just called many things by the former Chief Minister, I was called also unfit to govern in the context of a motion in respect of a social media post I had put. Since then, I have governed for 13 years. So much for the GSD’s view of how motions should be run.

The hon. Gentleman now comes to this House and says here the opposite of what they said in their press release. In their press release they had clear targets, as the Father of the House has said today: not just us but those doing business with us. He now comes here and says, ‘Our complaint is not about anyone else, it is just about the Government,’ but their press release says, on 9th December, that this was a deal that was beneficial to the Government’s friends and benefactors. So, the target was not just the Government, it was also their client, the client of their

1985 firm, the company that let to the Government, because they have said that this is a deal that makes no sense and delivers no value for money but it is beneficial to our friends and benefactors. Of course their target was not just the Government but also the party letting to us, even though we have now shown that this is the cheapest rent and it is value for money and gives us even more space per employee than is required under the UK rules – 13m² per employee rather than the
1990 4.6m² required. So, it is not that I have been caught out giving incorrect information to the House – far from it, for all of the reasons I gave in my original speech the opposite is true – but when he says that, he just confirms that it is right that this motion should go with the added part that he has now sought to mislead the House in the things that he has said.

1995 And it is not an attempt to intimidate the Opposition. The Opposition have said whatever they wanted to say – they have said the most awful things about me and the Government – so how are we intimidating them? If we were intending to intimidate the Opposition, we are not very good intimidators. I do not want them ever to be intimidated, Madam Speaker. I want them to say as much as they can, because the more they say, the more the public see that they should never leave them in charge of the affairs of this nation.

2000 The Hon. Mr Bossino, who has wanted to be the leader of this House for the past 15 years, has said he cannot follow the procedure and he finds it very difficult to understand the procedure of the House. I tell him, with the very greatest of respect, if he were ever to become Chief Minister he would find that the procedure of the House is the easiest thing he has to deal with. It is '*sota, caballo y rey*.' The hon. Gentleman intimidates *himself*. This is not a tirade of motions with the
2005 Chief Minister abusing it, as he said. I have put one motion because they have accused me of misleading Parliament, although they did not have the gumption to do it here; one motion this year. There is a technical one we will have to deal with, but one motion. We were often told by former Speakers, 'You do not do enough motions.' Madam Speaker. I probably would have turned you off motions just with the first one, but the Hon. Adolfo Canepa used to say, 'You need to do
2010 more motions. Have your debates in motions, not at Question Time.'

Then he says, because I said during the Election campaign that we were not putting 0.1% away from doing a deal, that I somehow have lost the public's trust. Well, we were 0.1% away from doing a deal. The last mile is the hardest mile, and sometimes, as I have told the House before at
2015 Question Time, your negotiating opponents pull away from positions that they have taken, and that means that you are no longer at 0.1%. What I told the people of Gibraltar was true at the time, and I will tell them the truth again every single time. When my political obituary is written, there will be not one jot of a lie ever told by me to the people of Gibraltar, ever. And when they are no longer my political opponents, I dare say they will accept that; they will agree that that is the case.

2020 Everyone in Gibraltar will have had letters from the GSLP and they are all, therefore, tired of me, and I have gerrymandered the Budget figures. Well, if that is the case, there are fewer people tired of me than there are of him – obviously, because I am still sitting here and he is still sitting there. It is that simple. But the allegation of gerrymandering the Budget figures is not an allegation against me. He has to realise what he is doing. He is making an allegation against the Senior Civil
2025 servants because they produce the Budget figures, not me. I come here to debate the Budget figures with them. I cannot imagine that he is ingratiating himself very much with Senior Civil servants when that is the sort of allegation that he is making about them.

Look at the language that he uses, which he then cowardly resiles from: 'The Chief Minister is pursuing a strategy of deny, deny, deny, to get away from the scene of the crime.' What crime?
2030 The crime of defending my people? The crime of working every hour that God sends in the job that they have asked me to do? This is just like when he said 'highwayman' and then, when challenged, said, 'No, I did not mean highwayman; I was just being figurative.' Because highwayman means steal, what are you saying that I have stolen? 'No, I do not think you have stolen anything.' Or like the time, famously, when the Hon. Mr Bossino used the word 'corruption' towards the end of the 2011-15 Parliament, and when we said, 'What corruption? Report it to the
2035 Police immediately,' he said, 'No, I did not mean corruption; I meant that things were not being

done in the right way.' (*Interjection*) Well, in the time between 2011 and 2015, yes. Always trying to use the language to bring the invective until challenged, and that is why they will be challenged by us every time. We will not let them get away with suggestions that there is any crime to deny or any crime committed. None whatsoever.

My awkward relationship with the truth is that I tell it to them. That is why they do not like it, and it makes it very awkward for them because I tell it like it is every single time, and if in the judgement of many people – which he said during the course of his speech – I am no longer somebody who can be trusted with the affairs of our country, well, the last time we tested it, there were more that trusted me than trusted him, and that was just a year ago. He was saying that before the last election and look at where the result got him. 'No more lies,' he said I shouted to the teachers. Indeed, because they were seeking a 40% pay increase, which the Government would not deliver. When I said, 'It is a 40% increase,' they said, 'It is not true.' When I demonstrated it was a 40% increase, they stopped saying it was not true and they settled for 10%. That is the reality, Madam Speaker. That is the reality, and after that we won the General Election – or two; I cannot recall when that particular strike was – and always against them. So, everything that they say that the public do not put up with from us anymore, they have to realise the public put up with from us more than from them – that is the reality – because they were saying all of these things before the last Election, and look at the result: we are here, they are there. That is the reality. I do not know that I gave the Parliament incorrect information because the opposite is true, and as I have demonstrated already, the words that they use are just about allowing them to believe, not them being able to point to something I said.

We can take a very different view on value for money, of course we can. That is absolutely fine, there is no issue with that, but that is not about misleading the House, which is where they took this debate. They did not take it to a debate about value for money, they took it to a debate about misleading the House, but let's have a look at value for money because I have told them this before. What does all this come from? This comes from another golden legacy of the GSD: the deal they did with Bassadone; the deal they did to take £4 million from Bassadone to cover the cost of reclamation of the Western Beach area, where they were going to put a whole reclamation for Bassadone. That was an excellent deal, great value for money: £4 million for Bassadone, £12.5 million to do the reclamation. Value for money? That is GSD value for money. You take £4 million from Bassadone and it costs you £12 million to do the reclamation, and then you give them a lease for at least 20 years, if not more – I think they needed 99 – and if you did not do that, Toyota was going to leave Gibraltar. That is what I inherited, a deal with Bassadone where Bassadone paid £4 million and I had to spend £12 million, and if I did not do it Toyota left Gibraltar and I lost 300 jobs. Great value for money. What did I do? I got land for zero, I sold it to them for £7.5 million, and jobs have gone up to 400. That is value for money. That is the GSLP Liberal way of doing things. That is what they are talking about. That is the nonsense that they defend.

I am very happy for them to say anything they like about 36 North and conflicts of interest because I have given my evidence to the public inquiry. I have demonstrated that the party who defeated the interest of 36 North was me. I made the decision that 36 North should not get the contract. Despite the fact that I had a small tangential interest in it which would have given me, I think, about £12 a month if they had got the contract, I made the decision they should not have the contract, and, as you have seen in the public inquiry, at a cost of many hundreds of thousands of pounds – I cannot remember whether it was £¼ million or £½ million – to the partners of Hassan's. Very proud of how I acted there. So, how can the Hon. the Leader of the Opposition pretend to do anything other than mislead the House, which is what this motion says he has done, when he says that he does not defend his clients, he comes here to defend the public, and I have a problem with 36 North? Quite the opposite, as the facts now show. The more he wants to talk about the inquiry and 36 North the better, because I am convinced that everything we did in that respect, and in respect of which I have given evidence already, was rightly and properly done.

He said that the information I provided and that they used was inaccurate. Well, because they did not look at the question that I had answered and they went off thinking it was the other

question that had been answered. *Hansard* now shows that. They say they have a transcript. And then he says, 'I only referred you to a part of the transcript.' Really? Do they think they can persuade anyone in this room, even if affiliated to them, of that for one moment when I have actually circulated the whole of the transcript to them – not the bit that I was referring to, the whole of the transcript – and they cannot point, in the whole of the transcript, to anything that makes their case? I know that the ... Hon. Mr Bossino – I was going to call him 'the Hon. the', but he is not anything other than the Hon. Mr Bossino, as he has always been – gets the giggles when he is in trouble. I know that, Madam Speaker; I have known him since we were 12 years old. And there it is, evidence of the fact that he cannot point to anything in the transcript that says that I told them what the rent was. I did not. 'He has led me to believe ...' 'He did not dissuade me ...' etc: evidence that they were not at all misled. The question I answered was the question that the Leader of the Opposition actually finally set out in his what he called Q1, how much did you pay to date; not Q2, what is the rent, because that is not a proper question and it is public, as the Hon. the Father of the House has said.

And then, 'We were led up the garden path.' Well, they lead themselves up the garden path all the time. Then the Hon. the Leader of the Opposition, in his address, got himself into the mightiest confusion – which I am not going to jump down the rabbit hole of, but I am just going to highlight – of the £6 per square metre versus the £28 per square foot. I am not going to pursue that, Madam Speaker. I just want to point out that he was tying himself in knots there and he does not need to go there. When he says that he comes to this House believing the Chief Minister is going to answer credibly and give credible information, he should not disabuse himself of that, because this debate shows exactly that: that we gave credible, proper and full information to the questions we were answering, and they have not been able to prove the opposite, far from it. They can make the judgement that it is not value for money and we can make the judgement that it is value for money, but if anybody misled anybody here they misled themselves all on their own.

I was very grateful for the Hon. the Leader of the Opposition confirming, as he did in the course of his address, that he cropped the image. He says he did it innocently but he confessed that he cropped the image, and that is, frankly, because I do not believe he did it innocently at all, a new low in our politics. That a Senior politician in our community should tamper with a document before putting it out publicly and then accept that he cropped that document is a new low, and frankly it will mean that probably he will be double checked by any journalist that he is involved in discussing anything with in the future. He talked about the piercing laser, and I think that it is actually the piercing laser that matters the most, the piercing laser of truth. It is that piercing laser of truth that they cannot point to any part of the transcript which makes out the allegations they were making in their original press releases and is the laser of truth that has hoisted their petard and has led to him being, I think, in the history of our Parliament, one of the few, if only ever, people to have been found to mislead, if the House passes the motion.

The Hon. Mr Bossino started with a reflection of his ability, which I think is absolutely appropriate: 'I cannot deal with the procedure of this House.' He is absolutely right: I do not think he can, and that speaks volumes and perhaps it is a demonstration of why those who work with him so intimately in the GSD never elected him as their leader, despite him repeatedly trying. It is a demonstration that when he talks about scattergun approaches that miss the target, he is actually talking more about himself because these press releases were in his name in great measure. It was the Leader of the Opposition putting them on social media but it was him that was the named quotee in these press releases. I imagine most journalists now will check twice whenever he issues a statement in the future.

He said I have not changed from my Bayside days, and I am very grateful, Madam Speaker – there could be no greater compliment. I had put on a lot of weight at one stage, but I am now the same waist size I was when I was at Bayside. It has been very difficult, so I will take that as a backhanded compliment from him. But unfortunately for him there is one thing that has not changed from our time at Bayside: I keep winning the debates, he keeps losing them. That is not something that is going to change any more in the future, because we are not going to have

another General Election campaign when he and I are going to be opponents, because I am going. He might not, but I am, and I have won all the ones that I have had against him. What can you do?

I noted that during the time when Mr Bossino was talking, the Leader of the Opposition was taking the opportunity to tweet from the Parliament and tweet his amendment about how I was misleading – I doubt he has tweeted my amendment and I doubt he has tweeted that his amendment was defeated, but my eye was taken to the fact that there was a big thumbs up from one Daniella Tilbury and a couple of others, three when I checked. Interesting, because that is exactly the point I was making in the beginning about people who pretend to be better guardians of the public purse but who actually have spent £100,000 of our money on a couple of phone calls. That is what they represent. That is exactly what they represent.

I did think that my old school chum pushed the envelope a little when he described me as a snake. I suppose if I had done so, it would have been called inelegant, ungentlemanly, bringing the House into disrepute, etc. And then he said that my skull would be crushed. Well, so be it. He knows, like I know, that it is important to make sure that you have not scorched the snake but killed it. He might remember which play that is from. They have neither scorched me nor killed me, and I will continue to discharge the functions of the office of Chief Minister for as long as the people of Gibraltar want me to, and he has not been able to remove me from it, however many attempts he may have made.

The Hon. Minister Bossino repeated the same argument so many times that if I had to reply to him as many times as he put it, then I would be here all night. He was very disrespectful, I thought, again, to interviewers when he said that I confuse them. I think it is very disrespectful to journalists to say that they can be confused simply because I give an answer which is complex about a complex issue. I find that most journalists are able to continue the train of thought and ask me meaningful questions. I am surprised he does not and that he has been quite so disrespectful, in particular to the journalists of our national broadcaster. I do not think that was necessary. I should be his target, not the journalists who interview me.

He then said that it was clear to him, and *Hansard* will show this, that the Leader of the Opposition was getting the wrong end of the stick, which I think is disrespectful to the Leader of the Opposition. In doing that analysis, he accepted that the question did not ask about rent, but about rent paid to date. And then I almost felt like getting up in a *My Fair Lady* sort of way and shouting, 'By Jove, he's got it!' because finally, four and a half hours into the debate he had worked out that I had never given the rent, I had given the rent to date including the rent-free period, which I had told them about.

Then he confirmed that he was out of this House the other day making money for himself. When we are not here – of course, we sometimes cannot be here – we are away on Government business, but when hon. Members are not here because they are pursuing their profession, they are pursuing other money-making avenues other than the amounts that they are paid as Members of this House. I thank the Hon. Mr Bossino for telling us that. I called the House for a particular day; he was not here because he was working, which is fine, making money for himself instead of representing the people of Gibraltar he has been elected to represent and is paid to represent. That is the reality. He said that it was despicable that I should continue with my practices of telling the truth. Well, I am going to continue to tell the truth. I am going to tell the truth about them as often as I can, and he should not be surprised about that.

He then told us a little bit about his emotions. He said he was surprised that he was surprised. I do not think we have enough time to go into his emotions this evening, Madam Speaker, so with your permission I am going to not answer that point directly before we move to vote on the motion.

As he was coming to the end of his address, he then talked about the fact that I spoke, at some stage in the transcript, according to him, in a word salad. This is a new, modern phrase which is used to describe complex answers given to questions as unintelligible in some way and it is something which the American right is given to saying of the American centre left. I think I know exactly who is the person who wrote to him saying that; he is not known to be a fan of mine, so I

am not surprised. I will continue not speaking in Waldorf's or in Caesar's but telling the truth clearly, succinctly and as best I can, although never as succinctly and clearly as the Father of the House, who put it all in words of one syllable to hon. Members opposite. If he does not understand the eradication of the housing waiting list goes to move into just what should be the housing waiting list for one term, I would ask him to reflect on what they told us full employment was, because for them – and it is in *Hansard* – full employment, which to most people, by the barometer he now applies to the housing list, would be zero, was 300 to 500 people unemployed. Say that to the 500 people unemployed. This is nonsensical. It is particularly nonsensical when being used against us.

Then the hon. Gentleman went on about this business of the date of things being done before a General Election. I have just one more document that I have not treated the House to, and it is this document. This is a letter dated 28th November 2011. This is just two weeks before the General Election. This letter purports to rescind the application of a section of the contract for the Airport. It is dated 28th November 2011, which is three weeks after the General Election had been called, or two weeks after the General Election had been called, almost two weeks before the General Election was held. I am told that despite the date on this letter, it was actually signed on the date of the Election – not the day before, but on the date of the Election. It makes sense because the clause it is purporting to rescind is a clause in the contract, which I gave hon. Members before, which was signed on 7th December. You cannot, on 28th November 2011, rescind a clause in a contract that is signed on 7th December 2011. So, I give credence to what I have been told, that this letter was actually signed on 8th December 2011. And we get criticised for signing a day before the Election.

Madam Speaker, I make no apology for taking legal action against individual citizens if they make remarks which are completely defamatory and libellous of me or of the Government, because the law of libel is there to defend reputations, and in some instances the law of libel is the only thing you have left. I make no apology for having used it in the past, and I will use it again in the future if I have to, because my reputation matters to me, and it should matter to the hon. Gentlemen too. If their reputations do not matter to them, that is an even better reason why they should never be in charge of Gibraltar and *its* reputation.

The Hon. Mr Clinton said that there is no such thing as a political class, and he does not see himself as a member of the political class. Well, I am sorry to break it to him: whether he sees himself as a member of the political class or not, the rest of the public see us as the political class. They see him in particular as a member of a particularly boring political class, but the political class, nonetheless. Most of what Mr Clinton said was a speech about how much he likes numbers. I do not think we needed to hear it from him; we had worked it out for ourselves. There is no problem with liking numbers, that does not mean that he has to disrespect those of us who come here to explain with words the things that we are dealing with. That does not mean that we are gaslighting each other by bringing a motion here to have the debate and do it in the ring. If what is happening is that we are being gaslit outside and our reputations are being torn to shreds outside, the right thing to do is to come here and have the argument here – not to have a political show trial, far from it; to have a political showdown between each other, to put our arguments. If you are not interested in that, you are not interested in Parliament. Buy yourself an abacus and sit at home with the Estimates Book. This is a place for debate, to have the exchange. Whenever hon. Members want to make a political point and they are not allowed to do so, they say, 'But this is a Parliament. We want to make the political point.' The political points cut both ways, not just from them to us, and if that becomes unedifying because we use here the language that they have used outside, they should think about the language that they use outside. But I agree with him, there must be better ways of doing things, many better ways of doing things, indeed, realising, as he said, that when you are given something to understand, you cannot point to being told that particular thing. Rightly he says to me, 'He' – the Hon. the Chief Minister – 'did the deal. He has to persuade the public that it is a good deal.' I think I have. I have demonstrated to the public, to him and to every Member of this House, that in the premises at 80a Queensway we are paying half

2245 what the Principal Auditor pays per public servant. That is not a bad deal, if you ask me. I did not hear what he said from a sedentary position. I do not think it was particularly edifying language. I think he will want to keep it to himself.

Madam Speaker, for all of those reasons I commend the motion, as amended, to the House, recording that the Leader of the Opposition has misled the House. *(Banging on desks)*

2250

Madam Speaker: I now put the question in the terms of the motion proposed by the Hon. the Chief Minister, as amended. Those in favour? **(Several Members: Aye.)** Those against? **(Several Members: No.)** Carried.

2255

Hon. Chief Minister: Madam Speaker, what an excellent result.

I call that the House should now recess until ten to eight, when we shall continue with questions.

Madam Speaker: We will recess until ten to eight.

*The House recessed at 7.40 p.m.
and resumed its sitting at 7.50 p.m.*

Standing Order 7(1) suspended to proceed with laying of report

2260

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

Chief Minister (Hon. F R Picardo): Madam Speaker, I beg to move under Standing Order 7(3) to suspend Standing Order 7(1) in order to proceed with the laying of a report on the table.

2265

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

PAPERS TO BE LAID

Clerk: (vi) Papers to be laid – the Hon. the Chief Minister.

Hon. Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to lay on the table the Annual Report of the Gibraltar Police Authority 2023-24.

2270

Madam Speaker: Ordered to lie.

2275

Questions for Oral Answer

CHIEF MINISTER

Q1098-99/2024

Leisure Areas (Licensing) Act –

Complaints received and noise abatement notices issued

2280 **Clerk:** Chief Minister's questions.

Clerk: Question 1098. The Hon. G Origo.

2285 **Hon. G Origo:** Madam Speaker, how many noise complaints have been reported, broken down by area and by month, in 2023 and 2024 to date in respect of licensed premises under the Leisure Areas (Licensing) Act?

Clerk: Answer, the Hon. the Chief Minister.

2290 **Hon. Chief Minister:** Madam Speaker, I will answer with Question 1099.

Clerk: Question 1099. The Hon. G Origo.

2295 **Hon. G Origo:** How many abatement notices have been issued under section 7 of the Leisure Areas (Licensing) Act, broken down in the following years: 2021, 2022, 2023 and to date in 2024?

Clerk: Answer, the Hon. the Chief Minister.

2300 **Hon. Chief Minister:** Madam Speaker, I now hand over a schedule with the information requested.

In respect of Question 1099, no abatement notices have been issued under section 7 of the Leisure Areas (Licensing) Act.

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2310

2315

2320

Answer to Question 1098/2024

Month/Year	Casemates Square	Queensway Quay	Marina Bay	Kings Bastion	Eastern Beach	Ocean Village	Tradewinds
Jan-23	0	0	1	0	0	0	0
Feb-23	0	0	0	0	0	1	1
Mar-23	0	0	0	0	0	0	5
Apr-23	2	0	0	0	0	1	3
May-23	1	0	0	0	0	2	0
Jun-23	1	0	0	0	0	3	1
Jul-23	0	0	0	2	0	5	4
Aug-23	0	0	0	0	0	1	8
Sep-23	4	0	1	0	0	2	4
Oct-23	0	0	0	0	0	0	1
Nov-23	0	0	0	0	0	0	4
Dec-23	1	1	1	1	0	3	1
Jan-24	2	0	0	0	0	4	4
Feb-24	0	0	0	0	0	3	1
Mar-24	1	0	0	1	0	1	1
Apr-24	3	0	0	0	0	4	4
May-24	6	0	0	0	1	0	2
Jun-24	1	0	0	0	1	3	2
Jul-24	2	0	0	0	0	4	2
Aug-24	0	0	0	0	1	3	0
Sep-24	1	0	0	0	0	3	2
Oct-24	3	0	1	0	1	0	1
Nov-24	0	0	0	0	0	4	3
up to 16/12/24	0	0	0	0	0	0	1

Madam Speaker: We will move on to the next question and I will allow supplementaries once the hon. Member has viewed the schedule.

Q1100-01/2024

Crown Counsel –

Number employed by Government; remote working

Clerk: Question 1100. The Hon. J Ladislaus.

2325 **Hon. J Ladislaus:** Madam Speaker, how many Crown Counsel does the Government employ, broken down by Departments?

Clerk: Answer, the Hon. the Chief Minister.

2330 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I will answer with Question 1101.

Clerk: Question 1101. The Hon. J Ladislaus.

2335 **Hon. J Ladislaus:** Are Crown Counsel provided with the resources and the permission to work remotely? If they are not given permission to do so, is in line with policy pertaining to other Government Departments?

Clerk: Answer, the Hon. the Chief Minister.

2340 **Hon. Chief Minister:** Madam Speaker, the Ministry of Justice, Trade and Industry employs one Crown Counsel, the Advisory and Parliamentary Counsel Offices employ 11 Crown Counsel and the Office of Criminal Prosecution and Litigation employs 12 Crown Counsel.

2345 I am advised that Crown Counsel have the resources to work remotely should the need arise during standard working hours or otherwise. Permission to work remotely during standard working hours is dealt with on a case-by-case basis.

Madam Speaker: Next question.

Q1102/2024

**Principal Auditor's Report on Public Accounts of Gibraltar for year ended 31st March 2019 –
Anticipated date for tabling**

Clerk: Question 1102. The Hon. R M Clinton.

2350 **Hon. R M Clinton:** Madam Speaker, can the Government advise as to when the Principal Auditor expects to table his report on the Government accounts for the year ended 31st March 2019?

2355 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, the Principal Auditor has informed the Government that work on the audit of the Public Accounts of Gibraltar for the financial year 2018-19 is ongoing.

2360 **Hon. R M Clinton:** Madam Speaker, I am grateful to the Chief Minister for his answer but we were given to understand, I think, the last time we raised the topic, that it should be available by the end of the year – i.e., I would have assumed, in December. Has the Principal Auditor given any indication as to when he might think he would be able to complete his work?

2365 **Hon. Chief Minister:** No, Madam Speaker.

Madam Speaker: Next question.

Q1103/2024

**Minimum Income Guarantee –
Policy re increases**

Clerk: Question 1103. The Hon. R M Clinton.

2370 **Hon. R M Clinton:** Can the Government advise its policy in respect of increases to the level of the Minimum Income Guarantee?

Clerk: Answer, the Hon. the Chief Minister.

2375 **Chief Minister (Hon. F R Picardo):** Madam Speaker, the Minimum Income Guarantee is a non-statutory benefit. Rates were last increased in October 2015. It is important, however, to remind the House that the yearly old age pension increases are disregarded for the purposes of assessing the MIG payments.

2380 **Hon. R M Clinton:** I am grateful, Madam Speaker, for the Chief Minister's answer, but given
the very nature of the Minimum Income Guarantee – and I stand to be corrected but I think it is
at the level of about £6,500 pounds; if I have the number wrong, I would be grateful if the Chief
Minister would correct me – and given that this is targeting those who have the greatest need, is
2385 there any scope for some kind of review, at least on an annual basis, of the level of the income
guarantee?

Hon. Chief Minister: Madam Speaker, we do look at it every year and will continue to do so.

2390 **Hon. R M Clinton:** Madam Speaker, given that the Chief Minister has indicated that ... It would
appear that the last review was in October 2015, which is a considerable time ago – I cannot do
maths at this time of the night, but a good eight years ago – and it might be time to do that. I have
had representations from people in receipt of this amount who would be grateful if the
Government would give it some consideration, and I would ask the Chief Minister at least to give
it some consideration in the future.

2395 **Hon. Chief Minister:** I refer the hon. Gentleman to the answer I gave a few moments ago.

Madam Speaker: Next question.

Q1104/2024
Import Duty –
Amount collected in November 2024

2400 **Clerk:** Question 1104. The Hon. R M Clinton.

Hon. R M Clinton: Madam Speaker, can the Government advise the amount of Import Duty
collected in November 2024?

2405 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, the amount of Import Duty collected for
November 2024 is £9,897,566.57.

2410 **Madam Speaker:** Next question.

Q1105-07/2024
Consolidated Fund expenditure –
Source of overspend in Health and Care, Government Law Offices and
Information Technology and Logistics Departments

Clerk: Question 1105. The Hon. R M Clinton.

2415 **Hon. R M Clinton:** Madam Speaker, further to the answer to Question W159/2024, can the
Government advise the main source of the £16.6 million, i.e. 16%, overspend, calculated on a pro
rata basis, in respect of the budget for Health and Care as at 30th September 2024?

Clerk: Answer, the Hon. the Chief Minister.

2420 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I will answer with Questions 1106 and 1107.

Clerk: Question 1106. The Hon. R M Clinton.

2425 **Hon. R M Clinton:** Further to the answer to question W159/2024, can the Government advise the main source of the £1.9 million, or 61%, overspend, calculated on a pro rata basis, in respect of the budget for the Government Law Offices as at 30th September 2024?

Clerk: Question 1107. The Hon. R M Clinton.

2430 **Hon. R M Clinton:** Further to the answer to question W159/2024, can the Government advise the main source of the £2 million, or 47%, overspend, calculated on a pro rata basis, in respect of the budget for the Information Technology and Logistics Department as at 30th September 2024?

2435 **Clerk:** Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Madam Speaker, the Government does not agree with the Hon. Mr Clinton's view that any overspend can be calculated on a pro rata basis. The reasons for this are clear and obvious.

2440 The Government will explain the reasons for any overspend, if it is an overspend, by the end of the year, during the course of the Budget debate, after the financial year has been closed.

Madam Speaker: Next question.

Q1108/2024

Gibraltar Savings Bank Act – Financial Secretary's compliance with section 13A(2) re debentures

Clerk: Question 1108,. The Hon. R M Clinton.

2445 **Hon. R M Clinton:** Madam Speaker, can the Government advise if the Financial Secretary is satisfied or has taken legal advice as to his compliance with section 13A(2) of the Gibraltar Savings Bank Act as to matching the maturity of deposits against investments in respect of the purchase of 20-year GSBA debentures, maturing 2044, when the maximum maturity date of Savings Bank debentures in issue as at 30th September 2024 is 2034, being a gap of 10 years?

Clerk: Answer, the Hon. the Chief Minister.

2455 **Chief Minister (Hon. F R Picardo):** Madam Speaker, the Financial Secretary has confirmed he is satisfied with the purchase of the 20-year GSBA debentures and his compliance with section 13A(2) of the Gibraltar Savings Bank Act.

Madam Speaker: Next question.

Q1109/2024

**NatWest International credit facility –
Negotiation to renew**

Clerk: Question 1109. The Hon. R M Clinton.

2460

Hon. R M Clinton: Madam Speaker, can the Government advise if NatWest International has indicated whether it is willing to renew the £75 million credit facility agreement that is due to terminate on 31st March 2025, or will this be rolled into the existing £500 million guarantee facility?

2465

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, these negotiations are commercially sensitive. It is, therefore, not in the public interest to disclose details across the floor of the House. I have no reason to be concerned that the conclusion of the negotiations will be anything other than successful.

2470

Hon. R M Clinton: Yes, Madam Speaker, any loan agreement is bound to be commercially sensitive in terms of negotiating terms, but I am not asking about the terms. I am just asking is NatWest willing to renew the £75 million credit facility that is due basically in three months' time, or is it going to be rolled into their existing facility agreement? It is a very simple question; there is nothing commercially sensitive about that.

2475

Hon. Chief Minister: I have told the hon. Gentleman that I do not expect that this will be anything other than successful, but he told me some years ago that I should not give details of any agreement that we are doing until the ink is dry on the paper, so I am following the advice that he gave me and not giving information until the ink is dry on the paper, whilst at the same time sending a signal of confidence to the market that we very much believe that this is very much on track – but I am not going to say any more.

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Madam Speaker: Next question.

Q1110/2024

**Development Fund revenue and expenditure –
Analysis of improvements**

Clerk: Question 1110. The Hon. R M Clinton.

Hon. R M Clinton: Madam Speaker, can the Government provide a detailed analysis of the improvements and Development Fund revenue and expenditure for the six months ended 30th September 2024 as per the presentation in the published Estimates of Revenue and Expenditure for 2024-25 at page 162?

2490

Clerk: Answer, the Hon. the Chief Minister.

2495

Chief Minister (Hon. F R Picardo): Madam Speaker, no. A detailed analysis is more appropriate after the year has closed.

2500 **Hon. R M Clinton:** Madam Speaker, may I ask the Chief Minister why the Government is happy to provide a six-month position for the Consolidated Fund but not for the Improvement and Development Fund?

2505 **Hon. Chief Minister:** For a simple reason, Madam Speaker: we do not want to have a debate with the hon. Gentleman twice a year on the Budget. We will have it when we have the Budget debate. We will give him the figures for the I&D then. We are not talking about recurrent expenditure, which is what we give him. We give him the six-month figure on recurrent expenditure. Projects are different. Projects are not as linear as recurrent expenditure, even though recurrent expenditure itself is not linear, it is not the same every month, and that is why we do not give more detailed analysis as he has asked, but with projects it can be completely different.

2515 **Hon. R M Clinton:** I am not asking the Chief Minister for a debate; I am just asking him for the information. I would ask him again: is the information not available to the Government to make available to us in the Opposition? I am asking for information; I am not asking for a debate, Madam Speaker.

Hon. Chief Minister: Madam Speaker, I have given the answer that I have given and I refer him to it.

2520 **Madam Speaker:** Next question.

Q1111-14/2024

80a Queensway –

**Nature of works; Financial Secretary's involvement in negotiations;
Government offices relocating; cost of refurbishment**

Clerk: Question 1111. The Hon. D J Bossino.

2525 **Hon. D J Bossino:** What is the nature of the works which are being or will be carried out at 80a Queensway?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I will answer with Questions 1112 to 1114.

2530 **Clerk:** Question 1112. The Hon. D J Bossino.

2535 **Hon. D J Bossino:** Did the Financial Secretary at the time play a part in the negotiation which led to the lease arrangements entered into by the Government with Bassadone in respect of 80a Queensway?

Clerk: Question 1113. The Hon. D J Bossino.

2540 **Hon. D J Bossino:** Please provide the addresses of the Government Offices, together with the surface area in square metres, which are moving to 80a Queensway.

Clerk: Question 1114. The Hon. D J Bossino.

Hon. D J Bossino: What is the cost to the Government of refurbishing the Bassadone office at 80a Queensway in order to allow for the relocation of the Government Departments there?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Madam Speaker, the works to be undertaken at 80a Queensway will provide the most modern, fit-for-purpose office accommodation available to public servants. The works will generally comprise the construction of main entrance cores with lifts and stairs, emergency escape stairs, kitchen and toilet facilities, raised access floors, services installations inclusive of air conditioning, and the formation of new offices for each Department. Works have already been carried out to install lifts, complete the lift lobbies, construct main blockwork separation walls, construct toilet cores and install roof lights. Madam Speaker.

In answer to Question 112, I negotiated the lease terms in respect of rent, area and contribution by Bassadone. The former Financial Secretary and his team were charged with implementing the agreement I had negotiated, including liaising with Triay Stagnetto Neish, Bassadone's solicitors, although I do not know at the time of drafting this answer which lawyers at TSN acted for Bassadone or who was involved at that firm, because for all I know it could have been the questioner himself or his partner, the Hon. the Leader of the Opposition.

The addresses and surface areas in square metres of the Government offices moving to 80a Queensway are as follows.

The Technical Services Department at Joshua Hassan House and at Unit 87, New Harbours. At the first they have 589m² and at the second 98 m² of internal space. They have 687m² in total of internal area and no external area.

The ITLD at 16 Library Street, which has 395m² of internal space and 88 m² of external space.

The Department of Education at 23 Queensway, which has 720m² of internal area and 512m² of external area.

The Care Agency at 16 Governor's Parade and Europort Suite 733, which has, in the first, 680m² of internal area and 273m² of internal area in the second, making a total internal area of 953m² and no external area.

The Treasury at Units 71 and 72 New Harbours, at Blake House 19C Town Range and at two offices from the Gibraltar Savings Bank. It has 295m² of internal area at the first, 233m² of internal area at the second and 28m² of internal area at the third and has a total of 556m² of internal area and no external area.

Madam Speaker, at the present time it is not possible to provide the information sought in Question 1114 as the fitting-out contractor has not yet been finally appointed pending the completion of the pricing assessment process for the remaining works.

Hon. D J Bossino: If I may, in relation to the last answer, to Question 1114, when the Hon. the Chief Minister replied to the very astute and clever question posed by the GBC interviewer at the interview that he gave on 10th December ... She said, 'If we stay with Mr Bossino's method of calculation using the £10 million value, but there is no mention at all of the cost of fitting out the premises, for example, do you have a figure for that?' The Hon. Chief Minister replied, 'Well, I do have a figure for that,' and he then says, 'to which, as you know, Bassadone have contributed.' Is he able to provide that figure across the floor of the House?

Hon. Chief Minister: Madam Speaker, I have just told him I cannot because we have not awarded it. If I give him that figure before we award it, it puts us in a very difficult commercial situation because we are pursuing a tender award of this.

Hon. D J Bossino: I see, but given the answer that the Hon. Chief Minister gave to GBC, which is, 'Well, I do have a figure for that,' what did he mean if the Hon. the Chief Minister is now being somewhat coy in terms of responding to the question that I posed?

2595 **Hon. Chief Minister:** I am not being coy, Madam Speaker. I have a figure but I cannot give it until it is contractually fixed. If I have to negotiate with somebody else, I do not want that figure to be out there, because potentially, if I have to re-enter negotiations or restart negotiations, I might be able to get it for less. Indeed, we are still trying to square down, but I have what I am told it should cost.

2600

Hon. D J Bossino: Was that information available to him when the Hon. the Chief Minister said that *he* negotiated the rent and the area, which then led to clause 1 of the lease stating that 'in consideration of the underlessee's costs of fitting out the premises which the underlessee has agreed to pay ...', and it goes on, and that is what resulted in the rent-free period of whatever months it was? Did he have a figure then which led to that aspect of the negotiation leading to that conclusion?

Hon. Chief Minister: Yes, ma'am.

2610 **Madam Speaker:** One last supplementary on this.

Hon. Dr K Azopardi: To be clear, the Chief Minister is saying that in relation to the fitting out, they have not awarded the tender, so are not in a position to give us a figure there. But what are the costs to date of works carried out? That would be distinct, I imagine, given that he indicated last time that they have been paying rent for 18 months. In the meantime, they presumably have been doing some works, so what are the costs to date?

Hon. Chief Minister: As I understand there have been no costs to the Government to date.

2620 **Hon. D J Bossino:** There is a further question which I think arises from the position as set out by the Government – presumably the draughtsman was the Chief Minister himself, given that he was so intricately involved in the negotiations – where in point 4 of Press Release 807/2024 he said that part of his brilliant deal with this particular company was that it, i.e. the company, would contribute £1.5 million to the fitout costs of the new facilities, i.e. those facilities which are being provided at 80a Queensway. Can we, from that, by way of hazarding a guess, suggest to him that it is in excess of £1.5 million? Can he confirm that?

Hon. Chief Minister: Madam Speaker, I am not here to in any way address the accuracy of the hon. Gentleman's guesses, to tell you the truth.

2630

Madam Speaker: Next question.

Hon. D J Bossino: And is –?

2635 **Madam Speaker:** We have had five supplementaries on this one. Next question.

Hon. D J Bossino: Question 114, yes. In relation to Question 113 –

Madam Speaker: Sorry, I did not mean next question. I meant supplementaries on the next question. Move on from Question 114.

2645 **Hon. D J Bossino:** I am grateful. In relation to Question 113/2024, which asks about the addresses – and the Hon. the Chief Minister has provided a full response which it has been very difficult to take a note of, but one will analyse it later on through *Hansard* or when we get the answers by email later on from the good staff of the Parliament – is he able to say whether the addresses which he has provided across the floor of the House are what is going to be producing

the capital value figure of £8.6 million, thereabouts, or the higher figure, which the Hon. the Chief Minister alluded to when he first answered questions in the House, of £10.2 million?

2650 **Hon. Chief Minister:** I understand they are, Madam Speaker.

Hon. D J Bossino: 'I understand they are,' was the response. They are likely to produce a capital value of £8.6 million or the higher figure of £10.2 million? The Hon. the Chief Minister referred, during the course of answering supplementaries at that session, that there was another – I think
2655 it was in those terms – possible building which would then increase the figure to £10.2 million.

Hon. Chief Minister: Yes, Madam Speaker, these are the Departments. One of them has another building which could potentially be included in the valuation.

2660 **Hon. D J Bossino:** Oh, I see, okay, but can he please simply state whether the addresses that he has given are what are going to be producing the eight point-whatever-it-is million figure, as opposed to the £10.2 million figure? And if it is not, is he able to provide across the floor of the House which further address is likely to produce the higher figure?

2665 **Hon. Chief Minister:** Madam Speaker, I think that question is contradictory. These are the ones that will produce the eight point-whatever million figure.

Hon. D J Bossino: So, which address is likely to provide to the taxpayer a capital value of £10.2 million? In other words, it is going to be increasing from eight point-whatever million
2670 pounds. Which address or addresses are going to increase the figure? Is he able to provide that answer across the floor of the House?

Hon. Chief Minister: All of these are estimates, Madam Speaker. I think all of these would produce even more than £8 million, as I said in the answer that the hon. Gentleman has been
2675 referring to during the course of the debate on the motion. There is another address, which is not listed here, which is potentially also available. The Government is considering how to deal with that address. We have made an announcement that it may not be subject to a tender because we have not been satisfied with the tender amount and we are now looking at using it for another purpose, which has been announced.

2680 **Hon. D J Bossino:** Which address is it?

Hon. Chief Minister: Madam Speaker, I would have thought the hon. Gentleman would have been able to work it out: it is Johnstone's Passage.

2685 **Madam Speaker:** Any supplementaries on the others?

Hon. D J Bossino: In relation to Question 1112, where the Hon. the Chief Minister says that he himself personally negotiated the arrangements with this company and the question alluded to
2690 the former Financial Secretary, does the Hon. the Chief Minister have any comment to make with the information that is publicly available, and therefore I refer to it, that this individual, the former Financial Secretary, has also declared an interest by way of holding a directorship role in one of the Bassadone companies, specifically GAC Bassadone Holding Ltd, as a result of his membership of the Financial Services Commission?

2695 **Hon. Chief Minister:** I am sorry, Madam Speaker, I did not get the first part of the question. What is it that he is asking me to comment on?

2700 **Hon. D J Bossino:** The fact that the Financial Secretary, although he says did not fully participate in the negotiations but did have dealings, I think he said, with TSN in relation to presumably putting down or reducing to writing the negotiated terms, is now currently, according to his own declaration to the Financial Services Commission, a director of one of the group companies of Bassadone.

2705 **Hon. Chief Minister:** Yes, Madam Speaker, I have a comment to make, of course: their gain is our loss.

Madam Speaker: Any supplementaries on Question 1111?

2710 **Hon. D J Bossino:** On Question 1111, the Hon. the Chief Minister gave a reply which set out the detail of the nature of the works, for which I am indeed grateful. Is he able to state whether the square meterage which the Hon. the Chief Minister referred us to back at the infamous session of 28th November, 3,000m² ... whether the entirety of the surface area is going to be used?

2715 **Hon. Chief Minister:** Madam Speaker, given the propensity of hon. Members to suggest that one has misled the House when one has not, which we have just been dealing with during the course of today, I do not identify that that is a question that arises from the question that I am being directed to, which is Question 1111. I do not have the information here in a way that is readily accessible, and therefore I would ask that the hon. Gentleman put a question in that
2720 respect so I can give him the full answer.

Hon. D J Bossino: Madam Speaker, what can I do? If that is the answer, that is the answer and I will pose a further question. With the greatest of respect to him and to the House, I think it does very much arise from the question, but one can place a further question.

Q1098/2024
Leisure Areas (Licensing) Act –
Complaints received –
Supplementary questions

2725 **Madam Speaker:** Before we move on, I am going to come back to the Hon. G Origo: do you have any supplementaries on Question 1099?

Hon. G Origo: Not on Question 1099 but on the schedule to Question 1098. I am grateful, Madam Speaker.

2730 May I ask the Hon. Chief Minister – thanking him, firstly, for the schedule provided – if he can confirm how the data given to me in the table has been obtained? To my surprise, the number of complaints I see listed in the schedule is quite low, so what I wanted to know is who were these complaints reported to, and is the Hon. the Chief Minister satisfied with the accuracy of the data that is being provided?

2735 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I am always satisfied with the data that is provided because it is provided by the people who prepare answers to questions in Parliament, and quite unlike others, I do not, as the Hon. Mr Bossino suggested to me during the course of the debate a few moments ago, blame officials when things go wrong. I think the officials actually do
2740 a very good job indeed of preparing the information that I am provided with. I started with the now Clerk preparing me for meetings of the House. I have never had reason to believe that officials have failed to give me information in a manner that is accurate and that is in keeping with the

question that has been asked. If the hon. Gentleman asks about noise complaints, then whatever we have registered as noise complaints is what he has received.

2745 The fact is that people do complain a lot, over lunch and over dinner, and even when you are at the boxing, people might be sitting alongside you complaining about noise and all the rest of it, but that might not sometimes materialise into complaints that are turned into complaints to the authorities, and so the numbers might be lower than one might expect.

2750 **Hon. G Origo:** Madam Speaker, if I may, I do not think the Hon. Chief Minister has told me where these complaints are reported to, so I put it to him whether it is still the case that these noise complaints are reported to the RGP and is this the data compiled by complaints put through official channels there; or is it still the case that the Environmental Agency operates the noise pollution hotline, and are these complaints lodged via that hotline? Could the Hon. Chief Minister
2755 please clarify whether he has managed to capture all that data, whether this is inclusive of complaints to the RGP officially and also of that to the agency?

Hon. Chief Minister: Madam Speaker, I cannot give that level of information. I can find out, if the hon. Gentleman asks me the question next time, whether this data is from one or the other.
2760 The hon. Gentleman's question is about leisure area licensing; I think that is a different area altogether. Therefore, because he has asked in particular about the Leisure Areas (Licensing) Act in both of his questions, I assume it has been produced in the context of that Act and whoever takes complaints in respect of that Act.

2765 **Hon. G Origo:** I am grateful, Madam Speaker. I asked in the context of the leisure licensed areas, and my understanding is that the Environmental Agency is responsible for ensuring compliance and regulating these licensed areas.

The premise of my question on reliability comes due to the low numbers that I can see on the schedule provided, so can I put it to the Hon. Chief Minister whether there may be issues of under-reporting? For example, my understanding is that the hotline in the Environmental Agency takes
2770 calls, but then the next part of the complaint requires these agents to come to your house and take decibel meter readings. If someone complains and calls the hotline but does not want officers to come to their house at two or three in the morning to take these readings, are those complaints recorded? Can I rely on these complaints at face value? That is to say, is this really representative
2775 of the reality on the ground?

Hon. Chief Minister: Madam Speaker, I have, from the Hon. Minister for the Environment, a whisper across the Government bench that even when the complainant would not wish the Environmental Agency to visit, the original complaint would be recorded. I am literally treading
2780 where angels dare not, given that one might be accused of misleading the House if that information turns out not to be accurate, but in good faith I am sharing with the hon. Gentleman the information that is shared with me by the Minister for the Environment.

Licensing, since the time of the GSD, comes under No. 6 Convent Place, and I think that is why these questions are here with me.

2785 **Madam Speaker:** I think the Hon. Mr Reyes had a question.

Hon. E J Reyes: Thank you, Madam Speaker. Just looking at the figures, I am wondering if the Chief Minister does have some information ... If I take one example, in August 2023, under the Trade Winds column, there are eight recordings. From the Chief Minister's notes, are they eight
2790 different days or eight reports on the same day coming from different people, or could it even be the same person who rings at 11 o'clock and then by midnight decides to ring again? I do not know if he has that data. If he does have it, it would be extremely helpful.

2795 **Hon. Chief Minister:** I have the total for the month, Madam Speaker.

Madam Speaker: I think the Hon. Mr Origo had one.

2800 **Hon. G Origo:** I am grateful, Madam Speaker. I ask the question on data gathering because it is very important to me in respect of my shadow portfolios, not least because I hold tourism, environment and young people, and the importance of looking at and gathering correct data on noise complaints goes to the heart of whether noise is becoming an issue for young people, the tourists or even the residents who are within the area.

2805 I want to draw the attention of the Hon. Chief Minister to the biggest licensed designated area on the schedule, which is the Ocean Village. As I already noted, this place is of particular importance to me because of the relevance it has to my portfolios. I am concerned, however, that the level of complaints being recorded and captured does not represent the reality on the ground, so I put it to the Hon. Chief Minister, given that he said he was happy with the data provided by his officials ... whether he is aware that in the largest designated licensed area in Gibraltar, Ocean Village, noise complaints are dealt with somewhat differently. I understand that the first point of call in Ocean Village is the management company, which runs a security system. They have powers and authority to go to venues, stop the music and ask them to comply. I have met with them and –

2815 **Madam Speaker:** I must ask the hon. Member to put the question. The preamble is –

Hon. G Origo: Madam Speaker, is the Hon. Chief Minister aware that ‘complaints’ in the largest designated leisure area is carried out differently? I will stop there and I will have another follow up.

2820 **Hon. Chief Minister:** No, ma’am.

Madam Speaker: There have been five supplementaries on noise. If the hon. Member is brief, I will allow one more but that is it.

2825 **Hon. G Origo:** I will be very brief. Madam Speaker, I am grateful for the Chief Minister’s confirmation that he was not aware, but having met with them, my understanding is they keep logs and carry notes and data on how many complaints there are, and they are in the hundreds. I know that they do not give this to the agency or the RGP.

2830 **Madam Speaker:** Question?

Hon. G Origo: Would he not agree, given his answer previously that he is happy with the reliability of the data and given that he has not included the statistics of the mandate, that the data is no longer reliable?

2835 **Hon. Chief Minister:** Quite the contrary, Madam Speaker. Now that the hon. Gentleman has given me that detail, I am even more assured of the accuracy of the data because if people are not calling the authorities and they are calling their management company, that reflects why the number of complaints reported to the authorities – and I only represent the authorities, I do not represent Ocean Village – is lower than perhaps one might expect. The hon. Member might, in his next meeting with people who live in Ocean Village, suggest to them that they might wish to call the authorities instead of their management company.

Madam Speaker: Next question.

Q1115/2024

**Applications for asylum since 2014–
Total and number of persons naturalised or registered as British Overseas Territory citizens**

2845 **Clerk:** Question 1115. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, how many asylum applications have been made since 2014; and, of those, how many persons have been naturalised or registered as British Overseas Territory citizens?

2850 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, there have been 43 applications for asylum made since 2014. Of those 43 applications, 2 have been naturalised as British Overseas Territories citizens.

Hon. Dr K Azopardi: Does the Chief Minister have how those applications were decided? Of the 43 asylum applications, how many applications were granted?

2860 **Hon. Chief Minister:** Madam Speaker, I am told that 2 were granted BOTC and that there are only 2 that remain active at CSRO. So the other, by a process of elimination – without wanting to be held to this, because I do not for one moment mean to mislead the House – the other 39 have been dealt with without the asylum being granted, I would assume.

2865 **Hon. Dr K Azopardi:** Well, they are different questions, so how many asylum applications have been made and how many persons of those have been naturalised or registered? Some may have been granted – he will appreciate the question – but not then naturalised. If he is happy, I will put a question to that effect if he does not have the information.

2870 **Hon. Chief Minister:** I do not have it, Madam Speaker. The question asks me how many applications have been made and how many have been naturalised or registered as British Overseas Territory citizens, so I have given him the information that I have. If he wants different information, I am very happy for him to put a question.

2875 **Madam Speaker:** Next question.

Q1116-19/2024

**Government jobs –
Open vacancies in clerical and non-clerical grades**

2880 **Clerk:** Question 1116. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: How many vacant posts and open vacancies for clerical grades were there in Government Departments on 5th December 2024?

2885 **Clerk:** Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): I will answer with Questions 1117 to 1119.

Clerk: Question 1117. The Hon. the Leader of the Opposition.

2890 **Hon. Dr K Azopardi:** How many vacant posts and open vacancies for clerical grades were there in wholly owned Government Companies and statutory or non-statutory Authorities and Agencies at 5th December 2024?

Clerk: Question 1118. The Hon. the Leader of the Opposition.

2895 **Hon. Dr K Azopardi:** How many vacant posts and open vacancies for non-clerical grades were there in Government Departments on 5th December 2024?

Clerk: Question 1119. The Hon. the Leader of the Opposition.

2900 **Hon. Dr K Azopardi:** How many vacant posts and open vacancies for non-clerical grades were there in wholly owned Government Companies and statutory or non-statutory Authorities and agencies at 5th December 2024?

Clerk: Answer, the Hon. the Chief Minister.

2905 **Hon. Chief Minister:** Madam Speaker, as at 5th December, I am advised that in relation to Question 1116 there are 83 vacant posts, in relation to Question 1117 there are 18 vacant posts, in relation to Question 1118 there are 166 vacant posts, and in relation to Question 1119 there are 217 vacant posts. I am further advised that as at 5th December there were four open non-clerical vacancies.

2910 **Hon. Dr K Azopardi:** That would be 4 open non-clerical vacancies ... Would that be Question 118 or 119?

2915 **Hon. Chief Minister:** I believe Question 119, Madam Speaker.

Madam Speaker: Next question.

Q1120-21/2024

Construction companies – Payments made in excess of £100,000 since 2018

Clerk: Question 1120. The Hon. the Leader of the Opposition.

2920 **Hon. Dr K Azopardi:** Can the Government provide a list of total payments in excess of £100,000, made by the Government or any Government-owned entity or the Savings Bank to any construction companies on the Government's approved contractor list or registered supplier network, broken down by company, identifying the specific entity, for each of the following financial years: (1) 2018-19; (2) 2019-21; (3) 2021-22; (4) 2022-23; (5) 2023-24?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I will answer together with Question 1121, which is the last question of the year.

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Clerk: Question 1121. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Can the Government provide a list of total payments in excess of £100,000, made by the Government to any Government-owned entity or the Savings Bank to any construction companies, broken down by company, identifying the specific entity, for each of the following financial years: (1) 2018-19; (2) 2019-21; (3) 2021-22; (4) 2022-23; (5) 2023-24?

Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Madam Speaker, I refer the hon. Gentleman to the detailed exchange we both had during the last session of Parliament.

Hon. Dr K Azopardi: Madam Speaker, I was hoping that these questions were now narrow enough to elicit an answer. If they are not, without having the same exchange again, I will try again, but perhaps the hon. Member can give me a bit more guidance because I thought I had made it relatively narrow now.

Hon. Chief Minister: Madam Speaker, last time I invited him to have a discussion so that we could work it out in a way that might help him have the information that he wants to have, which I thought might be useful for us as well, and that we should have a discussion about how the question might be framed, and we could then give him the answer and maintain the information going forward – so he can have his answer going back and we can have the data going forward and put it on the website so we all have the benefit of it. We have not had a discussion; we have not had an opportunity to speak. I do not know why. I am very happy to talk with him about anything that does not involve him suggesting that I am misleading the House, so I am very happy to have that conversation in the New Year. Madam Speaker, perhaps you could convene us for a chat and we might be able to resolve this issue also.

Hon. Dr K Azopardi: This was an attempt to do so. Equally, I am quite happy to have any discussion with him, albeit that he suggests that I am misleading the House and even though I do not think so. Sometimes it is because perhaps he does not answer when I try to inquire of him.

I would be happy to have a discussion with him. I was hoping, however, that he would give me a bit of guidance today. Is he not in a position to do so?

Hon. Chief Minister: No, Madam Speaker, I am not. I just want to clarify I am not suggesting that he has misled the House. There is a motion of the House that has found that he misled the House, so it is no longer about suggesting.

Sometimes he WhatsApps me. He should know that you have to be careful what you wish for in life. If you become Chief Minister of Gibraltar, you get thousands of the bleeding things and it is sometimes impossible to even keep up with family members' WhatsApps. As far as I know, he has not called me, he has not called my office and has not sought to speak to me. Every time he has called me, I have been on the phone back to him as soon as possible. I have sometimes tried to call him and he has been harder to get than me because I do appreciate that he is sometimes in court. I might be in meetings that I can be pulled out of, but you cannot be pulled out of court. He can rest assured that if he calls me in the New Year, I shall be on the blower as quickly as I can and we can have the discussion and resolve the matter.

Madam Speaker: Any other supplementaries?

Questions for Written Answer

Clerk: Answers to Written Questions. The Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I have the honour to table the answers to Written Questions W161/2024 to W176/2024.

GOVERNMENT MOTION

Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2024 – Motion carried

2985 **Clerk:** Government motions. The Hon. the Chief Minister.

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

That this House:

Approve by Resolution, pursuant to section 46 of the Social Security (Open Long-Term Benefits Scheme) Act 1997, the making of the Social Security (Open Long-Term Benefits Scheme) (Amendment of Benefits) Order 2024 .

2990 The motion is a short motion that is brought every year. It is a formalistic requirement and we will, by order, amend the Social Security (Open Long-Term Benefits Scheme) Act 1997 by increasing the rates of old age pensions and survivors' benefit by 2.6% with effect from 1st August 2024, which represents the annual increase for this year.

I commend the terms of the motion to the House.

2995 **Madam Speaker:** I now propose the question in terms of the motion moved by the Hon. the Chief Minister. Would any hon. Member like to speak? Yes, the Hon. Mr Clinton.

Hon. R M Clinton: Thank you, Madam Speaker. This motion is, as the Chief Minister described, fairly formulaic and we usually agree unanimously to what is an increase in the state pension.

3000 In his 2024 Budget address at line 486 the Chief Minister indicated that these would go up by inflation, which at the time he expected to be in the region of 2.6%. I can advise the House that by notice on 14th October 2024 the index of retail prices was reported as 2.6%, being the position at 1st July 2024. I have compared the proposed draft legal notice and I can confirm to the House that the amounts indicated are, in fact, exactly a 2.6% increase on the amounts in prior year, so
3005 we have no problem on this side of the House in supporting the motion.

Madam Speaker: Does any other hon. Member wish to speak? In that case, I call on the Chief Minister to reply.

3010 **Hon. Chief Minister:** Thank you, Madam Speaker. What would we do without him? It is always useful to see that somebody is checking our homework and confirming that it is absolutely accurate. What a positive and convivial way to end the session.

3015 **Madam Speaker:** I now put the question in terms of the motion proposed by the Hon. the Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

Adjournment

Chief Minister (Hon. F R Picardo): Madam Speaker, with apologies to all for the late hour – but I was not the one who rabbitied on for three – just as we come to this final moment when I move the adjournment of the House *sine die*, which it is my pleasure to do, I want to reflect that yesterday the Hon. Prof. Cortes and I had the absolute pleasure of being at St Joseph's Lower Primary School, where they took us on a discovery of Gibraltar in a journey through time in their Year 2 Christmas play. I think Mrs Ladislaus was there also; I was there principally for family reasons, but also invited. I was really taken by the script that the teachers of St Joseph's prepared for their play, because it was very Gibraltar centric and it was quite wonderful to see how they are teaching our children to value Gibraltar. Part of the script, which I asked for today, says that Christmas in Gibraltar is a time for sharing meals, singing carols, giving gifts and just being together with family. To hear a young Gibraltarian, no older than six or seven, say 'From National Day to Christmas, Gibraltar's traditions are all about community, celebration and keeping our unique culture alive, whether it is waving flags on National Day or sharing a Christmas feast, each tradition is a way of honouring the past and looking towards the future; every day in Gibraltar is a chance to connect with our history, and every celebration reminds us of the importance of our family unity and pride in our heritage,' I thought it was particularly excellent to see that our children are being taught those values about what Gibraltar is and the unit that Gibraltar is. They then went on to do an excellent version of *Jingle Bells*, where they took the chorus and instead of 'Jingle Bells' they sang 'O Gibraltar, Gibraltar in the sea so blue, our home is so friendly, with love for me and you, O Gibraltar, Gibraltar, our hearts sing so well in this sunny land we love our Christmas tale we tell, hey, hey'. It was better when they sang it than when I read it, but it was a lovely way to see our children celebrate Gibraltar. I hope with that we can all go back to our families from this place and enjoy an excellent Christmas period.

As I do every year, the Deputy Chief Minister, who has responsibility for the runway, has confirmed with the MoD that it will be open on 25th December.

I wish every Member, even those who have been found to have misled the House, a very Merry Christmas, a Merry charisma-less Christmas to the Hon. Leader of the Opposition, and I look forward to seeing all Members next year.

Madam Speaker: Before I propose the question, for my part I want to wish all Members here a very happy Christmas and a peaceful New Year. I feel somehow that we have all earned a Christmas break and I wish you all the best for the festive season.

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

This House will now adjourn *sine die*.

The House adjourned at 8.40 p.m.