



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 7.00 p.m.

Gibraltar, Wednesday, 23rd October 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*]

[ASSISTANT CLERK: K Balban Esq *in attendance*]

PRAYER

Madam Speaker

CONFIRMATION OF MINUTES

Clerk: Meeting of Parliament Wednesday, 23rd October 2024.

Order of Proceedings: (i) Confirmation of Minutes – the Minutes of the ninth meeting of the
5 15th Parliament, which was held on 25th and 26th September 2024.

Madam Speaker: May I sign the Minutes as correct?

Clerk: (iii) Communications from the Chair.

BUSINESS CONDUCTED

10 **Madam Speaker:** Yes. Against the substance of what is discussed in this House, and indeed the importance of its general business, what I am about to say may seem insignificant to some of you. Whilst I am not responsible for the content of questions, answers and debates, I am responsible for the manner in which business is conducted in this Chamber.

In the May session, I reminded Hon. Members of the need to use the correct form of address, and I specifically reminded Hon. Members that they should address each other through the Chair.
15 That reminder appears, to a large extent, to have been ignored.

In the last session in September, I counted 28 times in which Hon. Members referred to each other as you, she, him, and her, and 11 times in which Hon. Members failed to use the prefix honourable. Trite that that prefix should be used in address. He, she, him, her should never be used to front a question or an answer.

20 'You' should never be used, as the rules of behaviour and courtesies of the House of Commons point out this is not just an archaic convention, it is essential in maintaining the civil tone and objectivity of debate. It also avoids personal attacks as opposed to political criticism.

I have gently reminded Hon. Members of this in the past. You will notice that I am looking at the Mace and not at anybody on either side.

25 This is no longer a reminder, gentle or otherwise. It is a requirement. I insist on the correct form of address being used, and I trust that due note has been taken.

Staying with the question of address, I have noticed that the Opposition Bench sometimes addresses the Government bench as hon. Member. I am cognisant that there is a view that this is perfectly proper because both Opposition and Government are *de facto* Members of this House.

30 Whilst that is true, and it is proper to refer to the House collectively as Members, Members is a wide term within which there necessarily must be differentiations. For example, I am a Member, but I am addressed as Speaker.

It is, in my view, important to identify the specific from the generic, and so Government Members should be addressed as the Hon. Minister or the Hon. the Chief Minister and Opposition
35 Members should be addressed as the hon. Member or the hon. the Leader of the Opposition.

Finally, but very importantly, I ask that all Hon. Members note and pay heed to the fact that when the Chair interrupts an Hon. Member who is on their feet, they should resume their seat immediately and give way to the Speaker without argument.

40 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I can rise on behalf of all Members to thank you for that salutary reminder. Although, as you say, it is a salutary reminder of what is now a requirement and say on behalf of all of us that I think we all recognise that form matters. In particular it matters on formal occasions and Parliament is, we must always remind ourselves, the most formal of occasions. I have no doubt that all of us will, on both sides of the House, seek to
45 do everything that we can to comply with that ruling.

Madam Speaker: Yes.

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

Chief Minister (Hon. F R Picardo): Madam Speaker I have the honour to lay on the Table:

1. The Annual Report of the Independent Monitoring Authority for Citizens' Rights on the 12-month period from January 1st to December 31st 2023;
2. The Integrated Tariff (Amendment No.3) Regulations 2024.

Madam Speaker: Ordered to lie

CHARITABLE ENDEAVOUR

50 **Chief Minister (Hon. F R Picardo):** Madam Speaker, before the rest of the proceedings come into play, I just note that one of our number – I will not say 'Members' – has suffered an accident and has broken his leg. And in particular, we will all want to remind ourselves that he has done that in the process of a charitable endeavour, trying to raise money by playing football, which just highlights how dangerous sport can be, Madam Speaker; and I am sure that all Members of the
55 House on both sides of the House wish Mr Origo well and thank him for taking part in the charitable activity, and hope that the next time he does so he is not dissuaded from doing so from the accident he has had this time round.

Madam Speaker: Yes.

60 **Hon. D J Bossino:** And simply on behalf of the Opposition, I would like to thank the Chief Minister for his very kind remarks in relation to one of our number who happens to sit on this side

of the House, and I am sure that he will receive that with gratification from the Hon. the Leader of the House.

65 **Clerk:** (ii) Reports of Committees; (iii) Answers to Oral Questions.

Questions for Oral Answer

HEALTH CARE AND BUSINESS

Q766-67/2024

Water Gardens Small Boats Marina – Mooring works and costs

Clerk: Questions to the Minister for Health, Care and Business.

Clerk: Question 766. The Hon. D J Bossino on behalf of the Hon. E J Reyes.

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Hon. D J Bossino: Madam Speaker, the Order Paper, the notice of questions, in fact it is that the interim notice of questions which we received is not in chronological order. (*Interjection*) So it may take some time to identify where Question 766 is. Could the Clerk tell me which page? (*Interjection*)

75

Oh, it is in page 6. The Hon. the Chief Minister's assistance on that occasion was not of much help. (*Interjection*)

What works, and at what costs, were carried out at the Mooring situated at Water Gardens Small Boats Marina during the past financial year?

80

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

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I answer this question together with Question 767.

85

Clerk: Question 767. The Hon. D J Bossino, on behalf of the Hon. E J Reyes.

Hon. D J Bossino: Which on this occasion does follow 766!

What works and at what estimated costs are expected to be carried out at the moorings, at the Water Gardens Small Boats Marina during this financial year?

90

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

Hon. G Arias-Vasquez: Madam Speaker, works and associated costs incurred during this past financial year were £399,094. The works included:

95

- Dismantling current facilities and retirements to waste management in Spain
- Ten steel piles installed into sand
- One entrance aluminium gate/door 1.1 m wide and 2.2 m high
- 138.68 m floating aluminium pontoons that are 2 m wide (ECODECK TECHNOLOGY)

100

- 138.68 m floating aluminium pontoons which are 2 m wide

(ECODECK TECHNOLOGY)

- 18 Aluminium 6 m *0.3 m long fingers (ECODECK SYSTEM)
- 14 aluminium 7 m *0.3 m long fingers (ECODECK SYSTEM)
- 7 Aluminium 8 m *0.3 m long fingers (ECODECK SYSTEM)
- 1 basic lighting
- One Transport and Assembly.

No monies have been paid out in this current financial year. However, we are obtaining quotes for works to set up an electrical connection for lighting at this Marina.

Hon. D J Bossino: In relation to that final reply, may I ask the Hon. the Minister with responsibility for the port, whether the further works which are to be carried out for this financial year, what those will amount to? I think she has given a full report as to what has been done to date. But I would be grateful if the hon. Lady could answer what is expected to be done in order, presumably, to complete the works?

Hon. G Arias-Vasquez: Madam Speaker, as I just pointed out, we are in the process of obtaining quotes for the works, so I do not have an exact figure at this moment in time.

Hon. D J Bossino: I was not asking so much about the figure, but about what nature of works the hon. Lady is obtaining quotes for. In other words, certain works have been done to date, which have cost something in the tune of £400,000, give or take. But what else needs to be done?

Hon. G Arias-Vasquez: Madam Speaker, as I also set out in my answer to my question, is to set up an electrical connection for lighting at the Marina.

Hon. D J Bossino: Would the Hon. the Minister have an idea as to how long that is going to take? Presumably the time will start to run when she instructs the works to be done and she, the hon. Lady, has quotes in relation to that. But is she able now to say when she expects the whole works to be completed?

Hon. G Arias-Vasquez: Madam Speaker, I do not have a date for when the works are to be completed. I have been down to the Marina, along with the Captain of the Port, along with the [inaudible] to try and get a scope of what is necessary.

As I have said, we are now in the process of obtaining quotes for the works. When we get the quotes, we will sit down, we will look at the quotes and put it in next year is estimates. So no, I do not have a timeline.

Hon. D J Bossino: And is the Hon. the Minister able to give information to this House as to which company or companies are carrying out those works?

Hon. G Arias-Vasquez: Madam Speaker, as I have just answered in the previous question, we are obtaining quotes. So when we obtain the quotes, we will determine which is the best company to do the works.

Hon. D J Bossino: The hon. Lady, I am asking about the works which have already been done in respect of which costs have already been incurred. Who has done that? Was that done directly by the Port Department?

Hon. G Arias-Vasquez: Madam Speaker, I do not have that information to hand. The question relates to the works and the estimated costs. If you ask me that question for the next round, I will obtain that information.

Hon. D J Bossino: Whilst the hon. Lady may not have details of the company, is she able to say whether a company, in other words, whether that work has been outsourced. And I would be interested to have that information if she has it available. Surely she will have that information available to her now.

Hon. G Arias-Vasquez: No, ma'am, I do not have that information available to me.

Hon. D J Bossino: Fine, fine.

Madam Speaker: Fine for me.
Does the hon. Member wish to ask a further supplementary?

Hon. D J Bossino: Yes.

Madam Speaker: Yes.

Hon. D J Bossino: I am grateful. Is the Hon. the Minister able to state how many births are we talking about here in totality?

Hon. G Arias-Vasquez: Madam Speaker, I am sure the hon. Member opposite is aware of the procedure. If you ask me the specific question, I will provide you the specific information. If you do not provide me with the specific question, I am unable to answer the question off the cuff. And I do not want to provide this House with inaccurate information.

Hon. D J Bossino: Hon. Lady, it is with the greatest respect to her. This is a question which, in my view, arises from the answers which have been given as a result of the questions which are on the Order Paper. If there is a certain cost which has resulted in an outlay by her Department, then surely she does not know which company has done the works. She does not know whether it has been done by her Department or whether it is been outsourced.

Now she is telling this House that she does not know how many moorings we are talking about. I think with the greatest of respect to her, Madam Speaker, this is information which she should have available to her. She should have anticipated it.

Chief Minister (Hon. F R Picardo): Madam Speaker, the hon. Gentleman will forgive us for taking the view that we will be the judges of what we should or should not be prepared for in the context of answering a question which does not, in our view, lead to that final – I think it is final, final supplementary on the subject of these berths – and which relates to financial years before the hon. Lady was a Minister.

So the Government will, of course, Madam Speaker, not object, should the hon. Gentleman put a specific question within the six-month period, if you decide that it is permissible, which might elicit that specific information, which in our view does not arise at all from the first question that he has asked on behalf of one of his colleagues who is not here because he has done no injury to himself. *(Interjection)*

Madam Speaker: Next question.

Q773/2024
Agenda for Change –
Discussions between Government and UNITE

Clerk: Question 773. The Hon. D J Bossino, on behalf of the Hon. the Leader of the Opposition.
(*Interjections*)

200 **Hon. D J Bossino:** What progress – 773, yes? – has been made to date on the discussions between the Government and UNITE to amend the Agenda for Change?

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

205 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I have asked the GHA and UNITE to engage in a review of Agenda for Change. The scope of the exercise has been agreed in the Terms of Reference, and a completion date of 30th June 2026 has been set.
(*Interjection*)

210 **Hon. D J Bossino:** Does that timeline, which the Hon. the Minister has kindly given this House, meet with her requirements? In other words, is this something which in terms of the timings of this that she is satisfied with?

Hon. G Arias-Vasquez: ... [*Inaudible*] Therefore, of course.

215

Madam Speaker: Next question.

Q774/2024
Small Boats Marina –
Sale/allocation of berths

Clerk: Question 774. The Hon. D J Bossino, on behalf of the Hon the Leader of the Opposition.

220 **Hon. D J Bossino:** Is there a policy decision pending on the sale of berths or the method of allocation of berths in the Small Boats Marina? And if so, what are the nature of issues that Government is considering?

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

225 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the Government is reviewing the policy on sale of berths. A meeting has been scheduled to discuss this.

As to the method of allocation of the berths in the Small Boats Marina, the allocation process is clearly outlined in legislation, and there are no plans to change how berths are allocated at the current time.
230

Hon. D J Bossino: The Hon. the Minister for the Port advises this House that a meeting is scheduled to take place, which will in turn presumably influence the policy that the Government will be adopting in relation to the sale of these berths and that the Government, at this stage, as I understand her reply, is not committed either way in relation to that specific issue.
235

Can I ask her who the expected participants of that meeting are?

Hon. G Arias-Vasquez: Madam Speaker, the participants are the Captain of the Port John Ghio, and Kevin de Los Santos from Land Property Services.

240 **Hon. D J Bossino:** But presumably the results of the conclusions of that meeting will then be reported to the hon. Member based on which she will come to a decision, a policy decision in relation to the sale of the berths.

Is that understanding, as I have postulated it, accurate and correct?

245 **Chief Minister (Hon. F R Picardo):** No, Madam Speaker, that is not the way that Government works. The way that Government will work is that the meeting will actually also include the Minister with responsibility for the Port. And then the Cabinet will make a collective decision about around how we will take forward the commitment of the Government for the sale of berths.

250 The hon. Gentleman's previous supplementary was prefixed on whether or not the Government would have a commitment to sell berths. But the Government has a commitment to the sale of berths. It is about methodology, etc., that we are considering the issue. So, his preface was wrong, but his preference was not his question.

255 **Hon. D J Bossino:** I see, yes, and I am grateful to the Hon. the Chief Minister. This is not a question which I formulated, but was formulated by the Leader of the Opposition, for whom I am standing in for at the moment. But no, is it then the case that – because I was not corrected by his Hon. Colleague when I put the questions to her. But is it then the case that the Government is committed to a sale of the berths?

260 That is the policy decision of the Government that there is not going to be any shifting in relation to that such that the meeting which is to be held now, he tells us, by the Captain of the Port. I cannot remember who the other participant was, and indeed the Minister – the position will be that that meeting will only result in how that policy is going to be taking effect.

Is that the position?

265 **Hon. Chief Minister:** Yes, Madam Speaker, and I commend the hon. Gentleman for the forensic manner in which his questioning has elicited the response of the Government, that it remains committed to the policy that I announced in a budget in this House.

Madam Speaker: Next question.

Q775/2024

Prostate cancer screening/prevention programme – Patients tested 2023/2024

270 **Clerk:** Question 775. The Hon. D J Bossino, on behalf of the Hon. the Leader of the Opposition.

275 **Hon. D J Bossino:** Do the GHA proactively offer high-risk men blood tests to measure levels of PSA as part of their Prostate Cancer Screening and Prevention Programme; and, if so, how many patients were tested during 2023 and 2024 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, the GHA does *not* offer PSA testing as part of their Prostate Cancer Screening Programme. The PSA test is

280 not an accurate screening tool and is not offered by the NHS. However, a PSA test can be requested if a doctor thinks the presenting symptoms could be prostate cancer.

Men aged 50 or over can ask their GP for a PSA test, even if they do not have symptoms. If a patient is on treatment for a prostate condition, they may be offered regular PSA tests to check how the treatment is working.

285 Overall, the GHA has processed the following samples for PSA: In 2023, it processed 4,356 samples; in 2024 to date, it processed 3,097.

Hon. D J Bossino: The Hon. the Minister will forgive me if the Government has stated its policy public in relation to this. But she has given us certain figures which run into the thousands in respect of the 2023 and 2024 data. Is she able to say, as part of the screening process, whether there is an age demographic which is captured by another?

So what I am saying is, is there an age over beyond which one must be in order to receive the benefit of the prostate cancer screening?

295 **Hon. G Arias-Vasquez:** As I specifically said, it is not prostate cancer screening. It is not a screening programme, so anyone who thinks they present with symptoms of prostate cancer can request the test. It does not necessarily have to be anyone over an age. It is anyone that presents with symptoms. Or, if a doctor feels that they have symptoms, they will be sent for a PSA.

300 **Hon. D J Bossino:** Yes, and I am grateful to the Hon. Minister for that. Is therefore, by way of clarification, may I ask the figures that she has provided in relation to PSA specific testing as opposed to – and I misunderstood it, a general screening programme for prostate cancer?

Are those PSA tests, samples which have been requested and delivered by the GHA in respect of those two years?

305 **Hon. G Arias-Vasquez:** Sorry, I understood the question to be: is this part of a screening programme? Sorry, what? (*Interjection*)

Hon. D J Bossino: That is fine. Are those numbers representative of PSA tests which have been undertaken?

Hon. G Arias-Vasquez: Madam Speaker, yes, the numbers provided are the numbers of PSA tests carried out, but it is not representative of the number of patients. So one patient may have more than one test in any given year.

315 **Hon. D J Bossino:** And if I may push the Hon. Minister, does she have that information available to her, or is it simply that she may not have it available to her now, but is it information that she would have available should we pose the question specifically in this House?

320 **Hon. G Arias-Vasquez:** Madam Speaker, I am sure it is information which we probably could obtain.

Madam Speaker: Yes, the Hon. Mr Sacarello.

325 **Hon. C A Sacarello:** Thank you, Madam Speaker. Good afternoon.

Madam Speaker, it is my limited understanding on this matter that the blood test reveal the results with limited accuracy to. Would the Hon. Minister please indicate if there are other alternatives, such as MRIs available? And would these be available for the general public under the GHA?

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Hon. G Arias-Vasquez: Madam Speaker, if the results came back positive, there are numerous tests which may be carried out otherwise, such as scans, blood tests, biopsies, MRIs. These are the other tests which may result if a PSA comes back positive.

335 **Madam Speaker:** Next question.

Q776-77/2024
Mpox vaccines –
Contingency measures purchased/reserved; enhanced surveillance

Clerk: Question 776. The Hon. D J Bossino, on behalf of the Hon. the Leader of the Opposition.

Hon. D J Bossino: I imagine it is articulated in this way. Mpox vaccines, are they being purchased or reserved for purchase by Gibraltar should these be needed?

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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, I will answer this question together with Question 777.

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Clerk: Question 777. The Hon. D J Bossino, on behalf of the Hon. the Leader of the Opposition.

Hon. D J Bossino: What – I think it is monkeypox, I am told – contingency measures do the Government or GHA have in place to deal with any mpox cases should they arise; and to enhance awareness of risks by Gibraltar residents who may be visiting affected countries?

350

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

Hon. G Arias-Vasquez: Madam Speaker, the GHA has moved to enhance surveillance. This means we have reviewed the High Consequence Infectious Disease Plan and raised awareness of the signs and symptoms of mpox with both clinicians and in the GHA and in the private sector. For travellers to affected areas, information is available on the GHA Public Health website.

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Hon. D J Bossino: In terms of, I mean, the reply that the Hon. the Minister has given the House, what private sector involvement in fact – or to put it in the past tense – has been sought and has been given in respect of this?

360

She mentions the public and the private sector. So I am interested if she could develop that point in by way of her answer to the supplementary.

Hon. G Arias-Vasquez: Madam Speaker, the High Consequence Infectious Disease Plan has been carried out, but the engagement with the private sector is one of enhanced awareness. So we have made the private sector aware of the signs and symptoms of mpox so that they are also aware of anyone turning up in their clinic and presenting signs and symptoms of mpox.

365

Hon. D J Bossino: Did the Hon. the Minister for Health provide any information about in respect of the question posed, number 776. She may have done and I may have missed it, but there was a specific question about quantity of vaccines purchased or reserved, for purchase by her Department. Did she answer that? (*Interjections*)

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375 **Hon. G Arias-Vasquez:** Madam Speaker, there was information given in the press release of
3rd August 2022, which was issued by the GHA specifically on this subject. So in that press
release – and I will assist the hon. Member, even though it is publicly available information, and I
would have expected the hon. Member to have read the press release – the vaccine is a vaccine.
There is no specific monkeypox vaccine, but there is a smallpox vaccine which the GHA had in
380 stock at the time. So it was felt that there was not needed to purchase any additional vaccines
because the GHA had this stock available at that moment in time.

Hon. D J Bossino: So has that position or decision by the Government changed in any way as a
result of what may be perceived as a heightened threat in respect of this particular condition?

385 The Hon. the Minister says that the answer in effect was zero, and that the Government was
relying on a different vaccine. But has that changed – and I am grateful to the Hon. Minister for
providing the answer – since the press release was issued?

Hon. G Arias-Vasquez: Madam Speaker, since the press release was issued, we have triaged
390 two possible mpox cases to date, and neither met the criteria for testing. Because of this, it has
been determined that we have sufficient stock in place.

Madam Speaker: Next question.

Q814/2024

Gibraltar Health Authority Act – Incorporation of Care Agency

Clerk: Question 814. The Hon. A Sanchez.

395 **Hon. A Sanchez:** Could the Hon. Minister provide an update to the House on the progress of
the consultation regarding potential amendments to the Gibraltar Health Authority Act,
specifically in relation to incorporating the Care Agency into what could become the Gibraltar
Health and Care Authority?

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

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, since
I announced the Government's plan for a consultation process regarding a health and care
405 restructure, I have met regularly with both UNITE the Union and the GGCA as well as other
relevant stakeholders, including heads of service of the Care Agency.

The consultation process has allowed for an extensive engagement with all stakeholders on
the Government's proposal. These discussions have focused on the planned restructuring of our
health and care services, which aim to enhance patient care and efficiency in our health service.

410 This year, the Government has invested £211 million in our health and care sector and with
these proposed changes, we want to ensure that the taxpayer receives the best value for money.

The Government has taken into account all the feedback received from the meetings with the
unions and stakeholders, and we are prepared to adjust the proposed changes accordingly,
ensuring the best outcome for both the patient and staff. This is something I have repeatedly told
415 the unions and the stakeholders throughout my meetings with them over the summer.

The consultation period for the proposed restructure is now coming to an end, and I have
agreed with both UNITE the Union and the GGCA that I will be sending them the first draft of the

new proposed legislation in the coming days. I will also then meet with them to discuss the proposed legislation before bringing it to this House.

420 I would like to take this opportunity, Madam Speaker, to publicly thank UNITE and the GGCA for the way in which they have approached this consultation and the professionalism with which these meetings have taken place.

Hon. A Sanchez: Madam Speaker, I am grateful for that answer.

425 We have information that a particular union balloted its members in relation to this and in relation to the question of whether they wanted to continue with the consultation process and the creation of this authority, or to cease the consultation until a proper process was followed and a working framework was provided for consideration.

430 And from the information that we have available, the majority of the members voted in favour of ceasing the consultation. Is the Minister aware of this and could the Hon. Minister, clarify whether she has consulted the union on this and whether the consultation is actually going ahead, or is it being ceased for the moment?

Hon. G Arias-Vasquez: Madam Speaker, yes, the union did come to my office and we did discuss this. Like I said, there have been numerous consultations and I believe the last one with Unite and with the GGCA was on 8th October, and it was on or around that date that this happened.

440 We subsequently provided them with the paper which summarised what the proposed changes were likely to be, and they were going to go back to their members with that. They did not think that there was going to be an issue with that, so the consultation is proceeding as expected.

Hon. A Sanchez: Madam Speaker, can the Hon. Minister confirm whether the Union has gone back to their members and has the Union come back to the Minister with feedback from the members and whether they would like the consultation to go ahead?

Hon. G Arias-Vasquez: Madam Speaker, we had the meetings, the meeting was very pleasant. There was no request from them that we ended the consultation because a paper was given to them there and then. I would imagine that as any responsible union, they would have gone back to their members. But I cannot either confirm or deny this. I do not know whether they did or not.

450 I have not heard back from them since, but we have got another series of meetings scheduled in the next couple of weeks.

Madam Speaker: Next question.

Q815/2024
Care Agency respite services –
When tender is awarded

455 **Clerk:** Question 815. The Hon. A Sanchez.

Hon. A Sanchez: In relation to the tender for the provision of respite services for the Care Agency, could the Government clarify when it expects this tender to be awarded?

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

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the tender was closed as there were no bids that addressed all of the needs of the service, which is continuing to be delivered as it was before. An initial review has been undertaken by the Care Agency to examine the current and projected demands of respite care.

The Care Agency is exploring a number of options to support the sustainability of this service.

Hon. A Sanchez: Madam Speaker, so by way of clarification, the Hon. Minister is saying that for the moment, the respite services will continue to be delivered by the Care Agency and will not be subcontracted as was the intention before.

Hon. G Arias-Vasquez: Madam Speaker, as I stated in my answer, that is correct.

At the moment, the Care Agency will continue to provide the services, but we are looking at different options in order to futureproof the service.

Hon. D J Bossino: May I ask the Hon. the Minister, what are the options which are being considered? Because, from this perspective, one would have thought that one would be limited to either continuing running or providing the service in-house, so to speak, which I think is the current *status quo* provided by the Care Agency, which I have said in the past, certainly as a user of my son, I am very happy with to changing it, presumably, by going out to tender for those services to be provided privately, presumably under the very strict controls of the Care Agency.

Is there anything beyond that which the Hon. the Minister is considering with the Care Agency?

Hon. G Arias-Vasquez: Madam Speaker, the issue is that the users ... In fact, we had a meeting with the parents of the users of the service, and it was confirmed in that meeting that they are indeed very happy with the service provided.

The issue is that there are more parents that want the service that are unable to access the service because, as the hon. Member is aware, the facilities in which those services are provided are too small. The issue which we were facing is that with the tenders received there was no tenderer that provided the space and the care together.

So there was a tenderer that provided adequate space but without the adequate care, and *vice versa* as well. So what we are looking at doing is looking at options to see how we can provide the service; how we can futureproof the service so that the demand does not go through the roof; and how we can assure affordability going forward for the service in the manner in which it is provided.

So when I say we are exploring all options, we are looking at all the options available in terms of *where* the service can be provided and *how* the service can be provided.

Hon. D J Bossino: Yes. And as far as futureproofing, as the Hon. the Minister puts it, there are very strong headwinds out there in the horizon. That we know because of the St Martin School figures that are coming up now.

So can I take it from that, that the reality is that the future means that the Government will be going towards a tender of the service at some point, that the possibility of the service provision being kept in-house, so to speak, is not really there.

What the Hon. Minister is telling us, as I understand it, is that there will be a tender of the facilities at some point. And she mentioned now on at least two occasions the cost issue, which must be a very relevant issue for the Government, but that the reality is that we are looking towards a tender and that it will not be provided in-house.

What the hon. Member is telling us is that what she wants to do is for the space and the provision of the staff are conjoined together, so that forms part of one tender package as I understand it.

Hon. G Arias-Vasquez: Madam Speaker, that is exactly what I have not said! At no point in time have I said that we are looking to retender.

515 I am saying – and I will repeat – that we are looking at all options, we are looking to explore all options to see how we can continue to provide that service at a level where everyone continues to be happy with the service.

520 We have *not* said that we will be putting out to tender. We have *not* said that we are keeping it in house. What I am saying is that with the Care Agency, we are exploring all options at the moment.

Hon. D J Bossino: And I am grateful for the Hon. Minister's clarification in relation to that. And that is acceptable and respected.

525 Is she able to say now when she expects that review to be concluded, such that she is then in a position to then come with a decision and make it public?

Hon. G Arias-Vasquez: Madam Speaker, unfortunately, I am not able to give a date as the hon. Member requests. What we are able to say is that meetings are ongoing with the Care Agency as to the options available to explore every possible option.

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Madam Speaker: Next question.

Q816-20/2024

Lifecome Care Ltd –

TUPE transfers; business licence; carers' app; problems solved

Clerk: Question 816. The Hon. A Sanchez.

535 **Hon. A Sanchez:** Could the Hon. Minister confirm whether all employees previously subcontracted by companies providing home support and domiciliary care to the Care Agency, have now signed TUPE transfers under the new contract with Lifecome Care Ltd.

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

540 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I will answer this question together with Questions 817-820.

Clerk: Question 817. The Hon. A Sanchez.

545 **Hon. A Sanchez:** Could the Government confirm the following details regarding Lifecome Care limited.

(1) The date on which Lifecome Care Ltd officially submitted its application for the business licence to the Office of Fair Trading, Gibraltar?

550 (2) The date on which the business licence for Lifecome Care limited was approved by the Office of Fair Trading (OFT)?

Clerk: Question 818. The Hon. A Sanchez.

555 **The Hon. A Sanchez:** Could the Hon. Minister confirm whether the carers employed by Lifecome Care Ltd, including those transferred from ADA and Meddoc, are now using a single app

for their work? If so, could the Minister provide the date on which this app became operational for the entire workforce and the name of the app?

Clerk: Question 819. The Hon. A Sanchez.

Hon. A Sanchez: Could the Hon. Minister clarify whether the contractual issues, specifically related to the terms and conditions for employees who transferred from Meddoc and ADA to Lifecome Care remain outstanding? If so, have these issues now been resolved?

Clerk: Question 820. The Hon. A Sanchez.

Hon. A Sanchez: Could the Hon. Minister provide assurances that the issues affecting service users, which were previously referred to as ‘teething problems’ during the transfer of home support and domiciliary care services to Lifecome Care Ltd have now been fully resolved?

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

Hon. G Arias-Vasquez: Madam Speaker, as the hon. Member knows, this is not a question for His Majesty’s Government of Gibraltar. It is a matter for Lifecome Care. However, in the interests of transparency, His Majesty’s Government of Gibraltar has requested an answer from Lifecome Care.

All staff contracts have been prepared and a schedule of the transferred staff sent to the Department of Employment. All employees have been invited to the Lifecome Care offices to sign their contracts.

Most of the contractual issues have now been resolved. Lifecome Care’s solicitors submitted a memorandum of understanding as agreed at a joint meeting with UNITE the Union, Lifecome Care and the Care Agency. I attended a series of meetings on 1st October, 3rd October, 8th October and a public meeting on 10th October with the employees which are to be transferred to Lifecome Care to ensure that the provision of care was not interrupted.

The pending issues relate to:

1. The date on which employees will be paid as the two companies ADA and MEDDOC had had two separate pay dates, and
2. An issue relating to whether the contractual provision relating to pay increases was ever honoured by the previous employer.

Lifecome Care first submitted its application for the business licence to the Office of Fair Trading via their Business Registration agents on 6th September; and the Office of Fair Trading then requested additional information which has since been submitted, so the application was approved on 17th October 2024.

In answer to Question 820, the issues affecting service users previously identified as ‘teething problems’ are being resolved on a daily basis as and when they arise, and this will continue as a work in progress, as they did in the context of all the former providers of the service.

The Care Agency deployed a team manager and an admin officer to Lifecome offices to ensure that communication, sharing of information, support with rotas and all complaints from service users were being dealt with in a timely manner.

As I mentioned during a GBC interview, there was a technical issue affecting the app where carers could view their rotas. I am advised that this issue has now been fully resolved.

Hon. A Sanchez: Madam Speaker, can I take them one by one?

In relation to Question 816, the Hon. Minister has advised that the employees have not yet signed the TUPE transfers. They are in the process of signing them. Is that what she has stated?

Hon. G Arias-Vasquez: Madam Speaker, I do not have an up-to-date, minute-by-minute – what I am advised and what I have stated in my answer is that they have been invited to the office to sign the contracts. I do not know how many have signed. I do not know how many have not signed.

610 But I am advised that they are invited to the offices of Lifecome Care to sign the contracts.

Hon. A Sanchez: And would the Hon. Minister happen to have the information available to her of when the employees signed their termination agreements with the previous contracting entities that they were employed with?

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Hon. G Arias-Vasquez: Madam Speaker, this is not a question for the Government. This is a question to be addressed to the previous companies.

Hon. A Sanchez: Madam Speaker, I tend to disagree because the Hon. Minister seems to want to not assume any responsibility for the transfer and the transition of the services from one entity to the other and obviously all the issues that we have seen in the transition.

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But evidently it is a Government that is subcontracting the services from the private entity. So obviously, if there are any issues during the transition, I do not agree with the matter not being one of the Government.

Now I am trying to establish when it is that the employees signed the termination agreement, I believe, from the information that we have and from contracts that I have seen – one that I have here actually – and they seem to have signed it on 2nd September. Now, given that the company was not registered with the OFT until 17th October, I just want the Hon. Minister to clarify who and under what company these individuals were employed in the interim period, perhaps as an explanation.

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But I want her to clarify this for me.

Hon. G Arias-Vasquez: Madam Speaker, I appreciate that the hon. Member opposite is not necessarily a lawyer. We tendered the contract to Lifecome, we tendered the contract out. The contract was awarded to Lifecome care. The interaction between Lifecome Care and the previous entities that were supplying the workers is a matter for them entirely, and we cannot interfere, nor should we interfere in that process. So we are unable to obtain the data as to when those terminations were supplied by those companies *vis-a-vis* those workers.

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Separately, in relation to the OFT, the company was already constituted when the licence was granted. The licence was granted a couple of weeks later because several questions were asked by the Office of Fair Trading, but the company was already constituted, the company was already in existence, and I would have expected the workers to be transferred there and then.

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It is not a matter for us to get involved in that. I am providing this information, but in the interests of transparency. But it is a matter for the companies which we have tendered, which we have given the contract to, to deal with between themselves.

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Hon. A Sanchez: Madam Speaker, so the Hon. Minister is saying that without a business licence the company was constituted, registered with the ETB, registered for tax purposes and ready to employ employees and grant them a salary and register them. The company was constituted to do all of that.

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Is that what the Hon. Minister is saying? I am not a lawyer, but maybe she can explain.

Hon. G Arias-Vasquez: Madam Speaker, as was explained in my GBC interview, I fully appreciate what the hon. Member is trying to do. As was explained in my interview that I gave in GBC, there was a transition period from 23rd September to 20th October, in which Meddoc and ADA were helping the new company in the transition.

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So whatever happened in that intervening period which, again, we are not involved in, there was a transition period in place, as agreed between the two companies for that transition to take place. So whether the company was constituted with the company, the two companies were
660 working together to provide the services for the end users.

Hon. A Sanchez: What I am trying to get the Hon. Minister to explain to me – perhaps she can explain it to me because she is a lawyer and I am not, so perhaps she can explain it to me.

The termination agreements were signed on 2nd September. If most of these individuals had
665 a one-month notice period, it would have elapsed on 2nd October. Now, who assumed responsibility for these employees after that period, given that the company was not licensed to trade in Gibraltar until 17th October? And in that interim period, who was responsible for providing these services?

If anything should have happened, if an accident should have occurred, if anything should have
670 happened, what company would have been liable for this? Can she answer that question? Or is it a matter for the private companies? *(Interjection)*

Well, at the end of the day, the Government subcontracts them. *(Interjection)*

Hon. G Arias-Vasquez: Madam Speaker, (1) is definitely a matter for the private companies;
675 but, (2), there is one termination which the hon. Lady claims that she has. We do not know when the contracts were terminated. We do not know what happened in the interim period, but there was an agreement between the two companies for those companies to work together in the transition period.

So what happened in that intervening period was a matter for the two companies. The contract
680 was subcontracted to the two companies. So it is a matter for them to decide. One termination will not really determine the entire question.

Hon. A Sanchez: It is not one termination. It is several terminations.

These individuals are coming to speak to us, showing us the terminations. It is not one
685 termination. The Hon. Minister cannot stop the employees from coming and showing us what is happening. It is not one termination.

I am asking a simple question during that transition when this company has not been licensed in Gibraltar, who has been responsible for these services? And if anything were to happen while these carers have been providing a service, who would have been liable? The Government or
690 these private entities? Because at the end of the day, the Government is subcontracting these services. *(Interjections)*

Hon. G Arias-Vasquez: Madam Speaker, the very simple answer to the only question that she has asked in that entire clip is that the private companies are liable for their employees. Of course,
695 they are liable for their employees. It is a trite matter of company law. *(Interjections)*

Madam Speaker: Do you have the supplementaries?

Hon. D J Bossino: Can't the Hon. the Minister realise and see what my friend is saying here?

What we are being treated to here is a very clear sign of mismanagement, and ultimately she
700 and her Government are responsible for this. She cannot simply wash her hands of the situation by saying, 'Oh, it has got to do with the private companies.'

This is a service in respect of which ultimately she has responsibility as the Minister responsible for this. And we are dealing with vulnerable people who are receiving the service directly and
705 indeed their families who have been very concerned and have come to my Hon. friend in relation to these concerns and my hon. Friend, she may not be a lawyer but she has been very astute in asking the relevant questions.

What is clear, does she not agree that there has been a huge deficiency on the part of the Government, because there has been a huge, gaping abyss between the termination of employment in respect of one employer, Meddoc/ADA on 2nd September, to hearing from the Hon. Minister this afternoon that the company which was the beneficiary of the tender process, worth many millions of pounds, no doubt, Lifecare Ltd was not actually legally constituted to provide to carry out a business in Gibraltar until 17th October, for goodness sakes.

Can she not accept that there has been a dereliction here on her part, or at least her Department?

The Chief Minister (Hon. F R Picardo) Madam Speaker, let us talk about derelictions.

If there has been, to take the hon. gentleman's example, a dereliction on our part, because there have been – as they say, but we do not accept – a number of potential inconsistencies as to dates, some instances where there were what has been described as teething problems, etc. then nothing is perfect.

But let us compare that *alleged* dereliction, which means that the taxpayer that we represent is spending £3.2 million this financial year in giving people care in their homes with what the situation was when they had, instead of the power of speech, the power to do. And they were spending just over half a million pounds a year.

So imagine, Madam Speaker, the number of people who would have needed care who were not getting it then. Imagine, Madam Speaker, the number of people in the level of need that there were then who were not getting it. Let us measure that, Madam Speaker. That is £2.7 million almost worth of care that they were derelicting in providing.

And so, Madam Speaker, the hon. Gentleman will understand that we do not accept the point that he is making, however vociferously he may try to make it for the purposes of his and the hon. Lady's Facebook clip to come, because that is clearly what we are playing at here. We are playing at social media politics.

Because there can be absolutely no basis to criticise the migration of one contract from a private sector provider to another private sector provider, which the Government has undertaken simply on the basis of what Hon. Members say is what they have seen are the dates on some contracts being one, and the day that they have for a particular aspect of the operation of the company being another.

And, Madam Speaker, I would also say one does not have to be a lawyer to know that a lot of the questions that are being asked of the Government are not just questions that should be asked of the private company, but that actually the Government has the information.

The Government has the information as the data controller at the employment service. But that information is subject to data protection. And so we cannot give that information, but we have access to it.

And therefore we can monitor these things and we can satisfy whoever is watching, that might for one moment have been put in fear by the hon. Gentleman's tone – by the suggestions, by the gesticulation that we saw – that their relatives might somehow have been at risk of any dereliction, that the only dereliction that there was, Madam Speaker, was one was when people who needed this care were not getting it, which was when they were in power, not us.

Hon. D J Bossino: The Hon. the Chief Minister is honestly becoming less convincing as time passes. But as I had said in the last session of the House, I will certainly miss him when he is gone and we expect that to be happening during the course of the lifetime of this Parliament, as he has said so in the past, although he may change his view in relation to that as well as he does with many things.

But does he not appreciate? I give the opportunity to the Hon. the Minister who is answering this questions in this House, and who is ultimately or at least directly responsible in relation to the provision of this service – the Hon. the Minister for Care – another opportunity to at least accept

with some humility that there has been, let's not call it dereliction, although we still stand by that, because this is not for the sake of the Facebook clips.

Look, if it fits, if it is coming from the hon. Member, it is because that is what he thinks. It is certainly not crossing our minds. It is not crossing *our* minds, but he has a guilty conscience in relation to that because that is something that he would do, and I am sure he did when he was in Opposition.

But to describe this like a number of instances, this is serious stuff.

Madam Speaker: I press the hon. Member for the question. (*Interjection*)

Hon. D J Bossino: Madam Speaker, this is serious stuff.

So I simply rise and give the Hon. the Minister, the putative leader of the GSLP, to rise and rise above what the Hon. Chief Minister has said, and at least accept with some humility. She has started on the right track to at least provide information in relation to Lifecome Care and the other companies, because another Minister is not here today, would have probably said 'No', saying it has got nothing to do with the Government. Like when I asked questions about Knightfield Holdings –

Madam Speaker: I need to press the hon. Member for a supplementary, or I am going to ask the hon. Member to take his seat.

Hon. D J Bossino: But I give the Hon. the Minister the opportunity here and now not to fall in the trap of smokescreens and history lessons – because we can have those as well – and ask her to please accept with some humility that there have been errors here which have had a net effect on those users of the services and their families.

Hon. G Arias-Vasquez: Madam Speaker, let me start by saying that if the actual leader of my party were ever not to be here, he will be sorely missed by all of those on this side. (*Interjections*) Absolutely, let's not forget that one.

Hon. Chief Minister: Just more than half, though, and that is the key. Just more than half!

Hon. G Arias-Vasquez: Madam Speaker, I want to address the core of this question. Right? The core of this question comes to those 512 packages of care that are actually being offered to those service users. And I want to assure people that each and every one of those 512 packages of care were called on the weekend after my interview on GBC to make sure that the service was being received.

We now have markers of the standards of care that are being received. We now have markers of how happy people are on a scale of 1 to 5, and whether the service is being received or otherwise. We now have data from each and every one of those service users telling us whether the service user arrived, whether the service user has not arrived, and every other day the Care Agency is giving me this data.

So let me not talk about dereliction of duty, because a Care Agency steps up to that putative dereliction of duty, which you are talking about. Now, every single package of care has been called about. (*Interjection*)

Hon. D J Bossino: Madam Speaker, point of order, if I may?

I refer to the ruling which you gave before the start of the session. The Hon. Minister – because now I have failed to meet the Bar – has referred to me as you in the third person. (*Interjection*)

810 **Madam Speaker:** The Hon. Member is quite right. But if the hon. Member would like the Chair to intervene, I have noted already 14 infractions. Not all of the hon. Member, but most. *(Interjection and laughter)*

815 So I have been reluctant to intervene. I was going to speak to Hon. Members behind the Chair on this but I continue *(Interjection)* – well, over a coffee and a biscuit, perhaps – but I am not going to draw individual attention just yet. But if we have to resort to my interrupting the flow as we go, I will.

Needless to say, I remind all Hon. Members of my ruling at the start, and I will now invite the Hon. Minister to finish her answer. *(Interjection)*

820 **Hon. G Arias-Vasquez:** Madam Speaker, I apologise to the hon. Member Opposite for referring to him in the incorrect fashion. However, the point I was trying to make was that the Care Agency takes their duties very seriously.

825 The Care Agency has called each and every one of the service users who have received a care package, and the Care Agency looks to continue to receive feedback from each and every one of those service users to make sure that the standard of service is sufficient – or is actually excellent – because 67% of the people that were contacted said that they were very happy with the service being received.

One point which I would make is that the level of complaints, there has been an ongoing level of complaints, but with the change. So we received complaints previously and we receive complaints now, but obviously with the change of company, that is what is happening.

830 We are receiving input and we are very much on top of it because we now have a contract with which to measure the standards that we are requiring from the service provider. We are on top of this, and we want to make sure that each and every one of those service users knows that we are on top of the fact that they are receiving the standard of care required.

835 **Madam Speaker:** Yes. The Hon. Mrs Sanchez.

Hon. A Sanchez: Madam Speaker, in relation to Question 818.

Can the Minister confirm whether the issues with the app, she mentioned that the issues with the app have been resolved and that there are no more issues with the app now?

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Hon. G Arias-Vasquez: Madam Speaker, again, this is a question for the company, but I have quizzed the company on this and there is an app called Adacare. Nothing to do with ADA, the company that previously provided the care, but the app is called Adacare and they inform me that the issues are now actively being resolved.

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Hon. A Sanchez: Madam Speaker, the information that we have is that the app has now been launched for a second time and that the app is still not working, and that the issues are still creating problems for the service users, and that these problems are affecting the care that is being delivered to the service users.

850 But obviously when the Hon. Minister gives an interview on GBC and says that the app, and the issues that were persisting were related to the app and that all these issues have been resolved. She gives the impression that all matters have been resolved and there are no more teething issues.

855 But the information that we have and the information that we are seeing is that the issues with the app persist.

Madam Speaker: Question?

Hon. G Arias-Vasquez: Madam Speaker, that is actually not what I said. What I said was that the issues were actively being resolved. That does not mean that the issues are resolved.

We are questioning Lifecome Care on a regular basis. We have bi-weekly meetings scheduled with them to make sure that all of the issues are actively resolved. *(Interjection)*

Hon. A Sanchez: What are the issues? Can the Hon. Minister outline what the issues are? I am failing to understand how the Hon. Minister can give an interview in June where she announces, with a great deal of fanfare a tender, the awarding of a tender to a company and assures a seamless transfer. And yet all we are seeing is issues that are affecting the daily lives of service users. It seems much more than 'teething issues'.

Hon. G Arias-Vasquez: Madam Speaker, in every walk of life, when there is a transfer of care from one provider to another, there are always going to be issues. Always.

And I understand why the hon. Member wishes to make a meal out of this. I understand that the reality is that all of the issues are being dealt with. They are actively being dealt with. The Care Agency is on top of the issues and they are actively being dealt with.

I do not know what the issues are with the app. The issues with the app are rota issues. I am not involved in the nitty gritty. The Hon. Members opposite, consistently tell me that I should not be involved with the nitty gritty of these things.

We have been told that there are issues with the app. That means that the employees are struggling to get their rotas. That is the level of information I had, and that is the level of information that I gave on GBC.

The Care Agency are involved in meetings. I have been involved in meetings, but now the Care Agency are actively involved in bi-weekly meetings.

Hon. A Sanchez: Madam Speaker, the Hon. Minister attended a meeting in John Mackintosh Hall where she addressed all the carers in person. She is evidently involved with the nitty gritty. She heard from them, she heard about the issues that they are having, about the contractual issues that they are having, about all of that concerns, the same concerns that I have heard about from them.

How can she say that she is not in tune with the issues that they are facing? It baffles me, honestly.

Hon. G Arias-Vasquez: Madam Speaker, what I have said is I do not know what the issues are with the app. Yes, I attended a meeting at John Mac Hall. I assure you that at no point in the meeting in the John Mackintosh Hall was the issue of the app raised.

We were dealing with contractual issues, TUPE issues, and I felt it was important to be there to oversee the entire process, to make sure that the union was happy, that the Care Agency was happy, that Lifecome was happy, and that the employees were happy.

My interest there is to make sure that the service user is not affected, and that the service user is not affected by any contractual issues which are happening. That is why I went to a meeting. That is why we want to make sure that this gets sorted very quickly. But I am not involved in the nitty gritty of an app which the carers use.

Madam Speaker: Next question. *(Interjection)*

No, we have had 5 questions and 12 supplementaries on the 5 questions. It is time to move on.

Q821-22/2024

Skye Ward –

Air conditioning repairs cost; Ocean Views works planned/scheduled

905 **Clerk:** Question 821. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, what was the cost incurred in respect to the repairs to the air conditioning system in Skye Ward?

910 **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 together with Question 822.

915 **Clerk:** Question 822. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, are there any refurbishment, beautification or maintenance works planned and or scheduled to take place at Ocean Views in the next 12 months? If so, please provide specifics as to:

- 920 (1) The nature of the works to take place and the aims
(2) In what areas/wards is work to take place?
(3) Whether contracts have been awarded in respect of such works, and to whom, and whether there was a tender process
(4) For the amount of the tender(s) awarded, and
925 (5) The projected completion times for the project(s).

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

Hon. G Arias-Vasquez: Madam Speaker, in answer to Question 821, the total cost in respect of repairs to the air conditioning system in Skye Ward amounts to £48,891.

930 In answer to the Questions in 822, the works planned and or scheduled to take place at Ocean Views are as follows:

- 1) Replacement of the air conditioning system of Skye Ward and Rockside Flats.
935 The nature of the works are:
Installation of new systems and removing of old from roof level
Installation of new external system and degassing
Installation removal of all bs boxes, 19 of them, and installation of new ones
Installation of new refrigeration pipework where required
940 Charge refrigeration gas to system
Builder works to any damage areas
Commissioning and testing by Daikin Engineers

The aim of all of the works which have been highlighted above, is to resolve the air conditioning issues that have been affecting Skye Ward and Rockside Flats.

945 In answer to Question 822, the Ocean Views managing company (E&M) conducted an internal tender process and quotes were sought from five different companies. E&M subsequently submitted a tender evaluation report to the GHA executive for its perusal. DesElec was then selected by the GHA in accordance with the tender evaluation recommendations.

The components are expected to arrive in Gibraltar within the next couple of weeks.
950 Installation and commissioning are expected to take approximately 7 to 10 days after that.

2) Separate works are the process to convert a room in Horizon Ward into a further seclusion room, with the main bulk of the works being performed by Ocean Views maintenance staff. Cladding of the rooms is required and therefore quotes from different providers have been requested.

955 And separately, repairs to damaged flooring in the Horizon Ward and that is currently taking place. GJBS are carrying out the works after quotes were requested from three different contractors, and the cost of repairing this is estimated at £716.60.

Hon. J Ladislaus: Madam Speaker, I am grateful to the Hon. the Minister for that indication. Can the Hon. the Minister confirm whether the system was under warranty at the time of which it began to fail?

Hon. G Arias-Vasquez: Unfortunately, I do not have it in my notes, but the question was asked at the time and it was out of warranty.

965

Hon. J Ladislaus: Can the Hon. the Minister confirm whether the works to the specific air-con system in Skye Ward? Were those works included in the works which are tendered for the refurbishment?

970 So, has the tender been awarded in respect of everything to include the works undertaken on the air-con system, or was there a tender awarded for the refurbishment, and then thereafter we paid extra, so to speak, for the air-con system?

Hon. G Arias-Vasquez: Madam Speaker, I think I understand the question is meaning was any damage done by the air conditioning system and the replacement of the air conditioning system included in the quote? And the answer to that question is yes, it was included.

975

Hon. J Ladislaus: Madam Speaker, as to the air conditioning system, can the Hon. the Minister clarify perhaps why it took so very long to fix that air conditioning system? Because the information that we received is that the issues were ongoing for some time, and they had been raised on a number of occasions by staff. Because obviously this is world where windows cannot be opened, I was informed, due to safety reasons and therefore we were talking about the height of summer.

980

So could the Hon. the Minister please clarify the reasons why it took so long for that air conditioning unit to be fixed?

985

Hon. G Arias-Vasquez: Madam Speaker, initially what was attempted was to fix the air conditioning units and indeed, in the height of summer, the air conditioning units were fixed on a temporary basis. It was then, I think, sometime in September, when the view was taken that the entire system had to be replaced because it broke down again.

990 What was done in the intervening period was that patients were transferred out of that ward to make sure that nobody was affected by the air conditioning issue.

Hon. J Ladislaus: I am grateful for that indication.

995 Could the Hon. the Minister confirm whether any industrial action was threatened as a result of this failure in the air-con system?

Hon. G Arias-Vasquez: Madam Speaker, I think there is a question later on that relates specifically to industrial action, and I do not think this one is included in there. And I think that that is because even though there were rumblings of possible industrial action, there was never any actual ... the process was never commenced, if that makes sense.

1000

Hon. J Ladislaus: I am grateful again for the for the clarification, but if I can just press a bit further on that last point.

1005 Can the Hon. the Minister confirm what she means by, 'There were rumblings, but no action was taken?' I understand that no formal action was taken, but were any written communications, for example, received from the Union which threatened industrial action if these works were not undertaken immediately.

1010 **Hon. G Arias-Vasquez:** Madam Speaker, again, I am cognisant of the fact that there is an answer to a question relating to threatened industrial actions, and that one is not in here. So what I mean to say is that even if there was industrial action, the formal process was never commenced.

Madam Speaker: Next Question.

Q823/2024

**Public access defibrillators –
Locations; information updates**

1015 **Clerk:** Question 823, the Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, when was the last time that the information on the GHA's website as to the location of public access defibrillators available in Gibraltar was updated? How often is that information updated?

1020 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, I am advised that the GHA website was last updated in July 2024 and the regularity of any updates is subject to any changes in the Public Access Defibrillator network.

1025

Madam Speaker: Next Question.

Q824/2024

**External phone lines –
Policy on answering**

Clerk: Question 824. The Hon. J Ladislaus.

1030 **Hon. J Ladislaus:** Madam Speaker, does the GHA have a policy in place as to answering external phone lines? If so, please outline that policy.

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

1035 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** The GHA's policy is to answer all external phone lines as soon as is practically possible. However, there may be occasions when, due to clinical priorities, phones are not answered as quickly as we would like. But I reiterate the policy is to answer calls as soon as possible.

1040 **Hon. J Ladislaus:** Madam Speaker, unfortunately we have received various complaints from members of the public who are not having phone lines picked up when they are ringing the GHA. Could the Hon. the Minister clarify whether this is because perhaps the admin staff, there is not enough within the admin complement?

1045 **Hon. G Arias-Vasquez:** Madam Speaker, there are some wards that have ward clerks. There are some Departments that have clerks at the desk and there are switchboard staff as well, which can answer the phones on a regular basis.

Now, what happens is that it depends on what is going on in the hospital physically at the point in time when someone calls. For example, there are many cases that they find themselves attending to the public, or clerks find themselves popping in and out of clinics to speak to the doctors and/or the nurses.

1050 So it is not a case of not having enough admin staff – indeed, the complement is forever increasing in relation to admin staff. The question is: how do you make sure that there is someone permanently by the phone without moving to attend a more urgent need on the ward, etc.?

1055 **Hon. J Ladislaus:** Madam Speaker, again, this is happening with quite alarming regularity that we are receiving these complaints and it is across the board. There are not specific Departments, it is very much across the board.

And so therefore I would once again ask the Hon. the Minister whether perhaps it could be that further staff need to be employed specifically for the purpose of perhaps picking the phones up and passing on information to the relevant parties or clarifying information. Because this is of grave concern, particularly to those who suffer mobility issues and the elderly in particular who regularly use the service.

1065 **Hon. G Arias-Vasquez:** Madam Speaker, the number of admin staff employed in the Hospital is currently being reviewed. I do not think that it is a matter of there not being sufficient admin staff to answer the phones.

Whether people are calling through and are not getting the phones answered is a separate question that might need to be looked into in further detail, but I do not think that it is because there is not sufficient admin staff in the GHA.

1070 **Madam Speaker:** Next question.

Q825/2024
GHA health cards –
Uni students annual renewal

Clerk: Question 825. The Hon. J Ladislaus.

1075 **Hon. J Ladislaus:** Madam Speaker, for what reasons are university students required to renew their GHA health cards on an annual basis?

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

1080 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the requirement for university students to renew their GHA cards on an annual basis serves to check whether a student continues in full-time education or otherwise.

Hon. J Ladislaus: I am grateful. We suspected that was the case.

1085 The information that we have filtering through is that the Department of Education must provide students with a letter to the GHA, individually, confirming that they have passed and are eligible to have their health card renewed on an annual basis.

Would the Hon. the Minister not agree that that is somewhat of a convoluted process for the Departments involved, and also for the students who are sometimes left in limbo for some time until their health cards are renewed?

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Hon. G Arias-Vasquez: Madam Speaker, the issue is that we have had issues in the past relating to fraud, and that is why we asked the students to turn up once a year in the GHA to renew their card. Turning up once a year is not particularly onerous, I would argue, and if it is going to combat fraud, I would suggest that that is an adequate requirement.

1095

Hon. J Ladislaus: I am grateful for that indication, Madam Speaker.

Nevertheless, we have heard a lot made of the new systems in place in recent years that the Government have rolled out across Departments – I am talking about IT systems – and therefore I ask the question: why is there not a centralised system within which this information is automatically uploaded so that Departments all have access to that system?

1100

Chief Minister (Hon. F R Picardo): Madam Speaker, there is a centralised system. There is data in the Department of Education; there is data in the Health Authority. But all of that data, because of the law on data protection, is held in relative silos and we are not permitted to have that data just speak to itself and confirm that one person has continued in X and has continued in Y to the extent that that is possible. We try and do it by having agreements between Departments.

1105

Nonetheless, there still is occasionally a need to set up what one might call an ‘analogue check’ in order to ensure that we are also confirming both parts of the data. And sometimes that is helpful and people can slip through the net if we only rely on data.

1110

So the hon. Lady’s question, I hope, is answered by the overview I have given of how Government data is managed. And I hope that has been of assistance.

And I am very worried, Madam Speaker, that I have seen you lift your notepad and make a note as I address, and I hope I have not for one moment failed in the form of address. And if I have, I pre-apologise.

1115

Madam Speaker: The Hon. the Chief Minister must know or should know that I do not just record infractions in my notepad. There are other things I keep record of as to how many supplementaries for each question (*Interjection*) and the like.

1120

But to ease his concern, no, the Hon. the Chief Minister has not been responsible for an infraction. Yes.

Any more supplementaries from the Hon. Mrs Ladislaus? The Hon. Mr Sacarello has one.

Hon. C Sacarello: Thank you, Madam Speaker; and thank you to the Hon. Minister and Chief Minister opposite, for their replies.

1125

My question comes more from a practical stance, Madam Speaker. There are roughly – and I stand to be corrected, but it is only a rough figure anyway – 600 students per annum. So that is potentially 600 letters and meetings that the Department of Education have to have every summer. And the same with the GHA in renewing the cards, not just the meetings, but the time that it takes to process the application and then the cost of printing the cards, of course. So there is a lot of bureaucracy tied up in this.

1130

Would it be possible – and I am asking this as a question, not understanding the centralised system limitations of some of the data breaches – when the student signs a contract at the

beginning, there is an undertaking by the students to deliver certain terms, such as coming back to Gibraltar, for example, to study, and then that is countersigned by a guarantor.

1135 Would it not make sense at the beginning, Madam Speaker, to ensure that the student also commits to notifying the GHA in the event of failing so that the few do not result in the masses suffering of law-abiding and successful students, which everyone is put through every summer. It is just a crazy system that does not really operate.

1140 Would the Government commit to looking at it and reviewing the process, to seeing if there is something could be done to try and change it to a more efficient use of time?

Hon. Chief Minister: Madam Speaker, we should not have an argument about it, but the hon. Gentleman might wish to look at the number of students that he is given us. From memory, I think the number is closer to 900 or 1,000 students at any one time. But I cannot empirically tell the
1145 House what the number is. He may be right, but I think it is much more than 600.

And in fact, he would say, well, if that is the case, that gives even more force to my point, because instead of being 600 letters, it is 900 letters or 1,000 letters. But actually, Madam Speaker, I think it will give more force to the response I would give the hon. Gentleman, which is this: this
1150 community is probably now unique in the European continent, in providing tuition fee-funding and maintenance funding for all students who undertake an undergraduate degree qualification and now also a First Master's degree.

We also provide what would probably be described as an overly generous public health authority covering, in some instances, more universal free healthcare than the national health system in the United Kingdom, which I understand was the first free national healthcare system
1155 of universal application to contributors.

The numbers, Madam Speaker, broadly in the context of the budget debate, are £21 million spent on scholarships and £158 million, I think, was the figure in the budget for the health authority.

The total, Madam Speaker, represents £179 million, almost £180 million of spending, not all of which of course is spent on students. But £21 million is spent on students, and a part of the
1160 £158 million is spent on students.

If in Gibraltar, Madam Speaker, what Gibraltarian students are asked to do is not to pay as they are in the United Kingdom and in other parts of the European Union, the £9,500 a year of tuition fees, which we all understand from reading UK newspapers, is likely to go up, and find the way of
1165 getting themselves to university and paying their rent in university. All of that is paid for with a total cost to the taxpayer of £21 million a year across the board.

And in Gibraltar they get dental treatment as well as the health treatment and all that we are asking them to do – and I am therefore inverting the question for the hon. Gentleman – is to write in once a year and confirm one Department to another, and the student that they are still there,
1170 so that we keep the £21 million at £21 million and make it more only if we have more students, not if we have somebody who has dropped out and they are still receiving funds. Or, on the other side, if they have dropped out, that they are only receiving healthcare if they are entitled to receive healthcare.

The hon. Gentleman will forgive me for saying that I think that although it might at first blush appear laborious, what we have is a system that is designed to protect the public purse, which is one of the things that Hon. Members would no doubt wish to agree with us. Bureaucracy is
1175 therefore we must never have red tape that we do not need to have, but there are sometimes things that could be derisively described as red tape that are there for a reason.

And the reason is to ensure that the £21 million does not become £22 million unless we have more students, and that the £158 million does not become £159 million or £160 million unless it
1180 needs to, and not because people are falling between the cracks.

So the hon. Gentleman is not going to find that we believe that he is right in suggesting that this is inefficient, or that there is a magic wand that we can use to provide another check and

1185 balance that might otherwise deliver the same result. We are doing it for a reason, and we are
doing it to protect the public purse, something that I am sure that we all agree is the right thing
to do.

Madam Speaker: Yes.

1190 **Hon. C Sacarello:** Thank you, Madam Speaker, and thank you to the Hon. the Chief Minister
for his reply.

I am afraid, though, Madam Speaker, the Chief Minister had my question all wrong. He
answered it for whatever reason from the perspective of the students. My argument was from
the perspective of the cost, which he very clearly explained was something that the Government,
1195 rightly so, is very cautious about.

My argument was that the 900 letters that have to be written by the Department of Education,
the 900 meetings that the Department of Education potentially has to have, plus then the
900 meetings that the GHA has to have and the 900 cards that have to be printed every year,
potentially, by these students because the cards need to be renewed. They only give them for
1200 12 months, Madam Speaker.

What I am asking for is: would consideration be given for some up-front measure to be taken
to avoid all of that? Bearing in mind, Madam Speaker, that there are only around 30 or 40 students
that drop out and not all of them fail to pay the money back, so that they then get jobs assumably
or sign on.

1205 So like I said, there is the few who are jeopardising or causing these huge amounts of costs and
workloads additional for the civil servants involved unnecessarily, and it is that which I am seeking
to be addressed.

Thank you.

1210 **Hon. Chief Minister:** Yes but, Madam Speaker, that is exactly the answer. That is exactly the
question I did answer with an answer that he appears either not to have liked ... that the
hon. Gentleman, Madam Speaker, appears not to have liked or understood.

With respect, I did see your pen move there, Madam Speaker.

The point is this: it is the 900 meetings. It is the printing of the 900 cards and the 900 letters
1215 that keeps it to £21 million and £158 million. If you did not have that and any of the 30 – and that
is to use his figure – were to get through, you could find that either of those two figures slips. So
the £21 million and the £158 million includes the cost of the meetings, the letters and the cards.

Could we find a system, Madam Speaker – and I think this is the point that the hon. Gentleman
is trying to make, and I would happily agree with him on if he were to tell me that this is the point
that he is trying to make. Could we find a system that does not require the 900 meetings, the
1220 900 letters, and the 900 new cards; and protects against any of the putative 30 – it maybe more,
maybe less – falling through the net.

Well, Madam Speaker, I am never going to be one to say that just because I have not thought
of it there is not a better system out there, but we are supported by a magnificent team of public
1225 servants in each of these Departments, none of whom would be wishing to have 900 meetings or
print 900 cards, or write 900 letters unless they had to. And if any of them were to propose to the
Government a change that provides the guarantees that are necessary, the Government will be
very willing to listen.

And indeed, if any of the hon. Members opposite were to wish to write to the Government
1230 with the suggestion that those who advise the Government were to agree would work, we would
be very welcoming of it. This is about protecting our common public purse in a way that works.

Madam Speaker: Next question.

Q826/2024
GHA dental treatment –
Private dental treatment options

1235 **Clerk:** Question 826. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, please clarify who is entitled to dental treatment under the GHA and what options are open to service users who are unable to afford private dental treatment for themselves or their minor dependents?

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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, this is publicly available information. I am sure if the hon. Lady opposite had known that she would not have asked.

1245

In order, therefore, to assist, I would point out that the entitlement to dental treatment under the GHA is reflected under section 8A of the Medical (Group Practice Scheme) Regulations, 1973. For users who are unable to afford private dental treatment for themselves, there are provisions under regulation 6A of the Medical (Group Practice Scheme) Regulations, so long as their income is less than such an amount as the Government may from time to time determine.

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Hon. J Ladislaus: I am grateful for that indication, Madam Speaker.

I simply raise the question to the Hon. the Minister, because we have had again an approach by a pensioner who was forced to prove the level of funds in their bank accounts when they sought emergency dental treatments at the GHA. And the reason I ask that question is that.

1255

So could the Hon. the Minister perhaps clarify the reason for this individual being asked to prove to prove funds in their bank account?

Hon. G Arias-Vasquez: Of course, Madam Speaker,.

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As I pointed out, Regulation 6A states that private dental treatment is available for people that are exempt. So in order for the individual that approached the hon. Lady to be able to access free dental care, they have to prove that they are beneath the minimum threshold that the Government sets. The minimum threshold which the Government sets is the old age pension.

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So they have to prove that they have no funds coming into their bank account, which are over and above the old age pension. Now, free dental care is extremely valuable and therefore providing us with evidence to the effect that they are meeting this threshold is a reason that they asked for this information.

Madam Speaker: Yes, the Hon. Mr Sacarello.

1270

Hon. C Sacarello: Thank you, Madam Speaker.

Would the Hon. Minister please clarify whether dental care includes emergency extractions under that section?

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Hon. G Arias-Vasquez: Madam Speaker, this is all set out in detail in the Regulations that I have pointed out. However, in order to assist the hon. Gentleman, I would say that it does not. Emergency dental treatment is treated separately.

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There is a charge of £4, which we are looking to review, for emergency dental treatment to the GHA. The emergency dental treatment has a specific definition and what a person is entitled to under emergency dental care is quite different. But they are two separate questions dealt with

separately by two sections of the Medical (Group Practice Scheme) Regulations. And the criteria are quite clearly set out in those Regulations.

Madam Speaker: Yes.

1285

Hon. D J Bossino: Yes, if I may. One very brief point.

The Hon. the Minister refers to a review of the charge that she has explained just now. Is she able to provide any further information as to what type of review her Department is looking to effect?

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Hon. G Arias-Vasquez: Madam Speaker, the charge is currently £4 and the last time this was reviewed was in the 1980s. So we are looking to review it to make sure that it is concurrent with current economic measures.

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Madam Speaker: Next question.

Q827/2024

**St Bernard's Hospital cath lab –
Fitting and cost of equipment**

Clerk: Question 827. The Hon. J Ladislaus.

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Hon. J Ladislaus: Madam Speaker, has the new cath lab at St Bernard's Hospital already been fitted with all the necessary equipment, and what was the cost of all the equipment that has been fitted? Has the entirety of the cost been borne by the GHA?

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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, yes, the cath lab has been fitted with all the necessary equipment. There are still some minor works in progress and we are awaiting delivery of all relevant consumables. The cost of the equipment is circa £1.1 million and the cost has been borne in its entirety by the GHA.

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Hon. J Ladislaus: Madam Speaker, can the Hon. the Minister confirm that there have been no donations of any equipment or funds for such equipment from any local charities?

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Hon. G Arias-Vasquez: Madam Speaker, to my knowledge there have been no donations from any charity to the cath lab. As in answer to the question, the cost has been borne in its entirety by the GHA.

Madam Speaker: Next question.

Q828/2024

**University of Gibraltar nursing graduates –
Numbers and GHA contracts offered**

1320

Clerk: Question 828. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, how many students successfully completed the BSc in Adult Nursing at the University of Gibraltar in August 2024, and how many from that cohort have been offered employment as staff nurses at the GHA under (1) zero-hour contracts, (2) fixed-term contracts, (3) permanent full-time contracts and (4) permanent part-time contracts, broken down by nationality and current country of residence. Have those contracts already commenced?

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

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, 15 students completed the BSc in Adult Nursing at the University of Gibraltar in August 2024. 13 of those students have been offered employment as registered nurses at the GHA on permanent full-time contracts on successful completion of a 12-month probationary period. 2 will be offered a bank contract. The 13 permanent contract employees are British Gibraltarian nationals resident in Gibraltar, and their studies have been funded by the GHA or the Department of Education. All 15 individuals are British nationals resident in Gibraltar, with the exception of one individual who resides in Spain.

Hon. J Ladislaus: Madam Speaker, we see that only two were denied employment and, again, we see both are foreign nationals, as has been confirmed by the Hon. the Minister. Could the Hon. the Minister give reasons? We find that there is a great shortage of nursing staff in Gibraltar, and also worldwide but we particularly seem to be having a problem with the numbers in our nursing cohort. Could the Hon. the Minister therefore confirm the reasons for turning down two individuals who successfully completed the course?

Hon. G Arias-Vasquez: Madam Speaker, the Ministry does not get involved in HR issues, but the two individuals who were not successful in being offered full-time permanent employment were offered bank contracts with the GHA. What I am told is that the two individuals who have not been offered permanent posts were found suitable at interview and therefore were offered the bank positions and not permanent full-time contracts. The reality is that the vacancies were filled by the 13 nurses who completed their studies, and these 13 nurses are supernumerary to the complement because they will actually be doing a preceptorship for the next 12 months. So, the 13 nurses that are that are currently being employed will be offered a permanent full-time contract on the completion of their preceptorship in 12 months' time, but they are currently on a supernumerary basis in the GHA.

Hon. Dr K Azopardi: Can I just ask the Minister does she have a have of number of how many nursing vacancies there are currently in the GHA?

Hon. G Arias-Vasquez: Madam Speaker, as the hon. Member knows, if he wants specific information we need notice of the question. If the hon. Member were to ask me that question, we would, of course, provide that information.

Hon. Dr K Azopardi: I appreciate that. I was just wondering whether in her notes the officials had given an indication. She is given quite a full answer on the intention to for these 13 to fill vacancies at the end of 12 months, so I thought perhaps she had a note in front of her that indicated how many vacancies there were now.

Hon. G Arias-Vasquez: Madam Speaker, the stated intention, as I have said in numerous interviews, is to fill all locum posts, which include nurses on locum contracts, with full-time permanent contracts. These preceptorships, once they are completed, will be doing the same

thing, so we intend to fill any vacancies that are currently covered by bank or locum with the full-time registered nurses who have completed their studies at the University of Gibraltar.

1375 **Hon. J Ladislaus:** Just one further question, and it may be that the Hon. the Minister does not have the answer in front of her; if so, I would then file. Is it correct that the nursing qualification that is provided by the University of Gibraltar is only valid in Gibraltar for practice within Gibraltar, or can nurses use the qualification elsewhere?

1380 **Hon. G Arias-Vasquez:** I do not have that information in front of me, but I am aware of what the answer is to that question. At the moment, if you complete a qualification at the University of Gibraltar, you are able to do a top-up in the UK. You do not have to do the full course; you are able to do a top-up to be able to practise in the UK as a nurse. We are currently in discussions with the Nurses and Midwifery Council in the UK in order to try to convince them to accept our qualification, because the course that you do in Gibraltar is the same course as you would do at a UK university. It is a question of recognition. But you are able to do a top-up to be able to practise in the UK.

Madam Speaker: Has the Hon. Ms Ladislaus finished? Yes, the Hon. Mr Sacarello.

1390 **Hon. C Sacarello:** Thank you, Madam Speaker. For the purposes of those watching, me included, would the hon. Member please clarify what she meant by bank contracts?

1395 **Hon. G Arias-Vasquez:** The GHA has a contingency of people it calls on when somebody is sick or on maternity leave etc., to cover the individual. We have a bank of people available to call as and when they are required.

Hon. C Sacarello: I thank the Hon. Minister for her explanation. It sounds rather like supply, Madam Speaker. Would that mean that it is effectively a zero-hours contract?

1400 **Hon. G Arias-Vasquez:** Madam Speaker, bank is used for a very specific purpose. It is on an as-and-when-required basis. We call those people as and when they are required. *(Interjection)*

Madam Speaker: Any other supplementaries?

1405 **Hon. D J Bossino:** Yes, zero-hours contracts.

Chief Minister (Hon. F R Picardo): And in exactly the same way as it was –

1410 **Madam Speaker:** Next question.

Hon. Chief Minister: – for 16 glorious years between –

Hon. D J Bossino: You are just calling it something different.

1415 **Hon. Chief Minister:** No, it has always been called that, before the term ‘zero-hours contract’ existed.

Hon. D J Bossino: Ah, it is a zero-hours contract.

1420 **Hon. Chief Minister:** No, not necessarily, because usually – *(Interjection)*

Q829-30/2024
Nurses and nursing assistants –
Numbers employed by GHA

Clerk: Question 829. The Hon. J Ladislaus.

1425 **Hon. J Ladislaus:** Please provide figures as to the number of nurses and nursing assistants that were employed by the GHA and in post as at 15th August 2023 and 15th February 2024.

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

1430 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I will answer this question together with Question 830.

Clerk: Question 830. The Hon. J Ladislaus.

1435 **Hon. J Ladislaus:** Please provide figures as to the number of nurses and nursing assistants that were employed by the GHA and were in post as at 15th October 2024.

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

1440 **Hon. G Arias-Vasquez:** Madam Speaker, in answer to Question 829, the GHA had the following nurses and nursing assistants employed and in post on 15th August 2023 and 15th February 2024. On 15th August we had 389 nurses and 106 nursing assistants. On 15th February 2024 we had 412 nurses and 99 nursing assistants.

In answer to Question 830, the GHA had 390 nurses and 92 nursing assistants in post as at 15th October 2024.

1445 **Hon. J Ladislaus:** I am grateful. Madam Speaker, could the Hon. the Minister confirm whether that is full complement or we are under full complement at the moment for nursing staff?

1450 **Hon. G Arias-Vasquez:** Madam Speaker, I do not have that information available to me, but it is publicly available information. You can check the Estimates Book and see what the complement is, and contrast and compare. (*Interjection*) Apologies, but it would be normal to be under complement.

1455 **Hon. J Ladislaus:** Could the Hon. the Minister confirm whether it is normal to be over 200 nurses under complement? That is, again, the information that we are receiving, that we are over 230 nurses under complement as it stands, which is quite troubling to hear, so could the Hon. the Minister perhaps confirm whether that is the case?

1460 **Hon. G Arias-Vasquez:** Madam Speaker, it is slightly concerning that we are relying on information that they are receiving when we have a Book that actually gives you the information on a concrete basis. I would suggest that we look at the Book. That is not the information that we have, and therefore we are not concerned.

1465 **Madam Speaker:** Supplementaries?

Hon. J Ladislaus: Madam Speaker, could the Hon. the Minister perhaps confirm whether we are understaffed in terms of nursing staff, both nurses and nursing assistants?

1470 **Hon. G Arias-Vasquez:** Madam Speaker, all the vacancies that I receive which are in complement are approved.

Madam Speaker: Any other supplementaries?

1475 **Hon. J Ladislaus:** Madam Speaker, from what we can see in the Book, it appears that the full complement would be 518 nurses. Perhaps my figure is slightly off, but we do seem to be a significant number under complement from reading the figures in the Book. 106 nurses is a significant number, would the Hon. the Minister agree?

1480 **Hon. G Arias-Vasquez:** Madam Speaker, far from the 200 we were initially accused of having under complement two minutes ago, if you actually check the Book ... Let me take the hon. Member to page 203. Let me do the hon. Member's homework for her. At page 203, there is a complement of 518.5 nurses. If you add 390 and 92, the answer is 482. This is not 200. In actual fact, let me take the hon. Lady to the figures as the complement was in 2011. In 2011, the complement was 305 nurses and 71 nursing assistants, so the complement has actually increased
1485 by 25% in 12 years. I would strongly suggest that in the future the hon. Member opposite looks at the Book and the figures and does not rely on hearsay. *(Banging on desk)*

Hon. J Ladislaus: I am grateful for the lecture on that. Madam Speaker, 2011, as we can see, is a good while ago. It is 13 years ago and therefore a lot of things have happened, not least the
1490 growth of the population. The complement still appears to be approximately – and my maths is not great, but it still appears to be approximately a fifth under, because there are 500 and odd and we are almost a hundred under, no? So, would the Hon. the Minister please confirm that she is happy with the number of nurses available at the moment within the complement. *(Interjection and banging on desk)*

1495 **Hon. G Arias-Vasquez:** Madam Speaker, let's do the quick maths. We are 36 nurses under complement and let me repeat that each and every vacancy that we get that is in complement is approved. Thirty-six is 164 of the 200 vacancies that we were informed about five minutes ago.

1500 **Hon. Dr K Azopardi:** Taking the emotion out of this debate, if I may for a second, I am not sure I am following the hon. Member's reading of the numbers, because on page 203, at the bottom, there is a figure of 492 full time, full-time equivalents 518, as I understand it. The Hon. Minister has given the figure of 390 nurses, so perhaps she will explain why she says it is 36.

1505 **Hon. G Arias-Vasquez:** Madam Speaker, that figure at the line includes 97 nursing assistants, so the figure I have given is 390 nurses and 92 nursing assistants.

Madam Speaker: Any other supplementaries? Next question.

Q831/2024
GHA staffing levels –
Contingency plans re land Frontier disruption

1510 **Clerk:** Question 831. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, what contingency plans are in place to ensure that the GHA remains at optimal staffing levels in the event of disruptions at the land Frontier?

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

1515 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the GHA has been working extensively to minimise risk and ensure staffing levels remain safe in the event of disruptions at the land Frontier. The work includes reviewing all rotas to ensure locally based staff are on duty for the week beginning on 10th November 2024; additional staff training in the event of staff redeployment for critical services; the deployment of newly qualified staff has been reviewed, and all clinical staff in managerial leadership roles are able to step into clinical care if necessary; and accommodation options to support staff are being reviewed.

1520 **Hon. J Ladislaus:** I am grateful. Could the Hon. the Minister confirm where the staff would be accommodated?

1525 **Hon. G Arias-Vasquez:** Madam Speaker, the GHA is looking at short-term accommodation at Europa Suites should this be required? This is not a question that it will be used, this is a question of should it be required. We are looking at all available options in case we require it.

1530 **Hon. J Ladislaus:** Madam Speaker, could the Hon. the Minister confirm what the capacity of that accommodation is, and will staff who do not live in Gibraltar be expected to remain in Gibraltar when they are on duty on consecutive days?

1535 **Hon. G Arias-Vasquez:** Madam Speaker, we are looking at possible accommodation for the staff. There is availability of up to 50 suites, should these be required. We are not looking at actively booking these suites. We are looking at these options in the case that they are required.

Madam Speaker: The Hon. Mr Clinton.

1540 **Hon. R M Clinton:** Thank you, Madam Speaker. If I may ask the Minister, just for enlightenment: Europa Suites is not a place I am familiar with. Is this private sector accommodation or is this somewhere that Government has some new facilities being given this name that I am not aware of and is owned by the Government?

1545 **Hon. G Arias-Vasquez:** Madam Speaker, Europa Suites is university accommodation.

Madam Speaker: The Hon. Mrs Ladislaus.

1550 **Hon. J Ladislaus:** Madam Speaker, just one further question. Has the GHA made concerted efforts to recruit from outside Gibraltar and Spain, and how successful have those efforts been?

1555 **Hon. G Arias-Vasquez:** Madam Speaker, it depends on the role. The GHA is consistently making concerted efforts to recruit, in some roles, outside Gibraltar and outside the GHA. It depends on what vacancy it is that we are looking for. For example, speech and language therapists is one which automatically comes to mind. Speech and language therapists are incredibly difficult to recruit, so we do recruit outside Gibraltar. It depends on the speciality and it depends on what is required.

1560 **Madam Speaker:** The Hon. Mr Bossino had a question.

Hon. D J Bossino: Yes, if I may, and I am grateful to the Speaker for this opportunity. The Hon. the Minister for Health has enlightened this House about the Government's plans in relation to the potential temporary accommodation which is to be made available in the event that we

1565 endure difficulties at the Frontier as it impacts on medical staff. Is she able to give more details
beyond the location of what the Government is considering? She says that the Europa Suites are
available within the Gibraltar University complex. Is she able to, at this stage, give an idea of what
the likely cost of the Government is going to be, if any, to provide this accommodation which,
depending on how the negotiation in relation to the deal progresses ... and if it goes pear shaped
we may be facing that eventuality sooner than we think in a no deal outcome scenario?

1570 **Chief Minister (Hon. F R Picardo):** Madam Speaker, zero.

Madam Speaker: Next question.

Q832/2024

**St Bernard's Hospital nursing staff –
Shortages in last six months**

Clerk: Question 832. The Hon. J Ladislaus.

1580 **Hon. J Ladislaus:** In the past six months, have there been any issues relating to shortages of
nursing staff within any of the wards at St Bernard's Hospital? If so, in which wards? Please provide
specifics as to the nature of the issues, whether they have now been resolved and how.

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

1585 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, there have
been a number of multifaceted issues with regard to shortages of nursing staff within St Bernard's
is, such as recruitment and retention of specialised nurses, including restrictions pertaining to a
post-Brexit era where worldwide demand for nurses is increasing more quickly than supply. For
these reasons, HMGoG has placed an emphasis on the University of Gibraltar's Adult Nursing
1590 degree, as well as the Advanced Healthcare Practitioners MSc, to deal with rising patient demand
now and into the future.

Unfilled vacancies across generic wards and in specialised areas such as maternity and Calpe,
have been filled by bank and agency staff as short-term stopgaps to ensure patient safety and care
delivery to patients. The short-term use of bank and agency staff to cover immediate gaps in
1595 service sits alongside a wider nursing workforce strategy. This strategy includes developing a
skilled local workforce that embraces the use of digital technology and specialist roles.

1600 **Hon. J Ladislaus:** I appreciate that recruitment may be an issue and that there are worldwide
shortages. Can the Hon. the Minister clarify what has been done in order to retain individuals once
they are actually employed at the GHA, because there seems to be a problem with retaining staff
at the GHA?

1605 **Hon. G Arias-Vasquez:** Madam Speaker, that is a very generic question. It depends what area
we are looking at. If the question is in relation to, for example, psychiatrists, on which I know there
is a follow-on question, the issue is that psychiatrists very often want an academic value to be
added to their practice. So, it is difficult to retain psychiatrists in Gibraltar because we do not have
that academic side to offer them.

1610 In terms of nurse retention, we actually retain a lot of nurses. Yes, sometimes there are
shortages in wards, but these shortages in the wards are the same shortages as would be
experienced in any other workplaces. There are shortages relating to illness and everything else,

and the organisation makes sure that those pressures are covered by either bank or supply staff, or indeed pulling staff from other wards. These are general working difficulties that any organisation faces, especially an organisation the size of the GHA.

1615 **Hon. Dr K Azopardi:** The hon. Lady gave an indication about the importance that she places on
the qualifications of the University of Gibraltar to deal with these issues, but I guess that is a
medium- if not long-term strategy because I imagine that the qualification at the University is
maybe ... I do not know if it is a three-year course or whatever. I think it used to be a three-year
1620 course in my day when we used to train what became RGN nurses, but presumably at the end of
that they are standard, non-specialised nurses because they would then need to go for specialised
training. If one of the core issues that the hon. Lady indicated at the beginning of her answer was
that particularly in some areas of specialisation they are having a problem, how is that going to be
dealt with? The cure of the university will not be that, because it will deliver general nurses and
presumably at a medium pace only.

1625 **Hon. G Arias-Vasquez:** Yes, Madam Speaker, the Hon. Leader of the Opposition is quite correct
in saying that the courses are three-year courses and therefore it will take three years to deliver
the current cohort of nurses, but the courses have already been running. One of my previous
answers refers to the previous cohort, which is now out and in the Hospital doing their
1630 preceptorships in these 12 months, so that is already a rolling programme. The basic nursing
course is a three-year course, but then there are courses that can be done, for example, for breast
care nurses, and those breast care courses are three-month courses. We are currently looking at
different options in order to provide those top up qualifications, so that we have specialised breast
care nurses, for example.

1635 In the case of specialisations and consultants, it is harder, but what I reiterate we are looking
to do is that if there is a need to employ a locum, then we do provide a locum, but what we are
trying to do is every time we employ a locum we are simultaneously trying to issue a notification
of vacancy so that that post is covered on a longer-term basis. I think the hon. Member opposite
and I are *ad idem*, in that we agree that indefinite contracts are the preferable way forward for
1640 our consultants. What we are looking to do is to make sure that we have a longer-term strategy
for all of our consultants in the Hospital, and slowly but surely this is being achieved.

Hon. Dr K Azopardi: Can she give us an indication, if she has the information with her, as to
the kind of area of specialisation where they have encountered more recent problems?

1645 **Hon. G Arias-Vasquez:** Madam Speaker, I am aware from my discussions with the GHA and the
Director General in particular that, for example, diabetes specialist nurses are very difficult to
recruit. I have referred previously to speech and language therapists. They are particularly difficult
to recruit. We are talking here about global problems, and the UK is experiencing the same
1650 difficulties in trying to recruit these specialisations.

Hon. J Ladislaus: Just to pull on that thread of specialisations, I appreciate that there is a
shortage and diabetes is one that I did have in mind, which has been filtering through as well, but
can the Hon. the Minister perhaps clarify whether there are any incentives in place for these
1655 nurses to be going towards a specialism, so to speak? Again, the information that I have is that
sometimes they lose, for example, allowances when they go off and train for this qualification and
specialism. What happens is that some individuals find themselves with less salary at the end of
the month, and that is not attractive to anyone. Could the Hon. the Minister clarify whether there
are any incentives that are being looked at in order to attract these nurses those specialisms?

1660

Hon. G Arias-Vasquez: Madam Speaker, that is exactly the point that I was going to make. The incentive really is career progression, but what we are doing on a case-by-case basis is looking at what is happening. For example, diabetes specialist nurses: when we have one, we realise that there may be an issue of the nature that she is referring to, and we take it on a case-by-case basis and look at what that nurse would lose or stands to gain, or otherwise, but the incentive should always be career progression.

Hon. J Ladislaus: Again, I do appreciate that, but if it is the case that they have been looked at on a case-by-case basis, could that not perhaps breed resentment within the cohort itself? Career progression is, of course, very important to many people, but unfortunately a lot of people have mortgages and bills and they have the cost of bringing up children to think about and factor in. Therefore, is it a financial bar to them to go down these routes, and should there be perhaps an equal footing for all nurses, rather than taking it on a case-by-case basis?

Hon. G Arias-Vasquez: Madam Speaker, I would disagree with that analysis, respectfully, of the hon. Member opposite. I actually have a lot of people coming to see me personally because they want to go on specific courses to enhance their qualifications, so I do not think it is a bar in any way, shape or form, and I think that a lot of people do view it as career progression and have a longer-term view of where their career is going.

Madam Speaker: Next question.

Chief Minister (Hon. F R Picardo): Madam Speaker, before you – I do not know what other word to use –

Madam Speaker: You are all going to start making me very nervous if we are focusing –

Hon. Chief Minister: – call the next question, I wonder whether this might be a convenient moment for all hon. Members to take a short break and we might come back at 25 past the hour.

Madam Speaker: Yes, let's come back at 25 past the hour.

The House recessed at 5.10 p.m. and resumed its sitting at 5.25 p.m.

Q833-35/2024

Consultant psychiatrists – Temporary contracts, terminations and resignations

Clerk: Question 833. The Hon. J Ladislaus.

Hon. J Ladislaus: Since 1st January 2019, how many psychiatrists employed by the GHA have not had temporary contracts renewed, and for what reasons?

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 834 and 835.

Clerk: Question 834. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, how many psychiatrists employed by the GHA have had their contracts terminated from January 2019 to date, and for what reasons?

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Clerk: Question 835. The Hon. J Ladislaus.

Hon. J Ladislaus: Since 1st January 2019, how many psychiatrists employed by the GHA have resigned?

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

Hon. G Arias-Vasquez: Madam Speaker, from January 2019 to 17th October 2024, 10 temporary locum contracts have not been extended, as the reason for cover has been resolved. This cover was in respect of long-term sick or vacant post whilst recruitment was being carried out.

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From January 2019 to 17th October 2024, the GHA has not terminated any consultant psychiatrists.

Two consultant psychiatrists employed by the GHA have resigned from 1st January 2019 to 17th October 2024.

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Hon. J Ladislaus: I am grateful. Madam Speaker, I know I ask this question quite regularly, but I ask it again: can the Hon. the Minister confirm whether she feels or is informed that the complement of psychiatrists is in fact what it should be and not below?

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Hon. G Arias-Vasquez: Madam Speaker, factually, the complement of psychiatrist is where it should be.

Madam Speaker: Do you have a supplementary? Next question.

Q836-37/2024

Neurodevelopmental pathway –

Time from referral to diagnosis; number of child referrals and time from referral to assessment

1730

Clerk: Question 836. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, what is the predicted timeframe within which a diagnosis can be expected following a referral under the GHA's neurodevelopmental pathway?

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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, I will answer this question together with Question 837.

1740

Clerk: Question 837. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, to date, how many children have been referred for assessment under the recently established neurodevelopmental pathway; and, on average, how long is it taking for an assessment to take place from the time of referral?

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

Hon. G Arias-Vasquez: Madam Speaker, it is difficult to predict the timeframe, as the GHA is currently working through the waiting list.

1750 Since the publication of the pathway, eight children have been referred for a suspected neurodevelopmental condition. However, we are currently working through the waiting list and as such are unable to accurately say how long it is taking for an assessment to take place from the time of referral. Additionally, it is not possible to determine how long it takes for the assessment to take place, as this is dependent on the specific needs of the child and their development.

1755 **Hon. J Ladislaus:** Madam Speaker, can the Hon. the Minister perhaps provide numbers as to how many children are on that waiting list?

1760 **Hon. G Arias-Vasquez:** Madam Speaker, since September 2023 when funding was approved for the ADOS which is the Autism Diagnostic Observation Schedule, 77 children have completed the pathway. Diagnoses for these 77 children include autism spectrum disorder (ASD) and ADHD. Additionally, some of these 77 children were not diagnosed with any condition. There are currently a further 25 children on the ASD waiting list.

Madam Speaker: Next question.

Q838-40/2024

UK Infected Blood Compensation Scheme – Scheme and inquiry to mirror UK; number of cases in Gibraltar

1765 **Assistant Clerk:** Question 838. The Hon. J Ladislaus.

Chief Minister (Hon. F R Picardo): Hear, hear.

1770 **Hon. J Ladislaus:** Madam Speaker, is there a compensation scheme in Gibraltar mirroring or similar to the Infected Blood Compensation Scheme in the UK which will provide financial compensation to victims of infected blood on a UK-wide basis, under which GHA service users who were infected by contaminated blood and/or blood products can apply for compensation?

1775 **Assistant Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

Hon. G Arias-Vasquez: Madam Speaker, I will answer this question together with Questions 839 and 840.

1780 **Assistant Clerk:** Question 839. The Hon. J Ladislaus.

1785 **Hon. J Ladislaus:** Madam Speaker, will there be an inquiry in Gibraltar to mirror the infected blood inquiry in the UK which was set up to examine why service users in the UK were given infected blood and/or infected blood products; the impact on their families; how the authorities, including government, responded; the nature of any support provided following infection; questions of consent; and whether there was a cover-up?

Assistant Clerk: Question 840. The Hon. J Ladislaus.

1790 **Hon. J Ladislaus:** How many people in Gibraltar were infected after having received contaminated blood transfusions and blood products under the care of the GHA?

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

Hon. G Arias-Vasquez: Madam Speaker, the GHA is aware of one patient who has received contaminated blood transfusions or blood products whilst receiving care in the UK. I can also confirm that the UK's infected blood compensation scheme is applicable to Gibraltar, and that Gibraltar, as with other British Overseas Territories, has been included in the legislation.

As a consequence of Gibraltar being included in the UK legislation and the UK compensation scheme, the Government will not be conducting a separate inquiry. The fact is that the infections did not arise here and there is therefore nothing to inquire into here. Additionally, unfortunately, although Gibraltar did receive blood and plasma from the NHS Blood and Transplant Service during the 1970s and 1980s, we do not have records for this period, so cannot accurately say how many people may have received contaminated products.

Hon. J Ladislaus: I am grateful. Madam Speaker, I am just taking apart what has been said here. There are no people, as far as the Hon. the Minister is aware, who have been contaminated by blood products in Gibraltar. Nevertheless, we do not have records going back that far – am I understanding it correctly? – so we cannot know, really, the scale of whether there are any infections locally or not. Is that correct?

Hon. G Arias-Vasquez: Madam Speaker, it is highly unlikely that we would not have found out that there is someone suffering or that someone that had received the contaminated blood and that we would not have found out about it to this date. The answer to the question is that there is one patient who has received contaminated blood transfusions whilst receiving care in the UK. It is a problem that the UK had, and it was not a problem that Gibraltar ever had.

Hon. J Ladislaus: Madam Speaker, could I urge the Hon. the Minister perhaps to look further into this, because I certainly am aware of at least one individual who has received such products, and therefore would the Hon. the Minister commit to looking to looking into this matter further? If there are no records that date back that far, perhaps there is some need for inquiring further, because this is a serious issue. If there are no records, perhaps there are individuals who have indeed been infected by blood products received from the NHS.

Hon. G Arias-Vasquez: Madam Speaker, in this very session this afternoon we have relied on one instance of hearsay and have realised that the actual results are significantly incorrect. It is highly unlikely, with respect to the hon. Member opposite, that she would have heard of one case that we have not. The advice that I would give any patient who thinks that they may have received contaminated products is to contact the GHA and make the GHA aware of the fact that they fear that they have received contaminated blood and the GHA will, of course, carry out any relevant tests. We are aware of one patient who has received contaminated blood whilst receiving care in the UK, and that is the knowledge that we have to date.

Hon. J Ladislaus: I am grateful. I certainly will be passing the information on to the individual in question, and of course if there are any further individuals who approach I will certainly send them the GHA's way. Can I just press on with one further question? If the GHA then finds that it is the case that there are more individuals who were infected by blood products – and we are saying obviously that they came from the NHS into Gibraltar – in the past, would the Hon. the Minister commit to perhaps an inquiry into this?

Hon. Chief Minister: Madam Speaker, the hon. Lady's question spans from long before the Hon. Minister being Minister for Health from what I can sense. The answer the Government has given is that in the 1970s and 1980s we received blood from the United Kingdom. We have not

got records going back that far. Therefore, it is impossible for us to answer a question about that period of time. The hon. Lady has had an answer from the Government that says we know of one case where there has been contamination; it happened in the UK. She has got up and I think she said, 'We know of one case.' It may be the same case. Or is she saying that the case that they became aware of is another case, a different case, and that it happened in Gibraltar? If that was what she was saying, the Hon. the Minister told the hon. Lady we are not aware of that case. The GHA may be investigating that and many other cases of many related issues, but there have been no cases reported as being cases of contamination.

The thing I would say to the hon. Lady is that it would be remarkable – in fact, it would be extraordinary – if somebody believed that they had received contaminated blood and they go to see the hon. Lady, or any hon. Member opposite, instead of going to see a practitioner at the Gibraltar Health Authority to say, 'I believe I have received contaminated blood.' It would be really beyond the realms of what is likely that we would not be aware of such an instance, if it is in fact infected blood, and hon. Members opposite would be. That, Madam Speaker, is not something that I would consider to be at all within the realms of possibility and I would like to give comfort to people at home that they should not believe that there is the possibility that this is more widespread than has been the case identified by the Hon. Minister in her answer.

I would ask the hon. Lady and hon. Members opposite generally to reflect on what I have said. We have, of course, different ideologies, we defend different politics, but we are all in politics because we want to defend the people of Gibraltar. If somebody came to me and told me, as a politician, outside this House, that they believed they had received infected blood from the GHA, I would ask them, 'Which doctor have you been to who has told you that, and have you gone back to the GHA?' None of us would think that that is an issue that any Member of this House, on either side, would wish to tolerate, support or cover up. And so can I gently just ask hon. Members – and the hon. Lady knows I have the highest regard for her and for the way that she conducts herself in this House ... that actually this is not an area where it is very likely that the Government would be playing politics or doing anything other than giving the information that we have received empirically in respect of this very sensitive issue, where we entirely associate ourselves with the words that were shared by the chairman of the inquiry with the victims in the United Kingdom of the infected blood scandal, which unfortunately includes one Gibraltarian.

Madam Speaker: Next question.

Q841/2024
GHA and NHS –
Reciprocal arrangements

Assistant Clerk: Question 841. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, what reciprocity arrangements are in place between the GHA and the NHS?

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

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, as has already been publicly announced, the United Kingdom and Gibraltar have a bilateral reciprocal health agreement under which residents of Gibraltar are entitled to receive free healthcare in the UK on the same terms as eligible UK ordinary residents, including access to elective treatment. This agreement applies only to citizens residing in Gibraltar who do not intend to stay in the UK

for more than 30 days. Additionally, Gibraltar may refer an unlimited number of patients to the UK for free elective treatment, with the exception of planned maternity care.

Madam Speaker: Next question.

Assistant Clerk: Question 842.

Madam Speaker: I had not spotted you, sorry.

Hon. Dr K Azopardi: Sorry, Madam Speaker, I was having an aside with my hon. colleague.

My understanding is that some of these reciprocal arrangements go back a long time. Has there been any sort of review of these arrangements? Is the incarnation of the current agreement the same as was put in place many years ago, or is there a more modern reviewed set of arrangements? I am just really asking for the date of the agreements, if she has it with her, because it might just be the old agreements that I was familiar with, or there might be a more modern reviewed set of arrangements.

Chief Minister (Hon. F R Picardo): Madam Speaker, if it is helpful to the House, this also pre-dates the Hon. Minister's appointment as Minister and relates to the post-Brexit arrangements. At the time that the Hon. the Leader of the Opposition was Minister for Health, we were members of the European Union, we had a bilateral relationship with the United Kingdom, we also had common membership of the European Union, and there were all sorts of issues that therefore came into play. These are post-Brexit arrangements agreed between Gibraltar and the United Kingdom after the coming into effect of the Withdrawal Agreement, so that Gibraltar continued to have the arrangements it had had since the 1970s but with such modification as was necessary as a result of our now bilateral relationship, which is not covered by the European Communities Act.

Madam Speaker: Next question.

Q842/2024
GHA service level agreements –
Medical institutions

Assistant Clerk: Question 842. The Hon. J Ladislaus.

Hon. J Ladislaus: Can the Hon. Minister please provide a list of the medical institutions with which the GHA has service level agreements in place?

Assistant 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 Question 842/2024

The Gibraltar Health Authority currently holds service level agreements or MoU's with the following providers:

Spain

Vithas Xanit International — General Specialist Tertiary Services

Vithas Parque San Antonio — Paediatric Services
HLA Jerez - General Specialist Tertiary Services
Quiron Marbella - General Specialist Tertiary Services
Quiron Campo de Gibraltar - General Specialist Tertiary Services
Clinica Universidad de Navarra — Specialist Oncology services
Genesis Care — Radiotherapy/Oncology
Clinica Medrano IVF Treatment
MD Anderson - Oncology
Miranza - Ophthalmology
Opivision – Ophthalmology

UK

Guys and St Thomas NHS
Moorfields NHS
Kings College NHS
UCLH NHS
Royal Marsden NHS

Under the UK/ Gibraltar Reciprocal arrangements we have access to all NHS providers the following ones are the most used, apart from the above listed:

GOSH NHS
Evelina NHS
Leicester Royal Infirmary NHS
Royal Brompton NHS
St Georges NHS

1925 **Madam Speaker:** Let's move on to the next question and I will allow supplementaries on this later.

Q843/2024

**Tertiary and private healthcare providers –
Pathways re advice and recommendations**

Assistant Clerk: Question 843. The Hon. J Ladislaus.

1930 **Hon. J Ladislaus:** Does the GHA have pathways in place to act upon advice and recommendations provided by medical professionals from tertiary healthcare providers? If so, is there a distinction between the policy relating to advice obtained from tertiary healthcare providers that service users have been referred to by GHA medical professionals and private healthcare providers from which medical advice has been directly sought by service users?

1935 **Assistant Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

1940 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the GHA operates a comprehensive and robust system of pathways to act upon the advice and recommendations provided by tertiary healthcare providers. This is an extensive and multifaceted topic, as it touches upon the entirety of our healthcare system and its capacity to integrate expert input into patient care at all levels.

1945 The GHA collaborates closely with a wide range of tertiary centres through formal mechanisms such as multidisciplinary team meetings and remote clinics to ensure that our patients receive the most appropriate care. In addition to this, there are more informal, yet equally vital, channels of communication, such as ad hoc telephone consultations and emails between GHA clinicians and their counterparts in NHS centres. These pathways are crucial for ensuring that the latest expert

advice is incorporated into our care protocols. Moreover, the GHA regularly commissions specialist consultants from tertiary health centres to see patients directly in Gibraltar, offering advice not only to local healthcare teams but also to patients themselves. This allows for high-level tertiary input without requiring patients to travel abroad, ensuring streamlined and timely care.

When it comes to medical advice obtained privately, the GHA takes a case-by-case approach, recognising that different scenarios require different responses. For instance, if a patient receives a cancer diagnosis in the private sector, supported by biopsy results or imaging, the GHA will often incorporate these findings directly into our treatment pathways without the need for repeat investigations. This ensures that urgent treatment is not delayed. However, in cases where a patient has received advice for elective procedures, such as surgery, from a private provider, it is standard practice for the GHA to conduct its own assessment before proceeding. This ensures that the decision aligns with our clinical guidelines and standards, and that all necessary resources are in place for optimal patient outcomes.

In summary, the GHA has a sophisticated system of pathways in place to act upon both tertiary and private medical advice, always prioritising patient safety, quality of care and the need for careful clinical oversight.

Hon. J Ladislaus: I am grateful for that comprehensive answer. I am not sure whether it is something that the Hon. the Minister has in front of her, but could the Hon. the Minister perhaps confirm what happens when the instance arises where somebody has been seen at a tertiary institution and then comes back to the GHA and the doctors are not in agreement? What happens at that point in time? Are they sent for a further assessment elsewhere?

Hon. G Arias-Vasquez: Madam Speaker, there is a slight nuance in that question in that it depends how the patient goes to the tertiary institution in the first instance. On numerous occasions, patients will go to a tertiary institution and the advice received, particularly in respect of neurosurgical procedures, differs to the standard NHS practice. In that instance, we would always go with the advice received from our own clinicians and often get a second opinion from the UK. It is very unlikely that, other than in neurosurgical procedures, we would differ from the advice provided from a tertiary institution, but what often happens is that patients will go privately to a tertiary institution that is sometimes used by the GHA and get advice which our own clinicians would disagree because procedures in the NHS are different to procedures in that tertiary institution.

Madam Speaker: Next question. Did the hon. Lady have a further supplementary? Yes.

Hon. J Ladislaus: Simply one point, just because I am pulling on the thread of what has been answered. The incident that I am aware of is to do with a patient who has been seen, my understanding is at Quirón and the doctors were not in agreement as to a procedure to be undertaken, which, as the Hon. the Minister will appreciate, now leaves the patient somewhat in limbo, and therefore I ask what would occur in that situation when it is not, for example, an English establishment, perhaps a Spanish establishment – what occurs there?

Hon. G Arias-Vasquez: Madam Speaker, what often happens is that the GHA doctors usually seek a second opinion from the UK institutions, and in that instance we would go with whatever the clinicians would advise us to proceed with.

Madam Speaker: Next question.

Q844-45/2024
GHA industrial action –
Action taken or threatened in past six months

1995 **Assistant Clerk:** Question 844. The Hon. J Ladislaus.

Hon. Dr K Azopardi: Madam Speaker, can we go back to the schedule on Question 842?

2000 **Madam Speaker:** Question 844 has been called, so let's have that question and then I will revert to Question 842 after that.

2005 **Hon. J Ladislaus:** Madam Speaker, can the Hon. Minister confirm whether any industrial action has been threatened by any employees of the GHA in the past six months, and, if so: (i) which departments have threatened to take industrial action and for what reason or reasons; (ii) the nature of the action they are threatening or have threatened to take; and (iii) whether resolutions have been reached in every one of those instances of threatened industrial action, or resolutions are still being explored?

2010 **Assistant Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

Hon. G Arias-Vasquez: Madam Speaker, I will answer this question together with Question 845.

2015 **Assistant Clerk:** Question 845. The Hon. J Ladislaus.

2020 **Hon. J Ladislaus:** Madam Speaker, can the Hon. Minister confirm whether any industrial action has been taken by any employees of the GHA in the past six months, and, if so: (i) which departments have taken industrial action and for what reason or reasons; (ii) the nature of the action taken; and (iii) whether resolutions have been reached in every one of those instances of industrial action, or they are still ongoing?

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

2025 **Hon. G Arias-Vasquez:** Madam Speaker, the administrative team from Ocean Views have recently threatened to take industrial action as they feel they are working beyond their pay grade. They threatened to work to rule. A review is currently taking place.

2030 The following departments have declared trade disputes at the GHA. On 20th September 2024, the ERS catering staff took industrial action regarding delays in the recruitment of the ERS catering manager role. Staff are currently working in union tee-shirts. The resolution is ongoing and we expect that to be resolved shortly.

 On 1st October 2024, the GHA's general operatives declared a dispute, claiming they wanted an increase in salary as a result of working in a healthcare environment. No action taken as yet. The resolution is ongoing.

2035 On 4th October 2024, the St Bernard's Hospital catering staff claimed that the differential in pay with other grades has been absorbed by the new minimum increase across the public sector. Staff are seeking to restore the difference in pay. Staff are currently working in union tee-shirts. Resolution is ongoing.

Q842/2024

**GHA service level agreements with medical institutions –
Supplementary questions**

Madam Speaker: Let's revert to Question 842. Any supplementaries on Question 842?

2040 **Hon. J Ladislaus:** Can the Hon. the Minister confirm that when a service user is referred to a tertiary institution, it is just the institutions which I have been provided in this list where they are sent to, or whether they can be sent to another institution or establishment where they do not have a service agreement?

2045 **Hon. G Arias-Vasquez:** Madam Speaker, the institutions that are provided in this list are institutions where there is a service level agreement or an established relationship. In very exceptional circumstances, there will be people sent to other institutions.

2050 **Hon. Dr K Azopardi:** In terms of the Spanish institutions that are listed, I think there had been an indication at some point in the past – before she was the Health Minister, so I am not relying on her memory, clearly, but the corporate memory of the Government – that there might be a review of certain of the Spanish SLAs. May I just ask whether she has the information – if she does not, I will file a question – of the date of these agreements in respect of these Spanish health institutions?

2055 **Hon. G Arias-Vasquez:** Unfortunately, Madam Speaker, I have not been provided with the dates of these agreements. I know that there was a review ongoing, but I do not have the dates that the last agreements were signed with each of these institutions.

2060 **Hon. Dr K Azopardi:** That is fine. I will file a question, or we will anyway. May I ask on the UK MoUs bit of the principal answer: on the SLAs in respect of those five very well-known hospitals in London, can she give us a bit more information? I was not aware they had in place specific SLAs, so can she give an indication of why they have it? Clearly, I understand the speciality of some of these, but can she give us an indication of why they have specific SLAs and the purpose of them, and again, if she has the information, when those agreements were entered into?

2070 **Hon. G Arias-Vasquez:** Madam Speaker, I do not have the information on when the specific SLAs were signed, and I have not reviewed the content of those SLAs. What I can say is that recently on a visit to Guy's and St Thomas, for example, I know that the agreements between hospitals go beyond purely sending patients over. There are MDTs, there are training opportunities that are taken up by staff, so the service level agreements, I imagine, cover all these opportunities. There are specific areas which specific hospitals specialise in. For example, Guy's and St Thomas do urology and cardiac. Evelina is part of Guy's and St Thomas. Evelina covers most children's cases other than those that we specifically still send to Great Ormond Street Hospital (GOSH). There are specific reasons why we enter SLAs with specific institutions, but they do go beyond just the sending of patients over, to cover training opportunities, to cover MDTs, to cover the use of facilities – where the staff at the GHA have joined MDTs with the staff from Guy's and St Thomas, for example.

2080 **Hon. Dr K Azopardi:** I am grateful for that indication. It is just that in her answer now, in the supplementary, she has given the example of Evelina, and of course Evelina is the part of the answer that refers to the UK-Gibraltar reciprocal arrangements. It does not indicate that they have a specific SLA, although if that is the indication that the Hon. Minister is giving me, obviously we will take it on board. That is really why I was enquiring why specific SLAs have been put in place in

2085 relation to those institutions, because obviously access to institutions has been done under the traditional UK-Gibraltar arrangements in terms of patients, but if it is wider, then I am grateful if ... I appreciate she has given a broad answer. If she does not have specific information and if it is helpful, we will file more specific questions if that is better.

2090 **Hon. G Arias-Vasquez:** Madam Speaker, I would welcome the opportunity to provide more detailed answers and review the agreements to provide the information that the hon. Member is requiring, but to add to that, for example Evelina might not have a specific SLA, which is why it has not been included in that list, but they still send, for example, a paediatric cardiologist to Gibraltar who comes over regularly, so the SLA, I expect, covers those sorts of agreements.

2095 **Madam Speaker:** Next question.

Q846/2024
Start-up hub –
Progress update

Assistant Clerk: Question 846. The Hon. C Sacarello.

2100 **Hon. C Sacarello:** Could the Minister please provide a progress report on how their start-up hub is progressing?

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

2105 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the first part of the start-up hub will be a digital hub where businesses can link in and transact with government services. These are services that are presently spread across various government departments, and we are working towards bringing them under the same roof within the same department.

2110 **Hon. C Sacarello:** Madam Speaker, I would like to thank the Hon. Minister for her answer, which is slightly confusing. I was referring to the start-up hub in the manifesto, as per their commitment to get this going within 12 months of being elected. This was more customer facing from a government perspective. It was aimed at young companies, providing them an opportunity in a centralised location at nominal rent with staff helping out. Perhaps that is where the Hon. Minister was heading. Would the Hon. Minister be able to clarify that? Also, would the Hon.
2115 Minister be able to clarify the timing of this, seeing as this centralised-location start-up hub was meant to start within 12 months? Thank you.

2120 **Hon. G Arias-Vasquez:** Madam Speaker, we have frequent discussions with retail boards and with the Small Business Advisory Board, and the feedback that we got from these boards was that actually what they really wanted was a digital place where the services could be provided under one roof. So, whilst we are simultaneously exploring having a small hub centrally located, where people can go in cases where they have a problem with business, what we are really trying to drive and what we are really trying to achieve is an online portal whereby a business can obtain all the licences that that business needs, for example, where a business can interact with the
2125 Government for every licence it needs to start up, and also to continue their businesses, so any annual renewals etc. can be done online. That is what we are told by business is their priority.

2130 **Hon. C Sacarello:** Madam Speaker, I am grateful for the reply. That may be the case for established businesses. However, this promise of theirs, this manifesto commitment, was specifically directed at new companies. For new companies starting up, the biggest challenge is the one of cost, and what their commitment admirably look to tackle was to drive down costs by providing them with premises at a nominal rent. What the Hon. Minister is talking about here is somewhere where they can cut through red tape a little bit faster, where they can access the services a bit better, but it is completely different to what my question was. So again, I ask the
2135 Hon. Minister to clarify what the Government's position is on their start-up hub, as per page 47 of their manifesto commitment.

Hon. G Arias-Vasquez: Madam Speaker, we did commit to having a centrally located hub. We are looking to provide that centrally located hub in terms of providing businesses with a place
2140 where they can do business. Indeed, the feedback that we are getting from the GFSB and from the Chamber of Commerce is that even start-ups wish to obtain all their licences from one centrally located online hub, which is what we are trying to progress.

Hon. C Sacarello: Madam Speaker, I am afraid the question still has not been answered. I will
2145 ask it one last time: has the Government rescinded its decision and commitment to provide cheaper rent for start-up companies?

Hon. G Arias-Vasquez: Madam Speaker, no, we have not.

2150 **Hon. C Sacarello:** Sorry, I just want to add to that, Madam Speaker. In that case, when would the Government be willing to provide this, or when are they committed to provide it given their manifesto commitments was within 12 months?

2155 **Hon. G Arias-Vasquez:** Madam Speaker, there is a hub, which is located opposite the John Mackintosh Hall in a central location, where people can go for advice and interaction with government departments. There is a separate commitment, which I think is what the hon. Member is enquiring about, in relation to start-up rent, which we are looking into, which we have not complied with yet, but we have no intention to rescind from.

2160 **Madam Speaker:** Next question.

Q847/2024
Emergency potable water pipeline –
Update on rollout

Assistant Clerk: Question 847. The Hon. C Sacarello.

Hon. C Sacarello: Could the Government please provide the House with an update on their
2165 rollout of the backup emergency potable water pipeline supply from Spain?

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

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the position
2170 remains the same as set out in answer to Question 334/2024.

Hon. C Sacarello: Madam Speaker, thank you very much to the Minister for her brief answer. The way I understand it – please correct me if I am wrong – is that 80% of the pipework had been laid, it went up to somewhere like Landport and the rest of the pipe was yet to be built. My follow-up questions are: has the Government entered into a contract with any Spanish based supplier; and have the works accelerated at all, and is there any intention to?

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Hon. G Arias-Vasquez: Madam Speaker, I will proceed to read my answer to Question 334/2024. The second part of that answer states:

The cost to the taxpayer, both monetarily and in disruptive terms, means that the timing of this last section

– the 20% that the hon. Member is referring to –

2180

is currently under review. However, AquaGib is already in a position where the remaining section could be laid, under emergency conditions, before Gibraltar suffered any widespread outage of the potable water supply. It should be noted that this contingency option would never be immediately available, because Spain does not have a water supply point at the border and works to connect would be required at the Spanish side of the border.

As I have confirmed, the position remains the same.

Hon. C Sacarello: So, just for clarification purposes, Madam Speaker, what the Government is saying here is that this emergency backup supply line is not, in fact, an emergency backup supply; it is a plan for an emergency backup supply line.

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Hon. G Arias-Vasquez: Madam Speaker, I refer the hon. Member to my previous answer.

Madam Speaker: Next question.

Q848/2024

Business Nurturing Scheme – Number of applications and number successful

Assistant Clerk: Question 848. The Hon. C Sacarello.

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Hon. C Sacarello: How many companies have applied for and how many companies have been successful in applying for a loan under the Government's Business Nurturing Scheme since October 2023?

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

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, the Gibraltar Business Nurturing Scheme was replaced by the Gibraltar Enterprise Scheme that was launched by the Hon. Vijay Daryanani on 16th August 2023. Therefore, no applications have been received under the Gibraltar Business Nurturing Scheme since October 2023.

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Hon. C Sacarello: Madam Speaker, thank you to the Hon. Minister for her reply. In that case, could she kindly supply the figures for the replacement Enterprise Scheme?

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Hon. G Arias-Vasquez: Madam Speaker, I would advise the hon. Gentleman opposite to ask me about the Gibraltar Enterprise Scheme and I will reply about the figures relating to the Gibraltar Enterprise Scheme.

2210 **Madam Speaker:** Next question.

Q850/2024
***MT Ecogloria* –**
Update re collision at North Mole

Assistant Clerk: Question 850. The Hon. D J Bossino.

Hon. D J Bossino: Please provide an update to this House as to the collision of a vessel at the North Mole which we understand occurred on 16th October 2024.

2215

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

Minister for Health, Care and Business (Hon. G Arias-Vasquez): Madam Speaker, on 16th October, *MT Ecogloria*, a vessel operated by Green Ports Gibraltar Ltd, came into contact with the extension jetty at approximately 0710hrs. As a result of this contact, the vessel suffered a localised area of damage to the hull, well above the waterline. No pollution or injuries were caused by the contact. The vessel is undergoing preparations to proceed to Gibdock for the consequent repairs.

2220
2225 **Hon. D J Bossino:** I am grateful to the Minister for that answer. Is she able to enlighten the House as to the circumstances of how ... I just find it funny how it has been described by her officials. The 'contact' in my language is a crash against the jetty, because I have been shown photographic evidence and I have seen the not unsubstantial gash that was caused on the vessel. Is she able to enlighten this House as to how that happened? Was it any deficiency in terms of the
2230 systems that we have in place in the Port, or things like that, which would give rise to concern to her, and whether anything needs to be put in place as a result?

Hon. G Arias-Vasquez: Madam Speaker, interestingly, I have the answer to that question. The master of the vessel explained that as he proceeded to cast off from the berth, a squall affected the area with an increased gust of wind which caused a temporary loss of control of the vessel. At the time, the vessel was in an unladen condition, making it more susceptible to influence by high winds. So, nothing to do with the port infrastructure.

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Hon. D J Bossino: So, basically what the Hon. Minister is saying is that it was an accident, in effect, that could not have been in any way addressed by any of the systems that the Port would have available to it to avoid such an incident from having occurred?

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Hon. G Arias-Vasquez: Madam Speaker, this was an act of God, it was an incident. However, as a result of this incident, the pilotage exemption certificate has been suspended by the Gibraltar Port Authority because it is unacceptable.

2245

Madam Speaker: Next question.

Q851/2024
GHA IVF treatment –
Access for single women

Assistant Clerk: Question 851. The Hon. the Leader of the Opposition.

2250 **Hon. Dr K Azopardi:** Madam Speaker, can single women access IVF treatment on the GHA?

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

2255 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the eligibility criteria for IVF require that the woman be either in a heterosexual or same-sex partnership where at least one partner must be a biological female with a uterus. The GHA's policy follows the guidelines set out by the National Institute for Health and Care Excellence (NICE), which generally recommend offering IVF to women in established relationships. These guidelines highlight the significance of support systems in the parenting process. The Government is, nonetheless, reviewing this policy in partnership with the Ministry for Equality.

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Hon. Dr K Azopardi: I am grateful. So, to be clear, the policy does not require the woman to be married. That is how I understood it. That is correct, yes?

2265 **Hon. G Arias-Vasquez:** That is right. The woman either has to be in a heterosexual relationship or a same-sex partnership. There is no question of marriage.

Madam Speaker: Next question.

Q852/2024
GHA complaints –
Numbers by month for 2021-24

Assistant Clerk: Question 852. The Hon. the Leader of the Opposition.

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Hon. Dr K Azopardi: Madam Speaker, how many formal complaints and informal complaints (enquiries) were received by the GHA in the calendar years 2021, 2022, 2023 and 2024, breaking down the totals for each respective calendar year by calendar month?

2275 **Assistant 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 a schedule with the information requested.

2280 **Madam Speaker:** All right, in the meantime, we will progress to Question 853.

ANSWER TO QUESTION 852

Year	Month	Complaints	Enquiries
2021	January	2	56
	February	6	154
	March	10	46
	April	9	41
	May	10	63
	June	5	46
	July	1	29
	August	4	10
	September	1	27
	October	3	16
	November	4	12
	December	4	22
2022	January	6	25
	February	1	24
	March	8	16
	April	0	74
	May	6	81
	June	8	57
	July	12	62
	August	8	76
	September	6	62
	October	4	79
	November	3	74
	December	6	46
2023	January	10	65
	February	13	57
	March	8	54
	April	4	30
	May	6	50
	June	2	35
	July	4	7
	August	6	35
	September	11	76
	October	7	62
	November	12	69
	December	9	50
2024	January	19	88
	February	15	67
	March	15	74
	April	8	96
	May	16	107
	June	7	102
	July	18	126
Year	Month	Complaints	Enquiries
2024	August	18	142
	September	15	108

Q853/2024
Former Acting Pathology Services Manager –
Investigation re allegations

Assistant Clerk: Question 853. The Hon, the Leader of the Opposition.

2285 **Hon. Dr K Azopardi:** Madam Speaker, has the disciplinary hearing following the investigation of allegations concerning the conduct of the former Acting Pathology Services Manager been held; and, if so, what have the results of the disciplinary process been?

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

2290 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the GHA will not comment on individual internal HR investigations. However, it does confirm that all cases are dealt with in accordance with established policies.

2295 **Hon. Dr K Azopardi:** Madam Speaker, it is in the public domain that there has been an investigation in this case. It is in the public domain not least because there was an application for judicial review against ... I think it was the GHA, and certain details, although not details of the specifics, were uncovered but the chronology was clear. The ruling is available on the courts website. I am sure the Hon. Minister is aware that in that particular case there was an investigation where a person was interdicted with full pay on 30th March 2023 and at the time that the court
2300 considered the application for judicial review, the case was pending and the GHA had decided not to progress the disciplinary pending the outcome of the application for judicial review. She will be aware that the application for judicial review was dismissed. I am simply asking whether it has now concluded.

2305 **Hon. G Arias-Vasquez:** Madam Speaker, I refer the hon. Member to my previous answer.

Hon. Dr K Azopardi: Is the application still pending? Is the disciplinary hearing still pending?

2310 **Hon. G Arias-Vasquez:** Madam Speaker, the policy in these instances is that the Ministry does not get involved at all. Again, the Ministry did not get involved in the application, so the answer is I do not know whether it is still pending or otherwise. We do not comment on individual internal HR investigations and the Ministry certainly will not get involved in any HR issues related to the GHA.

2315 **Hon. Dr K Azopardi:** So, the Minister is saying that the Minister is not aware whether the disciplinary hearing is still pending on a matter on which there has been some interest in the sense that the particular person filed an application for judicial review against the Health Authority and was fairly high profile in that sense. Is the Minister really saying that she is not aware whether the disciplinary hearing is still pending?
2320

Hon. G Arias-Vasquez: Madam Speaker, the individual involved is no longer employed by the GHA. Therefore, there cannot be a disciplinary pending by the GHA. However, we are not going to comment on this issue any further.

2325 **Hon. Dr K Azopardi:** It is obvious from the application that was made for judicial review that this involved very serious allegations, which I am not going to repeat here but they are clear from the ruling that the court made on the application for permission, at least some of them are indicated there because there are serious allegations of conduct relating to that particular

individual who worked in Pathology. We struggle to see on what basis the disciplinary hearing would not be taking place now, and that the Minister would not be aware, that she has not taken an interest in the particular case. This case has been in the public domain. It involves very serious allegations, one of which involves an allegation relating to something that happened that affected the former Director General, allegedly. Has she really not taken an interest in finding out whether the disciplinary was going to happen, or its conclusion?

Hon. G Arias-Vasquez: Madam Speaker, the individual involved has resigned from the GHA and therefore there cannot be a disciplinary procedure by the GHA. The disciplinary procedure of the GHA bites on GHA employees. If the individual resigns from the GHA, there is no disciplinary procedure which the GHA can have against that individual.

Hon. Dr K Azopardi: Given that the Hon. Minister is aware that the individual has resigned, can she confirm that the individual has been engaged by the GDC?

Chief Minister (Hon. F R Picardo): Madam Speaker, the Hon. Minister is not responsible for the GDC, I am; and I am not responsible for the GHA, other than having overall superintendence in respect of who has their portfolios. So, if the hon. Gentleman wants to ask me a question in future about a particular individual in the GDC, and he does it in a way that is in keeping with the rules and you approve, then as Chairman of the GDC I shall, of course, answer.

Hon. Dr K Azopardi: But given that he is on his feet, given that this case has been in the public domain at least because of the court decision, given that the Minister has indicated that the person has resigned, and given that he has responsibility for the GDC, is he not aware? If he is not aware, I will file a question, but is he not aware that that person has been engaged by the GDC?

Hon. Chief Minister: Madam Speaker, there are a number of people who are engaged in the GDC at different times. If there were a concern about that person not being suitable to be engaged by the GDC, that person would not have been engaged by the GDC, or I would have been advised that that person should not be engaged by the GDC and that person would not be engaged by the GDC.

As I have said to the hon. Gentleman, we do not mention names of people across the floor of the House, which sometimes makes it harder to know who we are talking about, but if he files the question and describes the person in terms that you are satisfied are adequate without offending the rules of the House about naming someone, and therefore I am able when I receive the question, with my team officials also, to sufficiently identify who we are talking about, I will then be able to give him an answer.

Madam Speaker, somebody could do something that is very serious in one organisation and would render him not fit to be a part of that organisation, potentially. I am not making any judgement. Apparently it was a resignation here, there was not a resolution of a disciplinary, and the Hon. Leader of the Opposition will know that we should not prejudge things which are not judged by relevant determinative bodies, but they may still be people who can do other jobs of different, equal, more or less responsibility. Therefore, we should not just make the assumption that there would be any impropriety that somebody is employed by a statutory organisation which is designed to provide services to the Government across the board just because they might have determined for themselves, for whatever reason, that they are no longer able to discharge a clinical function in a different statutory organisation which is designed to provide patient care or analysis. Those two are completely different things. It is almost like saying, 'The person who resigned as a postman has now been engaged in another organisation to do something which has nothing to do with post: is the Hon. the Chief Minister aware?' If the hon. Gentleman gives me

2380 the information, I may be able to give him a fuller answer, but at the moment I think we are flying a little blind on the subject.

2385 **Hon. Dr K Azopardi:** Madam Speaker, I am making no assumptions. I am happy to file a specific question, but can I just ask him this, as hopefully my final question on this particular question: is he saying today, on 23rd October, that he has not been involved in the decision to engage this person at the GDC?

Hon. Chief Minister: No, Madam Speaker, I am saying I would need notice of who the person is.

2390 **Hon. Dr K Azopardi:** Well, the notice is that it is the former Acting Pathology Manager and the name of the person is known to the person immediately to his left and she can whisper the name to him.

2395 **Hon. Chief Minister:** That is not appropriate parliamentary procedure, Madam Speaker, and as you have reminded us in the context of the ruling – which the hon. Gentleman missed because he was, I understand, engaged in a matter in the Supreme Court, which is his profession and where he makes the bulk of his remuneration, which is entirely appropriate – form does matter and therefore I am not going to rely on anything being whispered in my ear.

2400 I am going to ask that the hon. Gentleman, if he wants an answer to the question, files it appropriately so that we recognise whether or not the description he has given is an appropriate one and we are referring to the same person, because what might have been whispered in my ear, if anything had been whispered in my ear, might have been a Chinese whisper, Madam Speaker.

2405 **Madam Speaker:** Last question on this.

Hon. Dr K Azopardi: Yes, last question, Madam Speaker, and let's stop beating around the bush, shall we? We all know who we are talking about. Isn't it the case that the Minister and the Chief Minister are fully aware of the engagement of this person at the GDC and sanctioned it?

2410 **Hon. Chief Minister:** Madam Speaker we are aware that a few moments ago the hon. Gentleman referred the Hon. Minister to an issue which arose from a question that he had asked – I think it was standing in his name – and that when I have asked the Hon. Minister for an identity, she has given me a name, which is a whisper, and that he has said that that person – 'We are aware,' he has said – is engaged in the GDC. The GDC today involves a number of hundred people. I would need to check whether there are such terms of engagement. Given the name I have been given, Madam Speaker, I know that there potentially would be other issues in play, not the issues that the hon. Gentleman is referring to, which would mean that that person actually is not in direct government service. Therefore, Madam Speaker, it is all much more complex that the hon. Gentleman would wish us to be able to say confidently on our feet in a way that does not in any way expose us to being told subsequently that we have somehow misled Parliament, because the least of our intention would be to mislead Parliament. Therefore, the hon. Gentleman will want to ensure that we can give him the correct, full and proper answer to the question that he says he is so interested in, and no doubt following the proper parliamentary form, if you permit it, in a way that you might permit, he can file a question next time round, which will come to me as Chairman of the GDC for answer.

2425

Madam Speaker: Next question.

Q848/2024

Procedural –

Supplementary questions to Questions 848 and 852 to be taken later

2430 **Hon. C Sacarello:** Madam Speaker, apologies for the interruption. Could I raise a point of order regarding Question 848, please? I understand that the Hon. Minister informed the House that the Business Nurturing Scheme was no longer in existence. However, if you refer to the Government's website, in bold and up to date, at today's time, is a whole page on the Business Nurturing Scheme with £250,000 and an application form. I am certain that the Hon. Minister would not be misleading this House, but for *Hansard* and for the record, could we state that this scheme is –?

2435

Madam Speaker: First of all, I would ask the hon. Member to point me in the direction of which rule has been contravened, so that I can deal with the point of order correctly.

2440 **Hon. D J Bossino:** Well, the rule which the Opposition wishes to avail itself of is Rule 16(5)(i), which deals with the ability on the part of the Opposition to ask supplementary questions, and with your permission, Madam Speaker, we would want to give the Hon. the Minister the opportunity to correct the response.

2445 **Madam Speaker:** Then it is not a point of order. The hon. Member is asking for leave to ask a further supplementary question after this question has been closed, because he has further information that may be of public interest, but that is not a point of order.

2450 **Hon. D J Bossino:** I am grateful for that clarification, and yes, I think if the question could be allowed ... There is no rule which sets out when the supplementary question should be asked. Ordinarily, it is asked after the hon. responder has provided the answer. We do so in order to give the Minister the opportunity to clarify the position, so that we avoid her falling into the trap of misleading the House, perhaps, in an innocent way and unintentionally.

2455 **Madam Speaker:** All right, I will come –

2460 **Chief Minister (Hon. F R Picardo):** Madam Speaker, if I might, just in the context of what the point of order has been, the Government that I lead has never taken the point that supplementaries need to be asked after the question, and we rely on Madam Speaker's discretion to determine whether, for example, when we pass a schedule, it is convenient to look at matters and then have the opportunity to come back to them. In this instance, of course, it is a matter entirely for Madam Speaker's discretion, as ever, but we have to be careful that we do not find ourselves constantly going back on the Order Paper because a Member of the Opposition has looked at something on a website and wants to come back.

2465 In this instance, I would generously accept that it is an attempt by hon. Members to permit a Minister not to fall foul of the most heinous of parliamentary offences, which is to mislead the House, but we would have to be very careful not to be going backwards constantly. Indeed, as I am fully aware of what the answer is, and it will demonstrate that the ones who might have ended up misleading the House if they had pursued the point further might have been them, I would urge that Madam Speaker does exercise the discretion in this instance to permit the
2470 supplementary.

2475 **Madam Speaker:** The Hon. the Chief Minister and the Hon. Mr Bossino are both right in that there is no rule that says that further supplementaries cannot be allowed, but I do caution myself against falling into the trap of revisiting questions, because in this digital age questions can be followed up *ad nauseam*, almost, and I do not propose to do that. On this occasion I will allow the

supplementary to be put for the reasons that the Hon. Mr Bossino has given, but I would propose that we finish this tranche of questions and before we move on to the next Hon. Minister I will allow this supplementary to be put. We were moving on to Question 854. After that, I will allow supplementaries to Question 852 and after that we will revisit Question 848. *(Interjection)* You can remind me of that ... Let's take Question 854 and then you can point me in the right direction.

2480

Q854/2024

**Former Acting Pathology Services Manager –
Report following investigation re allegations**

Assistant Clerk: Question 854. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, has the Minister seen a copy of the report following the investigation that examined allegations concerning the conduct of the former Acting Pathology Services Manager?

2485

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

Minister for Health, Care and Business (Hon. G Arias-Vasquez): No, ma'am.

2490

Hon. Dr K Azopardi: May I ask why not?

Hon. G Arias-Vasquez: Madam Speaker, whilst I was made aware of the ongoing investigation in my biweekly meetings with the Director General, I was never provided with a copy of the report. It is not for me, as a Minister, to get involved in these types of matters. In fact, I am often reminded that I should not get too involved in matters of the GHA, particularly HR and clinical issues. There needs to be a separation between my role and the role of the Director General, the Director of Workforce and, indeed, the Chief Secretary.

2495

Hon. Dr K Azopardi: I see, but given that this this case, as I said earlier when putting questions on the previous matter, has been in the public domain, where it is obvious that there are serious allegations at stake, one of which is that the person abused his position and delayed the biopsy of a particular patient – that is all in the public record, it is in the it is in the judgment – doesn't the Minister think that given the fact that that case came into the public domain, she should show an interest in finding out the results of the investigation before the Government considered whether to engage the person through the GDC?

2500

2505

Chief Minister (Hon. F R Picardo): Madam Speaker, the hon. Gentleman knows from the answers we have given to the previous questions that I have not confirmed that the person has been re-engaged with the GDC, so I would refer him to everything I said before about him putting the question next time round, if he wishes for confirmation of that, which now amounts to his assumption that that is the case.

2510

Madam Speaker: Next question.

Q852/2024
GHA complaints –
Supplementary questions

2515 **Assistant Clerk:** We go back to Question 768. The Hon. C Sacarello.

Hon. Dr K Azopardi: If I may, I had my schedule, which was Question 852. I am in Madam Speaker's hands as to whether you want to jump to Mr Sacarello or take this one.

2520 **Madam Speaker:** I thought I had made it clear how we were going to proceed, but if the Hon. the Leader of the Opposition wants to ask his supplementaries on Question 852, we can take that now.

2525 **Hon. Dr K Azopardi:** Yes, Madam Speaker, I had understood, when you said finish this tranche, that I would be able to ask my tranche bit.

Madam Speaker: I meant the tranche of the Hon. the Minister for Health, Care and Business, but it does not matter. We will take supplementaries to Question 852.

2530 **Hon. Dr K Azopardi:** Madam Speaker, this is a question to the hon. Lady with her Health hat. I am grateful for the schedule she has given me. Does she have any more information in relation to the schedule? She may have asked these questions when she obtained the schedule, which I had requested, that under the enquiries bits you can see that there is a kind of ... not a numerical pattern ... there is no out-of-order number. They are generally lower than 20 during every month
2535 when it comes to the complaints, but in terms of enquiries the numbers are quite haphazard. For example, just going to 2021, in February there are 154 and in August there are 10. Can she help me with how they categorise enquiries? It is short, obviously of a formal complaint, but what does it span? Does it mean something that could turn into a complaint, or could it be something completely different?

2540 **Hon. G Arias-Vasquez:** Madam Speaker, in fact, that precise date, February 2021, is the date that the Covid vaccination was announced. The 154 in that month are enquiries relating to the Covid vaccination and when it would become available to the general public. We normally see –
2545 and I did ask the question when I got the schedule – that spikes are related to specific events. For example, there is a spike in February 2021, as the Hon. the Leader of the Opposition has identified, and there is another spike in January 2024. It goes up to 88 and then 96. Since January 2024, when we announced that there was a specific department within the Ministry that would be receiving complaints, the inquiries have spiked.

2550 The distinction is whether it is an enquiry, whether it is something that can be sorted out on the on the fly, as it were, by contacting different departments, or there is a formal complaint made against an individual or a formal investigation that needs to be carried out by the clinical governance team.

2555 **Hon. Dr K Azopardi:** I am grateful for that indication. So, for example, in the last few months when it is it is gone from ... I have not done the maths, but it looks like an average of 50 or 60 suddenly goes to a hundred – May 107, June 102, 126, 142, 108 – that is all, she would think, responsive to the fact that people are now aware that there is a specific number where they can make enquiries. Is that what she is saying?

2560 **Hon. G Arias-Vasquez:** Madam Speaker, yes, we have seen a spike. Every time we make an announcement there is a spike in the figures, which we welcome to signpost people to the right place.

Madam Speaker: Next question.

Q768-72 and Q849/2024
Battery Energy Storage System –
Role of Solarcentury Africa Ltd and Zero Carbon Footprint Company;
SLA and maintenance contract; identification of parties involved;
confirmation of full amount payable

2565 **Assistant Clerk:** We go back to Question 768. The Hon. C Sacarello.

Hon. C Sacarello: Madam Speaker, first of all, apologies to you and apologies to the House all round. It was certainly not my intention to offend anyone, and certainly not my intention to make a habit of this, but I refer back to the question which was the –

2570

Madam Speaker: We are on Question 768. I said we would finish with the questions and then we would come back to allow supplementaries on Question 848, so the question before the House now for the Hon. Mr Sacarello to pose is Question 768.

2575 **Hon. C Sacarello:** Madam Speaker, the Minister for Health, Care and Business claimed in her response to my question on Battery Energy Storage Solutions (BESS) in the February session of Parliament earlier on this year that Solarcentury Africa Ltd had been engaged in a purely supportive capacity, and on line 2082 of that month's *Hansard* the hon. Lady then proceeds to state that 'they are not the entity that we are buying from'. What happened between Thursday 2580 22nd February 2024 and May 2024 to convert one of HMGoG's consultants into one of its key suppliers?

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

2585 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I will answer this question together with Questions 769 to 772 and 849.

Assistant Clerk: Question 769. The Hon. C Sacarello.

2590 **Hon. C Sacarello:** Was the BESS service level agreement or maintenance contract subject to the general tender process?

Assistant Clerk: Question 770. The Hon. C Sacarello.

2595 **Hon. C Sacarello:** Could the Minister please name all the parties involved in the BESS deal, directly or indirectly, whether mentioned in the press or omitted from it?

Assistant Clerk: Question 771. The Hon. C Sacarello.

2600 **Hon. C Sacarello:** Will Solarcentury Africa Ltd be carrying out the maintenance of the BESS directly or will this fall on Calpe Electrical Ltd? What is the fee arrangement between HMGoG and

the contracted party, and what is the duration of the maintenance contract or service level agreement?

2605 **Assistant Clerk:** Question 772. The Hon. C Sacarello.

Hon. C Sacarello: Can the Hon. Minister confirm if the £16.5 million consideration payable for the delivery of the BESS project represents the full amount payable to all parties?

2610 **Assistant Clerk:** Question 849. The Hon. R M Clinton.

Hon. R M Clinton: Madam Speaker, can the Government advise how the Battery Energy Storage System is to be financed, and what is the role of Zero Carbon Footprint Company in that regard?

2615

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

Hon. G Arias-Vasquez: Sorry, Madam Speaker, I am just going backwards and forwards trying to get the answers. Just bear with me one second.

2620

The BESS service level agreement was subject to general tender processes. A notice for expressions of interest was issued on 18th July 2023 with a tender process conducted thereafter by Solarcentury Africa Ltd. This is public information and could have been verified by the hon. Member opposite. Solarcentury Africa Ltd are not supplying the material – my reply was consistent – but instead are procuring the materials effectively on behalf of HMGoG through a main contractor.

2625

In answer to Question 770, the parties involved in the BESS project in some capacity are North Mole BESS 1 Ltd, Zero Carbon Footprint Company Ltd, the Gibraltar Electricity Authority, Solarcentury Africa Ltd and Calpe Electrical Ltd. Calpe Electrical Ltd will undertake the maintenance for the initial period of three years overseen by Solarcentury Africa Ltd, who have expertise in this area. The maintenance fee is included in the overall figure of £16.42 million.

2630

In answer to Question 772, this is indeed the case and is broken down as follows. HMGoG's contribution on this project is around £9.79 million and the approximate cost of the Build, Own, Operate and Transfer (BOOT) Scheme for a period of three years is £6.63 million, including inflation projections. The build of the Battery Energy Storage System is being financed by Solarcentury Africa Ltd and Zero Carbon Footprint Company Ltd. Subsequently there is a BOOT scheme for a period of three years that will be paid by Zero Carbon Footprint Company Ltd from contributions from the Gibraltar Electricity Authority.

2635

In relation to Question 849, whilst participating, under the UK umbrella, in the European Union Emissions Trading Scheme (EUETS), the GEA was purchasing carbon credits to offset carbon emissions. The intention was that these moneys would be reinvested in future green or renewable projects in Gibraltar. The BESS is one such project and the initial contribution by Zero Carbon Footprint Ltd will be funded from these moneys.

2640

Hon. C Sacarello: Madam Speaker, rather a lot to go through. Thank you to the Hon. Minister for her replies.

2645

If I can start with Question 768, the way I understand it is that the procurement was carried out by Solarcentury, but they are not actually supplying the unit. Could the Minister, just for clarity's sake, confirm who is the actual supplier, please?

2650

Hon. G Arias-Vasquez: Madam Speaker, the actual supplier is Calpe Electrical Ltd.

Hon. C Sacarello: Thank you, Madam Speaker, in which case I will move on to Question 770. Solarcentury's own press release did allude to the appointment of Calpe Electrical for the EPC. That is the engineering, procurement and construction process. Please could the Minister provide the House with details of Calpe's experience in energy infrastructure?

Hon. G Arias-Vasquez: Madam Speaker, it is not for the Government, the GEA or this House to provide that information. Solarcentury Africa Ltd undertook that process and confirmed that Calpe Electrical was the right party to provide the equipment. Therefore, I am unable to answer that question.

Hon. C Sacarello: Madam Speaker, a quick internet search will reveal Calpe Electrical Ltd has no website of its own, at least none that is clearly visible. Indeed, there is evidence of a link to a well-known air-conditioning manufacturer, which is far removed from the specifications and technical dexterity required for this type of job. Does the Minister really expect the public to believe that such a company can seriously conduct the job successfully without third-party assistance? Can the Minister also expect the public to believe that it is of no concern of hers or the House's to know that this company is capable of carrying that out at great expense to the taxpayer?

Hon. G Arias-Vasquez: Madam Speaker, the insinuation in that comment is quite grave. For the avoidance of doubt, a tender was awarded, a tender process was gone through and Solarcentury Africa Ltd determined that they were the best people for the job. So, as far as we are concerned, the correct tender procedure was carried out, an expression of interest went out, as is required by law, and Solarcentury Africa Ltd determined that Calpe Electrical was the best party for the job. In that case, yes, we would expect that the taxpayer is entirely on board with the fact that Calpe Electrical is the best party for the job.

Hon. C Sacarello: Madam Speaker, does the Hon. Minister know how many electrical engineers Calpe Electrical Ltd have, or mechanical engineers, or cost accountants, or procurement executives? Or is the public expected to just swallow the fact that the money has been well spent and that no research or understanding is necessary?

Hon. G Arias-Vasquez: Madam Speaker, there is a contract and a process which is followed. The process is a tender process, as is required by law. The contract requires a certain standard to be met. In fact, there is a BOOT contract to ensure that standards are met. So, it is not for the public to swallow or otherwise. Solarcentury Africa will be held to account because of a contract that has been put in place after a tender process. Calpe Electrical will be held to account because they have also entered a contract with Solarcentury Africa Ltd after the correct tender process was pursued. I would invite the hon. Member to determine how it is that he would like a tender to be awarded if it is not via the proper process.

Hon. C Sacarello: Madam Speaker, I am not going to answer that question. I will just go on to my next question, Question 772. Does the Hon. Minister believe that this represents good value for money, as in a return to the taxpayer? She has given me a breakdown of the cost. I would be grateful if she would reply as to whether she believes that this is good value for money.

Hon. G Arias-Vasquez: Madam Speaker, I think it is the tender process itself which is being questioned by the hon. Member opposite. I am unable to go into the tender process and it is entirely inappropriate that I, or any other Minister or any other Member of Parliament go into the tender process. A tender process is a process which is started and then runs in and of itself. There

is a procurement board set up and it is carried out pursuant to legislation. I think the hon. Member is somewhat mistaken as to the processes which go into the actual award of a tender.

2705 **Hon. C Sacarello:** Madam Speaker, what is entirely appropriate for this House to consider, and certainly for the taxpayer to know, is whether it is good value or not. I am not questioning the intricacies or the ins and outs of the process, just whether it was good value for money or not.

2710 My inquiries – as an aside, Madam Speaker – to a UK market leader in this sector, reveal that the average price per megawatt for a similar spec, namely 14 megawatts per hour, for one hour is around £7 million. That is £500,000 per megawatt. If we take simply the figure ... not the whole figure of £16.5 million but the reduced figure for the supply, £9.79 million, there is still a large discrepancy in that. Is this down to project cost financing or is this down to middlemen?

2715 **Hon. G Arias-Vasquez:** Madam Speaker, the allegations I am hearing are absolutely untenable. There is a procedure in place and, as I have broken down, the cost is £9.79 million. Is the hon. Member questioning the tender process, which I think is actually what you are doing? The tender process itself told us that this was the best value for money. If you are questioning whether £6.42 million is best spent in this way, that is a separate question, but the tender process told us that that is the best value that we are going to get.

2720 With all due respect, Madam Speaker, I do not think that either the hon. Member opposite or I are best qualified to determine what battery is needed in these circumstances. That is why we leave it to experts. That is why we have engaged an expert to tell us what type of battery we need, not a Google search that the hon. Member embarks on.

2725 **Hon. C Sacarello:** Madam Speaker, I will come up with a point of order now that it is relevant. I did not mention a Google search, nor was it a Google search. This was actually contacting a supplier directly.

2730 **Madam Speaker:** That is – (**Hon. C Sacarello:** A correction.) It is not a point of order, but the hon. Member is entitled to say that he did not mention a Google search.

2735 **Hon. C Sacarello:** In which case I will retract my point of order but correct the Hon. Minister by saying that this was not a Google search, it was a direct communication with a UK leading supplier. The question is relevant to value for money for the taxpayer. Whether or not the tender process was correctly followed, the question is whether ... I think the Hon. the Minister is getting stuck at point one, but point two looks beyond point one, and point two goes towards the value for money as a result of the tender process, for which the Government of Gibraltar is responsible.

2740 **Hon. G Arias-Vasquez:** Madam Speaker, when there is a tender process in place, the outcome of that tender process cannot be questioned. When we are told that the outcome of that tender process is that the best value is A or the best value is B, I am certainly not – and with all due respect, neither is the hon. Member opposite – the best place to ask questions about the suitability of the number of employees, the electrical engineers, the type of battery, or to call a random supplier in the UK to ask about what a battery would cost. I do not know what questions
2745 were asked, I do not know what the right questions to ask would be, and with all due respect I suggest that the hon. speaker – sorry, the hon. Member opposite; apologies, Madam Speaker – is also not best placed to ask a random supply random questions which he thinks will roughly provide the same outcome as a tender process.

2750 **Madam Speaker:** The Hon. Mr Clinton.

Hon. R M Clinton: Thank you, Madam Speaker. Looking at my Question 849, I am trying to understand the way the financing of this has been put together. Madam Speaker, bear with me while I just set out what we know.

We know Solarcentury Africa is operating the scheme and has its subcontractors. I specifically asked about Zero Carbon Footprint Company Ltd because that arose during the Committee Stage of the Budget, in which they receive, apparently, a £1.5 million contribution budgeted for this year. We have heard the Minister tell the House that the Government contribution – I think she used the word ‘contribution’; I am happy to be corrected – was about £9.79 million. Obviously, the project is a much bigger cost. The parent company of Solarcentury Africa Ltd is, as she will know, BB Energy, and BB Energy on its website has an almost identical press release to the one the Government issued, except they added the information, after Calpe Electrical, that Sungrow will be the BESS equipment supplier.

Madam Speaker, what I am trying to understand, and maybe the Minister can assist the House, is how the cashflows will work, because obviously the equipment has to be ordered from Sungrow, who are specialist manufacturers of, I think, lithium battery cells. And who is putting the order with them? Is it going to be Calpe Electrical putting the order with them, or is it Solarcentury Africa putting the order with them? How is the financing work? Although the Minister mentioned something about purchasing carbon credits and other such matters, if she looks at the last available accounts of Zero Carbon Footprint Ltd, she will find that they have the sum total of £1,000 by way of debt. Sir Joe Bossano will know this company because I think it is a GDC-owned company. I do not believe it is actually – I am happy to be corrected – fully operational, but the accounts, as signed by the Financial Secretary, only show it has assets of £1,000 as at 31st December 2023. Could the Minister enlighten the House on how Zero Carbon Footprint will in any way, shape or form finance this arrangement? And how will the cashflows work? Obviously the equipment supplier, Sungrow, will want money in stages, or up front – I do not know what the arrangement will be. How will the money be put together in terms of Solarcentury Africa and Zero Carbon Footprint? I have not quite got that clarity from the Minister and I would be grateful if she could provide it to the House.

Hon. G Arias-Vasquez: Madam Speaker, I am unaware of this company, Sungrow. Sungrow is probably the subcontractor or the entity which is providing the entity that we know, which is Calpe Electrical, with the equipment.

The way that the funds will work is that the Government will provide the money to Zero Carbon Footprint Ltd. It will give this combination of the money that is currently in the carbon credits and the £1.5 million that was put aside in this financial year for this project. That contribution will be made to Zero Carbon Footprint Ltd, which will in turn fund North Mole BESS One Ltd, which will in turn give all the funds that are necessary to Calpe Electrical or Solarcentury Africa Ltd. I am unclear if the money goes ... Our BOOT deal is with Solarcentury Africa Ltd, so I imagine the money goes from North Mole One to Solarcentury Africa, and then Solarcentury Africa provides its subcontractor, which is Calpe Electrical.

Hon. R M Clinton: I am grateful to the Minister for that answer. I think I see with a bit more clarity how this will work. Can the Minister then effectively confirm to the House that the Government, when it says a contribution to Zero Carbon Footprint Ltd, is either giving it a loan or increasing its share capital? In terms of the Budget book, obviously there is a difference between an ongoing cost, recurrent, and a capital contribution, so is this going to be a capital contribution to Zero Carbon Footprint Ltd by way of an increase in share capital, or is it going to be by way of a loan?

Hon. G Arias-Vasquez: Madam Speaker, I am unaware of the detail of how Zero Carbon Footprint Ltd will be obtaining the money. I imagine it is by increasing the share capital, but I am

not certain that that is the case. I can obtain that information if the hon. Member would ask the question in the next session.

Q848/2024

**Business Nurturing Scheme –
Supplementary questions**

2805 **Madam Speaker:** Next question. Is that the end of ...? All right, then, we will come back to Question 848. Any supplementaries? The Minister is aware that we are going back to Question 848. Any supplementaries that the Hon. Mr Sacarello or indeed any other hon. Member may have on that?

2810 **Hon. C Sacarello:** Thank you, Madam Speaker. For the purposes of the House, the government website currently displays a page on the Business Nurturing Scheme, including application and details of the amount of the scheme. Can the Hon. Minister please offer a little clarity on the matter in the discrepancy between the words that she mentioned before with regard to the scheme no longer existing and the fact that it is still prominent on the website?

2815 **Hon. G Arias-Vasquez:** Madam Speaker, I am grateful for the opportunity to clarify. Press Release 426/2024, which was issued on 12th June 2024, states that we are inviting new rounds of applications for the Gibraltar Enterprise Scheme. The scheme was launched as the Gibraltar Enterprise Scheme because there are several key changes from the previous scheme. The scheme is now called the Gibraltar Enterprise Scheme, and the website may not have been updated but the press releases have subsequently been issued updating what was the Business Nurturing Scheme and now calling it the Gibraltar Enterprise Scheme.

2825 **Hon. C Sacarello:** Madam Speaker, I thank the Hon. Minister for the clarification there. Could I just finally ask would the Minister please commit to removing that from the website? It is entirely misleading to people, not to mention businesspeople.

2830 **Hon. G Arias-Vasquez:** Madam Speaker, funnily enough, we have had no hesitation by applicants from applying under the correct scheme, notwithstanding the fact that the website may contain incorrect information. However, we will update the website.

2835 **Hon. D J Bossino:** Madam Speaker, given that we are dealing here with a change of nomenclature, what the Hon. the Minister is saying, in effect, is that the scheme is substantively the same scheme, which she expressed in her formal reply had been ditched by her predecessor, Minister Daryanani, which was the scheme referred to by my friend as the Business Nurturing Scheme. Given that we are dealing with, in effect, substantively the same scheme, can the Hon. the Minister now provide the answer that my friend was seeking in relation to the now called Business Enterprise Scheme?

2840 **Hon. G Arias-Vasquez:** Madam Speaker, I would suggest that the questions are phrased correctly and that we do not have to point the hon. Members opposite to the correct information, which is publicly available on a repeated basis, in order to ensure that accurate answers are provided.

2845 **Madam Speaker:** Next question.

Adjournment

Chief Minister (Hon. F R Picardo): Madam Speaker, I move that there should be no next question, at least not for today. I am not going to call a general election or anything rash like that, *(Laughter)* I am just going to propose that the House should now adjourn until tomorrow at three o'clock in the afternoon, when we might continue with everybody else's questions.

2850

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.

2855

This House will now adjourn to tomorrow at 3 p.m.

The House adjourned at 7.00 p.m.



PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

AFTERNOON SESSION: 3.00 p.m. – 9.25 p.m.

Gibraltar, Thursday, 24th October 2024

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The House adjourned at 9.25 p.m. 98

The Gibraltar Parliament

The Parliament met at 3.00 p.m.

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

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

[ASSISTANT CLERK TO THE PARLIAMENT: K Balban Esq *in attendance*]

Questions for Oral Answer

CHIEF MINISTER

Q871-75/2024

Average employee turnover –

**Monthly figures for HM Prison, HM Customs, Borders and Coastguard Agency,
Royal Gibraltar Police and Gibraltar Fire and Rescue Service**

Clerk: Meeting of Parliament, Thursday, 24th October 2024.

Questions to the Chief Minister. Question 871. The Hon. J Ladislaus.

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Hon. J Ladislaus: Madam Speaker, can the Hon. Minister provide statistics as to the average monthly employee turnover of clerical staff and prison officers working for His Majesty's Prison, separating the figures between those employed on permanent contracts and those engaged through other arrangements for the following years: 2015, 2016, 2017, 2018, 2019, 2021, 2022, 2023 and 2024 to date?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I will answer this question together with Questions 872 to 875.

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Clerk: Question 872. The Hon. J Ladislaus.

Hon. J Ladislaus: Can the Hon. the Chief Minister provide statistics as to the average monthly employee turnover of clerical staff and customs officers working for Customs, separating the figures between those employed on permanent contracts and those engaged through other arrangements for the following years: 2015, 2016, 2017, 2018, 2019, 2021, 2022, 2023 and 2024 to date?

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Clerk: Question 873. The Hon. J Ladislaus.

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Hon. J Ladislaus: Can the Hon. the Chief Minister provide statistics as to the average monthly employee turnover of clerical staff and officers working for the Borders and Coastguard Agency, separating the figures between those employed on permanent contracts and those engaged

30 through other arrangements for the following years: 2015, 2016, 2017, 2018, 2019, 2021, 2022, 2023 and 2024 to date?

Clerk: Question 874. The Hon. J Ladislaus.

35 **Hon. J Ladislaus:** Can the Hon. the Chief Minister provide statistics as to the average monthly employee turnover of clerical staff and police officers working for the Royal Gibraltar Police, separating the figures between those employed on permanent contracts and those engaged through other arrangements for the following years: 2015, 2016, 2017, 2018, 2019, 2021, 2022, 2023 and 2024 to date?

40 **Clerk:** Question 875. The Hon. J Ladislaus.

45 **Hon. J Ladislaus:** Can the Hon. the Chief Minister provide statistics as to the average monthly employee turnover of clerical staff and firefighters working for the Gibraltar Fire and Rescue Service, separating those figures between those employed on permanent contracts and those engaged through other arrangements for the following years: 2015, 2016, 2017, 2018, 2019, 2021, 2022, 2023 and 2024 to date?

Clerk: Answer, the Hon. the Chief Minister.

50 **Hon. Chief Minister:** Madam Speaker, at the last session, I told the hon. Lady that it was not possible to prepare and verify the information requested in the time available during the period for notice of questions. I indicated that if Madam Speaker allowed the hon. Lady to put the questions again within the six-month window, I expected we would be able to provide the
55 information. I am, therefore, happy to be able to say that I now hand over schedules with the information requested in respect of each of these questions.

Finally, Madam Speaker, as I think I also indicated last time, I have asked the Parliament team to now add this statistic to the Government website on a monthly basis also.

60 **Madam Speaker:** We will move on to the next question and then revert to this later on.

Q876/2024

Import Duty –

Availability of card machines at Customs entry points

Clerk: Question 876. The Hon. J Ladislaus.

65 **Hon. J Ladislaus:** Madam Speaker, are card machines available to customs officers for the collection of Import Duty at (1) the land Frontier, (2) the Airport and (3) the Port? If not, what is the current procedure to collect Import Duty in the absence of card machines if an individual does not have cash available?

Clerk: Answer, the Hon. the Chief Minister.

70 **Chief Minister (Hon. F R Picardo):** Well, Madam Speaker, the answer is yes, card machines are available at the land Frontier, the Airport, and the outfield station, which is currently temporarily situated in close proximity to Four Corners Station. Those who enter by sea are charged import duties at the outfield station. HM Customs is working with staff at the Treasury Department to provide portable card machines that will facilitate the collection of import duties remotely.

75 **Hon. J Ladislaus:** I am grateful for the indication. Could the Hon. the Chief Minister confirm when the card machines became available specifically at the Airport and the Port? The information that we are getting is that officers were having to escort individuals down to the land Frontier in order for the card machine to be used at the land Frontier. Sometimes this was not possible, and therefore some of that Import Duty would have gone uncharged.

80 **Hon. Chief Minister:** Madam Speaker, I do not know whether the hon. Lady has understood the answer that I have given her, and I do not mean that in a derogatory fashion, because I said two things: I said that those who enter by sea are charged import duties at the outfield station and I said that at present the outfield station is temporarily sited near the Four Corners Station –
85 not *in* the Four Corners station but *at* the outfield station. So, I think we have both said the same thing. I have said it in the technical jargon of the names of the places in Customs speak, and she said it in the way that we would speak to each other if we were not using the technical jargon of Customs speak.

90 **Hon. J Ladislaus:** I am grateful for that clarification. Yes, I said it in layperson speak, so to speak. Can the Hon. the Chief Minister confirm when the portable machines are expected to be in operation?

Hon. Chief Minister: I cannot give her a date by which it will happen, Madam Speaker. I can
95 tell her, for example, that last Monday, the 7th, the five machines in the Department suffered a systems failure within 48 hours. A new mechanism has been put in place to ensure that that does not happen again and we are working as quickly as possible to ensure that we have not just the systems that we had in place, which we introduced, which was a big issue because in the past it was not possible to pay by card, even at the land Frontier, which is the place where most duties
100 are payable. Now we are talking about being even more versatile than that and being able to take the card machine to the area where people may be importing when that importation is happening by sea. Of course, at the land Frontier and at the Airport it is a pretty fixed location because people go through a terminus-style building. At sea, that is not so often the case because although you have a cruise line terminal and a ferry terminal, you also have marinas and you can have vessels
105 arriving at marinas with import duties to pay, so we want to have that more flexible system. I am told that this is being pursued with alacrity, but I cannot give a date.

Madam Speaker: Next question.

Q877-78/2024

Land Frontier IT equipment –

Whether sufficient and up to date; concerns raised by customs officers

Clerk: Question 877. The Hon. J Ladislaus.

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Hon. J Ladislaus: When was the IT equipment provided to customs officers at the land Frontier last updated and/or replaced, and is there enough IT equipment available to customs officers at the land Frontier to enable them to carry out their duties and responsibilities?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, I will answer this question together with Q878.

120 **Clerk:** Question 878. The Hon. J Ladislaus.

Hon. J Ladislaus: Madam Speaker, have any issues been raised by customs officers in the past six months as to a lack of IT equipment and resources at the land Frontier? If so, when were those issues raised and have they been addressed to the satisfaction of customs officers?

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Clerk: Answer, the Hon. the Chief Minister.

Hon. Chief Minister: Madam Speaker, no issues have been raised with the Department as to lack of IT resources. Enough IT equipment is available for customs officers to undertake their duties and responsibilities. All IT equipment is currently to the ITLD recommended specification, and if any machine suffers a fault it is either repaired or replaced as necessary.

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Hon. J Ladislaus: I am grateful. It is curious because we have had reports that there are not enough computers particularly, that they are being shared by some officers and it does create some difficulty. Could the Hon. the Chief Minister perhaps commit to looking into the matter to ascertain whether that is the case or, in fact, there are no issues?

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Hon. Chief Minister: Madam Speaker, the hon. Lady, as ever, raises a point in terms which appear reasonable. I have to explain, however, that when she asks a question – and she has asked a number of questions in relation to Customs; she has obviously had somebody from Customs raise a number of issues with her, which is what our democracy is all about – I receive those questions and I have answers provided to me by the Customs Department. Those answers are prepared, always going through the filter of heads of department. That means Assistant Collector of Customs and Collector of Customs. They then come to me and I need to ensure that they make sense in order to give the House the answer that the hon. Lady has suggested. What she is asking me to do is go back to the people who have provided me the answer and tell them that they are wrong, and they are the heads of department that are looking at it. It is a little like the issue that we had yesterday with infected blood. If there were Customs Officers not able to do their jobs because they do not have access to IT equipment, it is very likely that somebody from the Department will very quickly have knocked on my door, either as Minister with responsibility for Customs, as Minister with responsibility for public finance, or as Minister with responsibility for ITLD and Digital Services, and say, 'Hey, we need more computers.' Nobody has done so.

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The hon. Lady rightly puts the question because she has received that information. The mechanisms I have produced this answer. I do not think it is fair for me to tell her that I am going to go back and check something which has been checked and rechecked as a result of her question. She can take it that this is the position of the Department from which she has had a different piece of information. She can take back my answer to the person who you put it to her that the position was different, and they can then pursue the matter through the Department. Or perhaps what the hon. Lady has put in her question is not exactly what the individual who was raising the issue with her was dealing with. That used to happen to me in Opposition. I might take information, compose a question and elicit an answer from the Government which was not what the person who had spoken to me was telling me was the case, and when I went back, either that person was wrong or that person would say to me, 'No, you did not get me right – that is not what I meant you should ask about; the issue is a different one.'

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On this, Madam Speaker, I think it would be remiss of me to say that I am going to go back and check, because this is the process through which the issue has been checked and we have come to a conclusion which is obviously different to the one that led to the hon. Lady, no doubt honestly wishing to address the issue, putting the question.

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170 **Madam Speaker:** Next question.

Q879/2024
Land Frontier Customs –
Vermin

Clerk: Question 879. The Hon. J Ladislaus.

Hon. J Ladislaus: Is there currently or has there been a vermin problem in the past 12 months at the land Frontier where Customs carry out their duties? If so, what is or was the nature of that problem and has it been addressed?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, occasional occurrences regarding vermin reports are resolved via Environmental Action, who have responded quickly and effectively to the issues. The only problem of note was resolved some time ago, in October or November 2023, when it was determined that cutouts for electrical conduits into the electrical supply room at Four Corners were larger than necessary and provided access for vermin into the building – I do not really like that word, but anyway ... As soon as this was identified, the Technical Services Department provided assistance on HM Customs' request, and offending gaps were filled with expanding foam, which appears to have resolved the issue.

Hon. J Ladislaus: It is good to hear that that was the case and that it was resolved last year. Nevertheless, the complaints that we have received have been far more recent and they go to the nature of rat traps catching snakes, to that level. Could the Hon. the Chief Minister perhaps commit to looking into this issue further? I have no doubt that it is correct that there have been vermin around the Customs areas. It is no way to work; those conditions are not acceptable.

Hon. Chief Minister: Madam Speaker, let's be very clear about what the hon. Lady has said. She has talked about snakes being caught in rat traps. If the hon. Lady looks around Gibraltar, there are many areas which will have rat traps or cockroach traps, and those are actually designed to deal with problems. If she goes around other countries in the European Union, or indeed the United States, she will see that in many large, open public spaces, there are rat traps and there are traps for roaches etc. because that is the process through which one ensures that these problems are dealt with.

The hon. Lady has asked about something that happened in the past 12 months. The answer I have is that actually, in October and November last year, there was a problem because vermin – that word again – were coming through very large electrical ducts. That has been dealt with, so the access to the building that this vermin would have had would have been dealt with in that way. The land Frontier is an open area, and long may it remain so, Madam Speaker, if I may say so. It has an open door to the south and an open door to the north, and so there can, even if you fill in the electrical ducts, in the early and late hours, be access to cats and dogs and people of all variety, and vermin. Therefore, if there are traps there and things are being caught by them, that is because we are in the process of ensuring that there is not an infestation. But the issue that there was – and it may be that the hon. Lady was not talking about this – was the ability of the ducts to be used for this purpose, and that has been dealt with, Madam Speaker.

Madam Speaker: Next question.

Q880/2024
Import Duty –
Amount collected in September 2024

Clerk: Question 880. The Hon. R M Clinton.

Hon. R M Clinton: Madam Speaker, can the Government advise the amount of Import Duty collected in September 2024?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, the Import Duty collected for September is £8,520,156.29.

Madam Speaker: Next question.

Q881/2024
Stamp duty paid on residential property sales –
Amount collected by month

Hon. R M Clinton: Question 881.

Clerk: The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise the amount of stamp duty collected in respect of residential property sales for each individual month from September 2023 to September 2024?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): No, ma'am.

Hon. R M Clinton: Madam Speaker, the Chief Minister has just given us a blanket no. May I ask the Chief Minister why that is the case? Does he not have the information available to him?

Hon. Chief Minister: That is the case, Madam Speaker.

Hon. R M Clinton: Madam Speaker, if I may ask the Chief Minister, can he give the House any indication as to when he may be able to provide that information and whether it is as in the case of my hon. Friend to my left, where he says, 'Put in the same question next month, and maybe I can provide you with the information'? He has given us no indication that it is too onerous to prepare, in the notice given for questions. I would be grateful for the Chief Minister to give the House some indication as to how, when and whether this information will be provided to the House.

Hon. Chief Minister: No, Madam Speaker, I cannot.

Hon. R M Clinton: Madam Speaker, I am struggling with the Chief Minister's blanket, flat refusal to give this House information. Perhaps he could enlighten the House as to why this information cannot be provided to this Parliament.

255 **Hon. Chief Minister:** Yes, Madam Speaker, there is a very simple reason. There is no stamp duty that is payable on the sale of residential property. The stamp duty is assessed on instruments rather than on actual properties, and as a result, stamp duty is imposed on the entire value of the property located in Gibraltar, and the instruments frequently involve several categories of property within a single transaction. Because of this, I am advised that the regime does not
260 distinguish between different kinds of property within these documents and therefore it is not possible to answer the hon. Gentleman's question.

Madam Speaker: Any supplementaries?

265 **Hon. R M Clinton:** Madam Speaker, could I perhaps suggest that the Chief Minister goes back to the collectors of stamp duty and asks them if it is possible, going forward, to collect this sort of information? I just find it a bit bizarre that we do not have that granular information as to where stamp duty is originating from, whether it is from the purchase and sale of shares or the purchase and sale of property. I would have thought this would be information that he would want to know
270 as Minister for Public Finance, and I would ask him would he be willing to go back and ask the relevant department or individuals concerned whether this is information they could in future tag.

Hon. Chief Minister: Madam Speaker, no, I am not going to go back and ask them that because I am not the hon. Gentleman's messenger, but I will tell him that I think he is right in seeking this
275 information and he is right that it is surprising that it is not maintained. I will tell him that I am as interested as he is in having this information going forward, so although I am not going to go back and do anything for him in that sense, I do agree with him that we should, going forward, seek a mechanism to have that information, and not just in relation to residential property; I would also be very interested to see, in the context of commercial property, what the numbers are, and in
280 the context of other transfers of property, which can include not real property, so that policymakers can make better-informed decisions in respect of this matter.

Then, of course, in the context of residential property, you would have to ask yourself whether you want to have a split between the stamp duties payable on the actual transfer of the property and have a different head also in respect of the stamp duty that is paid on any mortgage on any
285 property. Just to make clear to the House, as most of the lawyers would know – and I know that not all of us are lawyers – when you transfer a property, if somebody is buying it with a mortgage, there is a stamp duty payable, potentially, in respect of the transfer of the property, the sale price of the property, say £500,000; there is a stamp duty due in respect of the £500,000. If you take a mortgage of £450,000 in respect of that property, there is a stamp duty payable in respect of the
290 registration fee of the mortgage also. In fact, I would be very interested in seeing the split between the transfer stamp duty and the mortgage stamp duty.

So, despite the fact that I am not the hon. Gentleman's messenger, and I am sure he did not intend to put it that way when he suggested that I go back and do A, B or C, I think there is a large measure of agreement between us in respect of what information we might be seeking. I do not
295 know whether it may even require a change to the Stamp Duties Act, and I am going to have that issue looked into by officials or members of the Government's excellent land property advisers so that I can see how we can do that going forward and have that information. I would propose that we should have a convenient period from which we can assess the information, which, if at all possible, should be at least from the beginning of the calendar year, although that is not entirely
300 with the financial year, but I think we should all want to have this information as soon as possible.

Madam Speaker: Next question.

Q882/2024
Leanse Place –
Details of additional space rented

Clerk: Question 882. The Hon. R P Clinton.

305 **Hon. R M Clinton:** Madam Speaker, can the Government provide details of the recent additional office space rented in Leanse Place and associated lease terms, together with a list of Government departments that have recently or will be shortly taking up offices there?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Madam Speaker, His Majesty's Government of Gibraltar has engaged in a lease of four additional office suites at Leanse Place. These will house what will be the new offices for the Civil Status and Registration Office. The rented properties are Suites 3A, 4A, 3B and 4B on the second floor, and car parking spaces 20 and 21 on the ground floor. The
315 leases are of nine years' duration, commencing on 1st April 2023. The first three years rent are £18,140 per calendar month. As from 1st April 2026, rent will be increased by the cost of living computed from April 2023 to March 2026 and by cost of living every year thereafter.

Madam Speaker: Next question.

Q883/2024
Gibdock Ltd –
Loans from government entities

320 **Clerk:** Question 883. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise if it or any Government-owned company – excepting the Gibraltar International Bank – or the Gibraltar Development Corporation or any GDC company or Government agency has given any loans to Gibdock Ltd, its parent company or
325 subsidiaries?

Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, neither the Government nor any
330 Government-owned company, nor the Gibraltar Development Corporation, nor any GDC company, nor any Government agency have given loans to Gibdock Ltd, nor its parent company, nor its subsidiaries.

Madam Speaker: Next question.

Q884/2024

**Zero Carbon Footprint Company Ltd –
Borrowings as at 31st August 2024**

335 **Clerk:** Question 884. The Hon. R M Clinton.

Hon. R M Clinton: Can the Government advise if Zero Carbon Footprint Company Ltd has borrowed any money as at 31st August 2024; and, if so, from whom, in what amount and on what terms?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, Zero Carbon Footprint Company Ltd has not borrowed any money as at 31st August 2024.

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Hon. R M Clinton: Madam Speaker, I am grateful for the Chief Minister's answer, but given the information that was provided to this House yesterday, that the Government will be making a contribution to Zero Carbon Footprint Company Ltd in respect of the battery storage system, can the Government perhaps provide the House with some information as to how this contribution to Zero Carbon Footprint Company is coming from the Government? Is it intended that it should be by way of a loan from the Government, or by way of an injection of capital?

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Hon. Chief Minister: Madam Speaker, I refer the hon. Gentleman to the answer that was given yesterday by the Hon. the Minister with responsibility for the Electricity Authority, who I think already gave him an indication that that matter has not yet been determined.

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Hon. R M Clinton: Yes, Madam Speaker, the Hon. Minister did mention that there would be a contribution from the Government, but she did not have all the information, so I am asking the Chief Minister, as the Minister for Public Finance, if he could provide the House with more information as to how this contribution is going to be made by the Government. Is it going to be by way of loan or capital injection? It is a simple question.

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Hon. Chief Minister: A simple question to which the answer remains the same: we have not yet determined which of the two we might pursue, or any others that may be available to us.

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Hon. R M Clinton: Madam Speaker, I could understand that answer if this were a project which was in the pipeline, for which contracts had not yet been signed, but this House has been given to understand that contracts have been signed and that the relevant project is under way. If that is the case, it will involve the spending of money. Again, I ask the Chief Minister, as Minister for Public Finance: at this stage, where contracts have been signed, does he have no idea as to how Zero Carbon Footprint Company is going to be financed? It just stretches the imagination that a company will sign contracts without knowledge of where the money is going to come from or how it is going to get it.

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Hon. Chief Minister: Madam Speaker, the hon. Gentleman is very binary. Things are not as black and white as he suggests. Simply because I will not tell him whether it is A or B – and he sets up the A or B that I am given the option of telling him – I have incurred into signing a contract, or permitting a contract to be signed, and having no idea of how I am going to, as Minister for Finance, finance that transaction. Let me postulate to the hon. Gentleman that another reality might actually be what is happening, without referring him to the quote that there may be more things in heaven and earth than are thought of in his philosophies, which is that actually, instead

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of having no idea, I may have many ideas and many options and probably in the region of five to six months to choose the best one for the taxpayer.

385 **Hon. R M Clinton:** Madam Speaker, unfortunately, when it comes to finance there usually are matters of debits and credits, which are binary. May I ask the Chief Minister to enlighten the House on what are these fantastic options that he has?

390 **Hon. Chief Minister:** No, Madam Speaker, because what I am not going to do is to take the House through current thinking for potential ways in which we will do the transaction. I will take the House through the detail of the transaction once it is done. Of course, things are, in finance, about credit and debit, but not just about credit and debit. There are many different ways of financing transactions. There is one in particular which we are considering, which may not be the one that we opt for, which involves different mechanisms to any of the ones that the hon.
395 Gentleman has mentioned, so he will forgive me, no doubt, for saying that I am not going to do the exercise of hypothesising with him on how it is that we might do the transaction, because there are many options. I will do the exercise that he has advised me to do before, and I have told him I am going to accept his advice on, which is not to say anything else until the ink is dry on the paper of the requirement of the Government to make the payment.

400 **Madam Speaker:** Next question.

Q885/2024
Credit Finance Company Ltd –
Repayment of €4 million listed bond

Clerk: Question 885. The Hon. R M Clinton.

405 **Hon. R M Clinton:** Madam Speaker, can the Government advise if the €4 million listed bond held by Credit Finance Company Ltd was paid in full on 24th March 2024?

Clerk: Answer, the Hon. the Chief Minister.

410 **Chief Minister (Hon. F R Picardo):** Madam Speaker, without prejudice to the fact that in keeping with the Rules and rulings of previous Speakers of this House, the Government is not required to answer questions on government companies, I can confirm that the €4 million listed bond held by Credit Finance Company Ltd was not repaid to CFCL on 24th March 2024. Repayment terms were extended to 31st December 2024.

415 **Hon. R M Clinton:** Madam Speaker, I am grateful to the Chief Minister for his answer and his indication that this bond has been extended. This is the second time the repayment of this bond has been extended. I would ask the Chief Minister whether he has any concerns about the repayment of this bond, and I would ask him whether there are currently any discussions as to perhaps extending the repayment date even beyond 31st December 2024.

420 **Hon. Chief Minister:** Madam Speaker, with the important caveat that what I say is without prejudice to the fact that in keeping with the Rules and rulings of previous Speakers of this House, the Government is not required to answer questions on Government companies, I can confirm to the hon. Gentleman that I have none of the concerns he has suggested.

425 **Madam Speaker:** Next question.

Q886/0204

**Victoria Stadium development –
Whether backstop financing sought from Government**

Clerk: Question 886. The Hon. R M Clinton.

430 **Hon. R M Clinton:** Madam Speaker, can the Government confirm that the Gibraltar Football Association has not sought any backstop financing from the Government in the event that the announced consortium of banks does not finance the Victoria Stadium development?

Clerk: Answer, the Hon. the Chief Minister.

435 **Chief Minister (Hon. F R Picardo):** Madam Speaker, no such discussions have been held.

Hon. R M Clinton: Madam Speaker, I am grateful to the Chief Minister for his answer. Can the Chief Minister advise whether he has had any indication from the Gibraltar Football Association that the financing from the consortium of banks may not happen?

440 **Hon. Chief Minister:** I am sorry, Madam Speaker, it was remiss of me to just take something up with the Minister to my left whilst the hon. Gentleman was asking the question, and I confess that I did not hear his question. I apologise to the House. Could the hon. Gentleman repeat it?

445 **Hon. R M Clinton:** Certainly, I am happy to repeat the question. Madam Speaker, my question was whether the Chief Minister had any indication from the Gibraltar Football Association as to whether the consortium of banks that was announced to provide the financing ... whether that arrangement had fallen through.

450 **Hon. Chief Minister:** Madam Speaker, I have had indications, in fact, from the Gibraltar Football Association that we stand a very good chance of topping Group D, that we might make it into Group C, and that things are going very well in the context of the financing of Victoria Stadium.

Madam Speaker: Next question.

Q887/2024

**Flight disruptions –
Causes and measure to prevent reoccurrence**

455 **Clerk:** Question 887. The Hon. D J Bossino.

Hon. D J Bossino: Please provide any details the Government is able to share as to what caused the recent cancellations of flights from Gibraltar Airport, and what measures can be put in place to prevent a reoccurrence.

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

465 **Chief Minister (Hon. F R Picardo):** Madam Speaker, the recent cancellations, delays and flight disruptions at Gibraltar Airport have been caused by various factors that have either affected these directly or had a compounded effect on them, namely delays at the land Frontier due to the ongoing negotiations with the European Union, unexpected water penetration in MoD infrastructure due to heavy rains, and a change in flight crew duty hours.

Hon. D J Bossino: I was only aware of the second one that the Hon. the Chief Minister has referred the House to, but is he able to develop further how the first point that he refers to, which relates to the ongoing negotiations and the issues which arise at the Frontier, has impacted on the cancellations? I certainly was not aware of anything in relation to that which would have resulted in the cancellation of flights.

Hon. Chief Minister: Madam Speaker, the hon. Gentleman offends the first rule of cross-examination, which the Hon. Ms Ladislaus certainly has not offended. She knew all the answers to the questions that she was asking me, but the hon. Gentleman says he only knew one third of the answer of the question he was asking me. How remiss of him.

I think it is known that there are occasions when we have difficulties that arise, and I want to be explicit about this not from action in Madrid – and in fact there is another question on the Order Paper about these issues – but what one might call local or regional action. There was a period around a week or two weeks ago when there was what one might call local or regional action and the established protocol that had been agreed locally or regionally in the context of a diverted flight was no longer being applied at the Frontier and the new boarding passes with the API shared etc. for a diverted flight suddenly, on a particular day, were not accepted at the local or regional level, if one might call it that, and that gave rise to a difficulty. It just happened on one occasion, affecting one flight, but if you are the person on that flight it is really difficult to accept that these things should happen. It really is quite something that if there are arrangements in place between London, Gibraltar, Madrid and Brussels, we should be subject to the vagaries of local or regional action. The hon. Gentleman now knows two thirds of the answer to the question that he asked.

Hon. D J Bossino: We are not here to cross-examine, of course; we are here simply, as politicians of the Opposition, to elicit answers from the hon. Members opposite, so we are not bound by the cardinal rule, as he puts it, I think, of knowing the answers to the question in cross-examination before one puts it. Here, we are genuine politicians who are discharging our duties loyally as His Majesty's Loyal Opposition.

Of the three things that the Hon. the Chief Minister explained were the causes of the disruptions, is there anything that the Gibraltar Government can do – I think he will appreciate that I pose the question in as anodyne terms as possible – in order to prevent cancellations of flights? From the information that the hon. Gentleman has provided, I wonder whether it is a water ingress issue which maybe the Gibraltar Government could assist on, which is the second one that he referred to.

Hon. Chief Minister: Madam Speaker, I entirely accept and agree with the hon. Gentleman that they are genuinely politicians, but I will not accept much more, obviously, of what he has said in the context of the preamble to his question, which of course offends the other cardinal rule of asking questions both in this House and in any other place, as set out in Dick Du Cann's quintessential book on advocacy, which is to keep it short and simple, something that the hon. Gentleman is never able to do in the context of his questions. *(Interjection by Hon. D J Bossino)* Madam Speaker, I hear what the hon. Gentleman says from a sedentary position. The rule does not apply to answers; it applies to questions, like most rules.

Madam Speaker: I am not sure I agree with that, either. I think there should be brevity in both questions and answers.

Hon. Chief Minister: Well, Madam Speaker, if that is your position, that is what I will comply with, and therefore I will answer the hon. Gentleman as shortly as I can and as briefly as I can: no.

Madam Speaker: Next question. *(Laughter)*

Q888/2024

**Export of household materials for own domestic use –
Fines imposed on Gibraltar residents by Spanish authorities**

520 **Clerk:** Question 888. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, has Government received reports of Gibraltar residents being fined by Spanish authorities for not declaring the exportation of household materials for their own domestic use when exiting Spain across the Frontier?

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Clerk: Answer, the Hon. the Chief Minister.

Chief Minister (Hon. F R Picardo): Madam Speaker, no.

530 **Hon. Dr K Azopardi:** Madam Speaker, the hon. Member has said, I think, in answer to my colleague Mrs Ladislaus, that he finds it sometimes unbelievable that people come to the Opposition and do not go to the Government, but certainly we have been approached by people who have been fined coming across the Frontier bringing materials, whether it is tiles for their house, for their kitchen ... They have been fined on the basis that they have been exporting
535 commercial quantities, whereas, in reality, these are goods that they have tried to get in, in their vehicle, to use at home. If that is not something that the hon. Member has heard, which I have been told – it may not be accurate, but I put the information to the hon. Member – is something that is happening to several people now ... I have certainly seen a Spanish document from the Agencia Tributaria in relation to a particular case and I am told it is being received in Gibraltar by
540 a number of people. Perhaps the hon. Member might wish to make enquiries on that issue.

Hon. Chief Minister: Madam Speaker, the hon. Gentleman has said ‘by several people’, not a person, and they all seem to have approached him. Nobody has approached any of us. I have not seen a Facebook post or a Twitter post on this, although I have seen remarkable posts about Junta
545 de Andalucía fines, about exportations to the ‘occupied territory’, not meaning anywhere in the Middle East, but Gibraltar, which is a remarkable reference which I had never seen before. Nobody has approached any member of the GSLP Liberals, nobody has approached us on social media and nobody has approached a Minister. We have an office just there, on the Frontier, which deals with duties, and somebody who is exporting household materials would not in their wildest dreams
550 think of being able to go, if they are in those sorts of quantities, through the green channel and not the red channel and be charged their duties. We have checked and His Majesty’s Customs has not received any official reports or complaints on this matter where somebody may have said to them, ‘I have just been fined on the other side for these issues.’ The only thing I am left to say to the hon. Gentleman is that perhaps these are circumstances where the fines were, in the end,
555 people realised, somehow for a different reason; or that if he wishes and if he has copies, he might let me have sight of them, so I might be able to assist the individual in question if there has been some unfairness. But we have had absolutely no reports.

Madam Speaker, believe me, we are not remote. I get reports of hundreds of things every day through non-official sources because I think everyone knows my phone number, and nobody
560 needs to know my phone number to send me a message on Messenger. I get a lot of reports about things, and I sift through them to try to determine which are legitimate and which are not, and I sit here with nine other Members of Parliament who received the same thing. The Office of Chief Minister – which can be reached at cm@gibraltar.gov.gi, so that John Cortes does not say it is his email that I give out willy nilly – receives hundreds of emails a day, and none of them have directed
565 us to this issue.

Madam Speaker: Next question.

Q889-90/2024

**Montagu Bathing Pavilion –
Proposed redevelopment of site**

Clerk: Question 889. The Hon. the Leader of the Opposition.

570 **Hon. Dr K Azopardi:** Madam Speaker, does Government agree that the former Montagu Bathing Pavilion should be redeveloped in the manner currently proposed?

Clerk: Answer, the Hon. the Chief Minister.

575 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I will answer with Question 890.

Clerk: Question 890. The Hon. the Leader of the Opposition.

580 **Hon. Dr K Azopardi:** Has Government consented to the proposed development of the former Montagu Bathing Pavilion building by WDF Properties Ltd and/or is it currently in discussions with the developers or has it concluded discussions to grant these a development licence or building lease in respect of the property?

Clerk: Answer, the Hon. the Chief Minister.

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Hon. Chief Minister: Madam Speaker, in its capacity as landlord, His Majesty's Government of Gibraltar has not consented to the former Montagu Bathing Pavilion building by WDF Properties Ltd, nor has it had any discussions or granted any development licence or building lease in respect of the property.

590 Much as we are doing in respect of the old Bahia Bar/Rock Motors site, the Government will continue to defend that any developments in the area should be as low rise as possible and in keeping with the architecture in the area. My view is that this development is not in keeping with what we, as ultimate superior landlords, would like to see in the area, and if our consent is necessary as landlords it will not be forthcoming for this incarnation of this project.

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Hon. Dr K Azopardi: I am grateful for that indication. On this side of the House, we support certainly that there should not be consent for the current development, hence the questions that I have put to try to understand whether there had been consent already. From the Chief Minister's answer, though, do I take it that they would consider consent in relation to development of the Montagu Bathing Pavilion in respect of a different type of development? An issue of principle does arise that this building itself has heritage significance, so will the Government consider that in fact, on the building itself, whatever proposal is made must be in keeping with its heritage significance and should not affect it in any detrimental way?

605 **Hon. Chief Minister:** Madam Speaker, yes.

Madam Speaker: Next question.

Q891-92/2024

**Eastern Beach incident –
Cession of jurisdiction; charges laid**

Clerk: Question 891. The Hon. the Leader of the Opposition.

610 **Hon. Dr K Azopardi:** Madam Speaker, has Gibraltar ceded jurisdiction over the Eastern Beach incident of February 2023 to the Spanish prosecutorial or judicial authorities?

Clerk: Answer, the Hon. the Chief Minister.

615 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I will answer with Question 892.

Clerk: Question 892. The Hon. the Leader of the Opposition.

620 **Hon. Dr K Azopardi:** Have any charges been laid against any person in Gibraltar in respect of the incident at Eastern Beach in February 2023?

Clerk: Answer, the Hon. the Chief Minister.

625 **Hon. Chief Minister:** Madam Speaker, there have been no charges laid against any person in Gibraltar in respect of the incident at Eastern Beach in February 2023. The investigation remains open. No jurisdiction has been ceded. The Gibraltar courts have not been first seized in any aspect of this matter in order to be asked or accused of ceding jurisdiction at the suit or request of any relevant Gibraltar prosecutorial authority, in any respect or in any capacity. There has been no political discussion over this matter and no political concession of jurisdiction, not that any would
630 be possible or politically acceptable to the Government politically to do. The Hon. Leader of the Opposition will, therefore, be very pleased to hear it confirmed that the premise of the question is, therefore, without foundation.

635 **Hon. Dr K Azopardi:** I certainly do welcome the answer given by the Hon. Chief Minister, and he will understand that the question was framed because a Spanish judge had assumed jurisdiction – I will put it that way – over a case in respect of a number of individuals. We wanted, on this side, to understand whether there was a decision that had been taken in relation to the investigation. The Chief Minister has confirmed that the investigation is open.

640 Obviously the investigation is being run, operationally, independently by those who run these things. Does he have an indication, though, of the progress of the investigation and whether it will come to a conclusion soon, given that the incident itself took place 18 months ago?

645 **Hon. Chief Minister:** Madam Speaker, the hon. Gentleman refers to something that was in the local press. The report in the local press also indicated that, as I knew would be the case, there was no requirement of cession of jurisdiction for a foreign court to assume jurisdiction. I think about the same time there were also reports, however, in the local press of the exact same thing I told the House about one of the delayed flights which the Hon. Mr Bossino said he was not aware of, but it was in the local press; it was not me revealing it to the House today. And the thing that was in the press about that matter, also, was to say that under the law of that other jurisdiction,
650 things do not even have to happen in the territorial extent of that jurisdiction; you can deal with things that happen extraterritorially. To give anyone who is watching an example, if British Customs Officers had found their way onto the shores of Calais pursuing someone – and the distances there are much greater – and ended up on French shores, and in that context they were British smugglers who pelted rocks from the shores of Calais at the British customs officers, and
655 then in different ways, some of them in their speedboats and others in their Customs cutters,

went back to the United Kingdom and they continued their investigation, the British court would have full jurisdiction to deal with that matter in the United Kingdom. It is not about what others refer to as disputed areas and we are very clear are not at all disputed – they are fully and entirely British parts of the geography of the world – it is about the way that extraterritorial jurisdiction works in other jurisdictions which are not non-self-governing territories but are, therefore, able to exercise extraterritorial jurisdiction in a wider sense than Gibraltar might be able to.

Madam Speaker, in the context of the investigation in Gibraltar, I have no indication of when the investigation might end, but just to put it into some context, the investigation involves foreign nationals throwing rocks at foreign law enforcement nationals on a part of Gibraltar. All of those foreign nationals then leave Gibraltar. We, in order to be able to do more, need to determine who those foreign nationals are, using the information that we would have available as Gibraltar law enforcement. And then, of course, we would have to wait for one of those foreign nationals to come within the jurisdiction or seek, through international liaison, information about those foreign nationals. This is no longer a straightforward investigation for Gibraltar and therefore I am not surprised that there is not a date by which it is expected that the investigation will be finalised.

Hon. Dr K Azopardi: Madam Speaker, although I appreciate that the Chief Minister will have wanted to give a long explanation on extraterritorial legal competence, I entirely understand the doctrine of it, but a lot of people who view this issue, despite understanding that and despite understanding the complexities, may think it is peculiar ... Does he not agree that they may think it is peculiar that when shots are fired and rocks are thrown on Gibraltar soil by, yes, foreign individuals, they might expect that those foreign individuals would be pursued by the judicial authorities and by the investigative authorities? He says the investigation is open, but does he not agree that people would expect that there should be action on something like that?

Hon. Chief Minister: Yes, Madam Speaker, and that is why the investigation is still open, but the action has to be the action that I described. In other words, one of those individuals who has been identified needs to come into Gibraltar, or we need to seek their extradition or information about them. Part of what is happening in the other jurisdiction is probably helping us with that, because there will be an identification of the law enforcement officials who say they were pelted with stones and the names of the people who they say pelted them with stones, because they will be the defendants to the case that has been brought in that other jurisdiction and the others will be the complainants. And so that action in the other foreign jurisdiction will be very helpful in identifying for us all of the individuals who we might have already determined are the ones in scope of this investigation to then be better able to determine what actions can and should be taken from here. But of course, the hon. Gentleman is not suggesting, I am sure, because that would really be peculiar, that we should take some action other than following the legal processes of this investigation. He is not suggesting we should go into the other jurisdiction and nab anyone to bring them in to prosecute, I am sure. We did one sortie – it went relatively well – 250 years ago; I think we will leave it at that.

Madam Speaker: Next question.

Q893-95/2024

Frontier mobility –

**Stamping of passports on Spanish side; continuation of temporary arrangements;
upcoming ministerial-level meeting**

Clerk: Question 893. The Hon. the Leader of the Opposition.

700 **Hon. Dr K Azopardi:** Madam Speaker, has the Spanish Government confirmed that it countermanded in writing the recent apparent rogue instruction of a Spanish police officer for the stamping of all passports into Gibraltar?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Madam Speaker, I will answer with Questions 894 and 895.

Clerk: Question 894. The Hon. the Leader of the Opposition.

710 **Hon. Dr K Azopardi:** Has Gibraltar formally asked for and has Spain given an assurance that the temporary arrangements on frontier mobility will continue now that the introduction of the EES system has been delayed?

Clerk: Question 895. The Hon. the Leader of the Opposition.

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Hon. Dr K Azopardi: Is there a formal ministerial-level meeting involving the Chief Minister and Foreign Secretaries of the UK and Spain and the EU Commission programmed in coming weeks?

Clerk: Answer, the Hon. the Chief Minister.

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Chief Minister (Hon. F R Picardo): Madam Speaker, it is the Government's understanding, based on operational information shared with it by the Borders and Coastguard Agency and the Royal Gibraltar Police, that the order to stamp the passports of all third country nationals crossing the border was countermanded in writing. In any event, in circumstances where the stamping of passports ceased, it is evident that an order to that effect must have been given.

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The Government has not asked for this assurance that the hon. Gentleman refers to in Question 894 in writing and Spain has not provided one. Nonetheless, in circumstances where the Spanish Minister for Foreign Affairs, Jose Manuel Albares, on 9th October 2024 made clear the link between the suspension of temporary arrangements and the entry into operation of the European Entry/Exit System, there is no reason to doubt the intention of the Spanish Government to preserve current arrangements until that system becomes operational, whenever that happens.

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A date for a further quadrilateral meeting of principals has not yet been set. However, all parties are intensely pursuing continuing technical negotiations, and the objective, which we all share, is to have these negotiations positively finalised as soon as possible. Gibraltar has proposed balanced, imaginative and sovereignty-neutral proposals to resolve the outstanding issues. We have put forward proposals that guarantee the safety and security of the Schengen Area and the integrity of the single market. None of these proposals would require us or any of our negotiating partners to cede on any of our historic fundamentals. The ball is now firmly in Spain's court, and if our proposals were accepted tomorrow, a treaty could be agreed tomorrow.

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Hon. Dr K Azopardi: Madam Speaker, can I just unpick those answers, because obviously there is a wide range of issues there. Let's start with the apparent rogue instruction, which is how I certainly describe it, because it could have been a rogue instruction and certainly that is what we

745 have been led to believe, but if it was a signal, does the Chief Minister agree that Gibraltar should respond in kind? If he does, he knows he will have the support of the Members on this side of the House. When he says that the BCA have confirmed to him through their sources that it has been countermanded in writing, can he perhaps be a bit more explicit about that? Has the Government seen the countermanded-in-writing instruction?

750 **Hon. Chief Minister:** Madam Speaker, the hon. Gentleman is asking me about something potentially happening in the future, as if it had not happened already. That is to say the hon. Gentleman has said, 'If it was a signal, will you confirm that you will be ready to respond in kind?' Well, I do not believe it was a signal, for the reasons I have told the House and the public in
755 Gibraltar, but we responded in kind. The hon. Gentleman knows that we responded in kind. I very much welcome the fact that he has said in this House that should we, in the future, have to respond in kind, we will have his support, but I was very pleased to see that he said publicly already, when we did respond in kind, that we had his support, so I do not see why he is suggesting that I should say prospectively that I will respond in kind when he knows that we have responded
760 in kind and I had already said, and will repeat as many times as I have to, that we will respond in kind. This is something that I must always ensure is understood to be said as something that we would do in sorrow, not in anger. In other words, the last thing we would like to see done is an official document of His Majesty's Government of Gibraltar which has enjoyed approval by the European Commission and Council, which is the Gibraltar identity card, no longer being recognised
765 for the purposes of the application of a temporary arrangement which facilitates fluidity of movement across the Frontier for Gibraltarians, with the positive counter effect for those coming into Gibraltar that we similarly facilitate arrival into Gibraltar. But of course, in the event that our identity carnet is no longer recognised, as it was not for 20 minutes between 7.00 and 7.20 in the morning some weeks ago, then we also will not be recognising the identity carnet of other
770 member states of the European Union.

Sorry, Madam Speaker, I need to correct the record. Our identity carnet was not accepted between 11 p.m. on one day and 7.20 in the morning the following day, because I had given instructions that unless Spain started to once again accept the Gibraltar identity card for the purposes of the temporary arrangements by 7 a.m. – it was night; it was important to give time
775 for issues to be resolved, if they could be resolved – then we should start, at 7.00 in the morning, to not recognise the identity carnets of other member states and require passports. That is what we did, and 20 minutes later everything went back to normal. There was then a wobble, if I can call it that, between a 9.45 and 10, and then everything went back to normal and has stayed at normal since 10 a.m. that day.

780 **Hon. Dr K Azopardi:** Madam Speaker, I would hope the Chief Minister does not think it is strange that I ask these questions and that perhaps he would welcome them because I gave him the opportunity to make clear –

785 **Hon. Chief Minister:** Will he give way?

Hon. Dr K Azopardi: Yes.

Hon. Chief Minister: The only thing I was saying was strange was the tense in which the hon.
790 Gentleman asked it.

Hon. Dr K Azopardi: I appreciate that. I was just trying to clarify that I am giving him the opportunity to clarify and restate the Government's position on some of these issues with the support of the Opposition, because it seems to us on this side of the House that there is an
795 element of equivocation – my word, not his – from Spain, and an element, certainly, of the negotiating parties staring at each other to see who blinks first. Quite clearly, you have these

arrangements that the Chief Minister has spoken about, whether it is at the land Frontier or the or the arrangements on flights, for example, and he said in answer to another question that it is disappointing that these arrangements are broken down by regional or local action or rogue
800 officers at the Frontier. You can take a view that these things are really breaking down or perhaps there are signals, but in either case it is important, whether they are rogue officers or it is accidental breaking down by regional or local action, does he not agree, that Spain understands that in the context of ... as the weeks flick by towards ... on the eve, hopefully, of the negotiations, that Gibraltar is speaking with one united voice on issues that are fundamental to our rights?

805 **Hon. Chief Minister:** Madam Speaker, I would very much hope that Gibraltar will be speaking with one united voice on issues that are fundamental to our rights, and I very much welcome that the hon. Gentleman has said the things that he has said about the decision I had to take – in sorrow, not in anger – in relation to the acceptance of the identity carnet of member states of the
810 European Union; not just the identity of one member state of the European Union – I want to be very clear about that. We have to be very clear that we then need to stand united on all aspects of this matter because that is how Gibraltar will be even stronger in the context of the negotiation. We are already very strong in the context of the negotiation because I have not followed the advice that some have given me of setting a deadline saying by when we must achieve things,
815 getting up off the table, using frontier workers as the trump card, all of the things that others might have suggested. So, I very much welcome the position that the hon. Gentleman puts now, because if he is going to stand with us, as he says he is, he needs to understand – Madam Speaker, I should say the Hon. the Leader of the Opposition needs to understand, to ensure full compliance with your ruling yesterday – that we do not do blink. I am not suggesting he does blink, but we do
820 not do blink, and if there is going to be one Gibraltar position, then the whole Gibraltar position has to be we do not do blink. We do not do blink, we do not get nervous, we do not get worried, because people do not pay us to get nervous or worried, they pay us to have an alternative to be able to implement if things go a particular way. If we reach the fork on the road which is a deal that the Gibraltar Cabinet recommends to this Parliament or not being able to reach a deal that
825 the Gibraltar Cabinet can recommend to this Parliament, we will say, ‘We cannot recommend the deal, but this is what is going to happen and it is not going to be a bed of roses.’ And if we recommend a deal, Madam Speaker, it is also not going to be a bed of roses, because I want to be very clear with everyone who might be listening ... And the Leader of the Opposition will know this, having negotiated matters himself in government and in private practice, but if he is going to
830 stand with us, this has to be understood as well. I have not gone to Brussels to negotiate the surrender of the European Union to the people of Gibraltar. I am not going to come back with everything that we want signed up by the European Union, the United Kingdom and Spain. A negotiation is a negotiation which will not, on the part of the Government of the people of Gibraltar, involve any concession on any matter relating to sovereignty, jurisdiction or control, but
835 it will involve practical compromises in matters relating to immigration and the free movement of goods, which do not touch and concern upon matters of sovereignty, jurisdiction or control. We have to be ready for that, and nothing could be better for Gibraltar. The Opposition – if they wish to take my advice, they are, of course, free to do so, and if they do not want to, they are also entirely free to do so – would, in my view, be serving Gibraltar’s historic interests best by standing
840 four-square united with the Government and talking to us behind the Speaker’s Chair, or in No. 6 Convent Place, about any issue that they feel they might want to speak to us about, but sending a signal north of Four Corners that Gibraltar stands four square united, even if we have issues between us that we need to discuss and debate and sort out. As I have always said, Madam Speaker, if they have a better idea – better than in the letters column of the *Gibraltar Chronicle* –
845 give me a call and share it with me. I might be able to say, like, for example, I might be able to say to anybody who wrote to a letter to the *Gibraltar Chronicle*, of course those issues have been considered. I am always very open, if the Hon. the Leader of the Opposition wants to meet to have a discussion, to have a discussion; we are always ready to look at how we can find ways of standing

together. But the fork in the road is coming. The only thing that is common about the destinations beyond the fork is that neither of them is a bed of roses.

If I can deal also with the point that the hon. Gentleman makes about signals, Madam Speaker, I am entirely convinced, as the person with responsibility for these matters and the ultimate responsibility for the negotiation on behalf of the people of Gibraltar, and the person who had to make the decision – which I know enjoyed Cabinet approval because I was ready for this issue; I have talked about reciprocity before, the Cabinet had considered the matter before and we were ready for a decision, but I had to make the decision alone – to impose the requirement that passports should be required of anybody coming into Gibraltar on the relevant morning after the 11 o'clock stamping of passports had started the night before. I can tell the hon. Gentleman I am convinced this was not a signal from Madrid and that neither Madrid nor Brussels wished to visit upon their people or our people the angst that occurred as a result of that stamping – at least not for now – and as a result of the changes relating to the diverted flight. In fact, the consequence of that has been that the people of La Linea have mobilised to be heard by their government about their concerns, which they are rightly, in my view, wishing to bring to their nation's national attention. That is a matter of Spanish politics which the mayor of La Linea is dealing with, and I do not wish to interfere in that matter, but what has been reported – and I have a very close relationship with the mayor of La Linea, which I would commend to anybody who is Chief Minister of Gibraltar; I think it is very important that there should be that proximity of relationship – is that the mayor of La Linea has said, 'What happened at the Frontier was a real wake-up call and we have to demonstrate and bring these matters to the attention of our government, who are the ones responsible for us, and I intend to do this at a local level, at a regional level, at a national level and at a Brussels level.' So, I have no doubt it was not, as the Hon. Leader of the Opposition suggests, a signal from Madrid. Had it been, it would have backfired in the most miserable fashion, but I have no doubt that it was not.

Hon. Dr K Azopardi: Madam Speaker, the hon. Member should know that on the fundamentals we are united, I think, in this House, and previous Parliaments have been united on the fundamentals, I believe. But he also will understand that unity on the fundamentals does not mean that we are not going to disagree, as we go along the way, on some issues, and that is not a contradiction. So, when he points to certain things – and I do not want to get combative on this issue because this issue is really about the fundamentals – he needs to understand that there may be disagreements along the way, as there were in the past. I certainly understand that Gibraltar is involved in a negotiation, and a negotiation is a negotiation. He says we would be well placed, in the Opposition, if we did this, that and the other when the moment comes. Well, he is better sighted than I am, obviously, on the detail of these issues, because we have not had one of those briefings since before the last election. But I can tell him, certainly, and he must be aware, that I have been quite cautious about those pronouncements that we have made, that we have said that we support the quest for a safe and beneficial agreement, that we will make that judgement when the moment comes and that continues to be our position, and we would welcome having that debate and that the moment for that discussion should come fully understanding the negotiation that we are in after the conundrum where we have been left post the Brexit referendum.

He says that there is not a formal ministerial meeting, but I understood his answer to be that there are technical discussions ongoing. Can he say whether those discussions are progressing and whether he considers that there might be a ministerial meeting programmed in coming weeks? We are hearing the same discourse from the Hon. the Chief Minister as we are from the Spanish Foreign Minister. Both the Chief Minister and the Spanish Foreign Minister have said that there are proposals that can be adopted tomorrow. If I have a choice to make, I will back the Chief Minister and not the Spanish Foreign Minister – I make it clear. But – and this is why I said that there is an element of staring at each other – can he perhaps give us an indication of whether there is an expectation of a meeting taking place at a formal level in coming weeks?

Hon. Chief Minister: Madam Speaker, I want to be clear – I have been an Opposition politician and I have been a Leader of the Opposition, only once – I am not asking for a blank cheque from hon. Members. I am not recommending that the Opposition give the Government a blank cheque on any issue – it would not be serious for me to do so – but what I am saying is that the hon. Gentleman needs to understand that there are people in our community who can say whatever they like, and I defend the right of every individual in this small nation of ours to be able to say what they like when they like within the realms of our Defamation Act, but when somebody holding an official post says it has been eight long years and it is taking too long, then that is immediately interpreted elsewhere as ‘Picardo is under pressure to do things quickly; we can put more pressure on him because he now needs to do this quickly.’ I do not want to take a day longer, I do not want to put my team through a day longer, I do not want to put Gibraltar through a day longer than we need to get the right, safe, secure and beneficial treaty for Gibraltar, but everyone in Gibraltar should take the view, in my view – and this is only my view; I happen to be the elected senior politician of Gibraltar, but it is just, in effect, my view – that it does not matter how long it takes, what matters is what is produced at the end of the process and we should not sacrifice successful conclusion for more timely conclusion, because a conclusion that is not in keeping with what we might have called our historic fundamentals will not be a successful conclusion, even if it is an earlier conclusion. That is why I say to the Leader of the Opposition – who has said that he has carefully calibrated what he has said, and I appreciate that in some instances I have detected careful calibration – that there have been some things that he has said that have been used around the negotiating table to suggest to me that I need to be a little less pedantic on some issues if I want to do things a little more quickly. I do not want to do things quickly, I want to do things right, and I am sure he would agree with me that we have to do things right, not quickly, although he will accept, no doubt, because there is a record of it, that he has accused me of not doing things quick enough. He might say, ‘But you told us that you were 99.9% of the way there: how can it be taking so long?’ Well, a little bit like a marathon, the last mile is the hardest mile. I have said, when I have seen some statements made by others beyond this jurisdiction and some things that have been done or threatened to be done, that I believe and hope sincerely that what we are seeing in those difficult moments is the storm before the calm, and I really hope that we are going to get there.

The hon. Gentleman, in my view, rightly, says that if he has to choose between a version of events of a Chief Minister of Gibraltar or a Spanish Foreign Secretary, he is going to choose the Chief Minister of Gibraltar. I commend him for that view. I do not think anybody in Gibraltar would accept what are in social media terms called the haters would agree with him if he took another view, but I can assure him that that position which I have set out in the last sentence of my first answer in relation to Question 895 is the position of the Government of Gibraltar based on a very careful understanding of the requirements of our negotiating partners. Even the fact that I can say the term ‘negotiating partners’, rather than ‘negotiating adversaries’, should create optimism that we believe that we can get there, but this is a very difficult negotiation, not just because of the historic fundamentals but because of the technical issues that arise.

Madam Speaker, I have made a note of the fact that the hon. Gentleman says we have not briefed him for a long time. He has not asked me for a briefing. Let’s say that that was just a failure of communication and perhaps we have both been remiss in seeking to communicate with each other. I will try to get a date in the diary in coming weeks to try to have a conversation with the hon. Gentleman behind the door of No. 6 Convent Place, but the negotiations are in what in the lexicon of the negotiation of the TCA would be what we might call a tunnel. That is a good thing. It means that a lot has been agreed and now it is a question of trying to agree the final parts of the final stretch. But as we have often discussed across the floor of this House and as I have often said to the community more widely and beyond this House, in the context of Gibraltar, the stage at which others might have said, ‘All right, it is all agreed in principle: go away and write it down make it legal – no one is going to look at the legal text, off you go,’ that cannot be the case, because the devil is in the detail for us. We have 32,000 experts on the detail of the politics of Gibraltar

who are going to pore over not the political statement but the legal text, each bringing their varying degrees of legal understanding to the views that they might take of the legal text. So, we need to make sure – because for us what matters is the legal text and not the press release – that the legal text is where it needs to be when the time comes to have that legal text. Therefore, you have to really tie down the principles so that there are no devils that can creep into details when the time comes.

And so, Madam Speaker, the hon. Gentleman will understand that I do not want to tell him that there will be a meeting of four senior Ministers in Brussels at any time again in the future, because just by doing that I might be creating a requirement against which I might end up having to negotiate, and I do not want to do that. Again, I want the Hon. the Leader of the Opposition to know – I am sure he knows, but I have to repeat it – and every person who may be watching this and has an interest in Gibraltar in these issues, that when I do not disclose things it is not because I do not want to disclose things, it is not because I want to be secretive and it is not because I do not want to share all of the information. It is because in the context of the negotiation it is more sensible for all of the 32,000 people that I represent, and indeed for all of our negotiating partners, that we do not disclose details of the negotiation, even the potential that there might be for us to hold other meetings of a particular type in respect of which one has to accept – let's take the rough with the smooth here – that there are others in the context of this negotiation who have taken a lot of flak for the structure of the negotiation, and we have to accept that as well. We sometimes look at things through what I might call dull-tinted spectacles in the context of one particular member state of the European Union – rightly so, after so many years of a particular treatment – but in the context of the nature of this negotiation and the form of this negotiation, there is one particular Foreign Minister and one particular member state that has taken a lot of flak for the way in which some of these meetings have been structured, and we also have to realise that. We have temporary arrangements in place that have held to a very great extent to the detriment of blue ID card holders, or blue civilian registration card holders, when the United Kingdom stopped accepting other member states' ID cards, but otherwise continuing to hold. We do also have to accept that in the context of this negotiation there is smooth as well as rough that we have to recognise if we are going to be able to, if we do decide to, take that fork which leads us towards a treaty arrangement.

And so, Madam Speaker, it is perhaps not unusual that at this stage of the negotiation the parties may be both saying, 'Well, look, I have put something on the table and it resolves matters.' That perhaps is not unusual. It might happen between a national utility provider and a union in the context of public statements about the resolution of selective industrial action, to refer to something that might be relatively topical, and it might happen between negotiating partners who have been with their backs to each other for far too many years and may be about to do something which, if we get it right, might be very positive indeed for all. I am very conscious that in poker, at the last minute there can only be one winner. This cannot be a poker game. This is not a game of Texas Hold'em. There are four parties sitting around this negotiating table, and the only way this works is if no one loses and everyone wins but does not win anything of the things that any of the others would have considered to be historic fundamentals. That is tough. Throw in the whole of the European Union acquis, and in particular all those parts that we were not a part of for the 50 years that we were part of the European Union acquis and it gets devilishly complicated from day one. I commend those leading the technical negotiating teams for their stamina, for their work, for their imagination and for their support.

Madam Speaker: I am going to allow a further supplementary. This is clearly a matter of great public interest. That said, answers have been long, questions have been long, and I have allowed it because of the nature of the subject, but I really do need to hone it down because we have many other questions on the Question Paper. So, I am going to allow one further supplementary. I am going to ask the Hon. the Leader of the Opposition to attempt to be brief and I will ask the Hon. the Chief Minister also to attempt to be brief in his reply, and then we can move on.

1005 **Hon. Dr K Azopardi:** I will be very brief, Madam Speaker, and I am grateful for that. Just before I put my question, they do not call them Sherpas for nothing when they are climbing those steep inclines.

1010 May I ask the Chief Minister – because there have been indications on different sides about deals being on the table – are we at the stage where we are still trying to unblock principles, so the announcement would be of an agreement of principles which would then require drafting, or is it that what would be unblocked is the legal text, because the Hon. Chief Minister says the devil is in the detail, quite rightly? Would the announcement lead to a swift production of a treaty or a treaty that is being produced now, or is it just principles that we are discussing leading to subsequent drafting? Can he give us an indication? If he feels he cannot do so, I am happy to have
1015 a discussion behind the Speaker's Chair.

Hon. Chief Minister: Madam Speaker, I have not called them Sherpas for a reason, because they are not. I see why the hon. Gentleman uses the example, but the Sherpas are the ones who get you to the room, so to speak. The Sherpas got us to the top of Mount Everest – not on
1020 31st December 2020; they got us to the top of Mount Everest on the day that we started the negotiation in October 2021 – and they have left us there with enough oxygen to continue for as long as we have to. To an extent, that is the problem, because we can continue for as long as we have to. But, of course, that is also the value: we can continue for as long as we have to. We do not have to make another decision, and we must not get too giddy by the fact that we are at the
1025 top of Mount Everest. The hon. Gentleman will not be surprised that I respond to him by saying that it is, in respect of the things and the options that he described, a little of all of the subheads that he put in the context of his supplementary.

Madam Speaker: Next question.

HOUSING AND THE UNIVERSITY OF GIBALTAR

Q791/2024

Sunrise Motel –

Capacity and bed availability

1030 **Clerk:** Questions to the Minister for Housing and the University of Gibraltar.
Question 791. The Hon. D J Bossino.

Hon. D J Bossino: What is the capacity of the Sunrise Motel in terms of beds in total, and how many of these are currently available, broken down in terms of number of beds per room?
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Clerk: Answer, the Hon. the Minister for Housing and the University of Gibraltar.

Minister for Housing and the University of Gibraltar (Hon. P A Orfila): Madam Speaker, the capacity of the Sunrise Motel in terms of beds is now a total of 185, and there are none currently
1040 available.

Hon. D J Bossino: When the Hon. the Minister says 'now', is she able to say whether that includes the beds which are going to be available, pursuant to the answer that the hon. Lady gave us at the last meeting of the House, for those who are currently – and I still think currently – at
1045 the former Queen's Hotel. Is she able to give the House the number of extra beds which have been provided if the way I have postulated in the premise of the question is correct?

Hon. P A Orfila: Madam Speaker, I said 'now' because we have added 29 beds to the 156 which we had. The 29 added to 156 gives us a total of 185 bed spaces. Presently, 17 from the Queen's Hotel have already transferred to the Sunrise. Obviously the total has gone down, so we have fewer in the Queen's Hotel now waiting for the relocation.

Hon. D J Bossino: So, the 29 are to accommodate, in effect, the Queen's Hotel residents? Okay – the Hon. Minister is nodding. Is it fair, therefore, to assume that those who are still to transfer are the difference between 17 and 29? Is that assumption correct? I would be grateful if she would disabuse me of the assumption if it is incorrect.

Hon. P A Orfila: Madam Speaker, mathematically, if we take 17 from 29, I think there are 12, so there are 12 people still waiting to be relocated but they can do so whenever they want; the beds are already there for them.

Hon. D J Bossino: Yes, and I am grateful to her for that. She has confirmed that there are 12 now remaining. Is the cause of the delay an administrative one, or is it that they are flat refusing to transfer to the Sunrise Motel? What are the issues which are resulting in the delay that is stopping these 12 individuals from transferring to the Sunrise Motel?

Hon. P A Orfila: I am not aware that there are any issues; I suppose because they have until the end of the month, they will move over to the Sunrise whenever they feel it is convenient for them.

Hon. D J Bossino: I understand from that that the expectation of the Minister is that all remaining 12 will be moving to the Sunrise. She is nodding. Thank you for that.

Did she answer the second limb of the question, which talked about the configuration of beds per room? Does she have any information that she can divulge to this House in relation to that question, which is on the Order Paper?

Hon. P A Orfila: Madam Speaker, yes, of course. We have 74 single rooms with 1 bed, which totals 74; 26 rooms with 2 beds, totalling 52; 14 rooms with 3 beds, totalling 42; 1 room with 4 beds, totalling 4 beds; 1 room with 5 beds; totalling 5 beds; and 1 room with 8 beds, totalling 8 beds.

Hon. D J Bossino: And if I may, given that certainly the latter information that she ... the hon. Member ... Minister ... I got there in the end; at least the notebook has not been engaged on this.

Madam Speaker: By way of comfort, the hon. Member has got there before many other Members today.

Hon. D J Bossino: I am grateful. I saw that the notebook had not been engaged on this occasion. I would ask the Hon. Minister to provide this House with some comfort, or some information in relation to that which would give us some comfort. On the face of it, these numbers seem quite high. She will, I think, understand that from this side of the House we would have collectively raised our eyebrows when she said that one of the bedrooms contains eight beds. Five beds in one and four beds in one also appears to us pretty high. Is she able to provide us with further information as to the adequacy, in terms of size and other health and safety considerations and comfort, in relation to at least those bedrooms which are accommodating many beds?

Hon. P A Orfila: Madam Speaker, everything has been worked out very well. We must remind our hon. Members across the floor that when they were in Government there were 30 people to one room. We have been able to use very large areas, such as a dining room, which was not used

1100 by the tenants, otherwise it would have not been used; a laundry room, which again was not being used; and an office space which was large enough and is not being used presently. They have been able to accommodate these beds very comfortably in these areas.

1105 **Hon. D J Bossino:** The Hon. Minister was prompted to make that barb in relation to the history clearly by the Hon. Chief Minister, because that is his way. I would simply advise her not to rise to the bait and simply to answer the questions in the way that she has been doing, I think perfectly well and reasonably.

1110 Given that the Minister refers to the dining room, the laundry room, and I think office space, is she able to say how the facilities which were formerly provided in that space within the building are currently being provided? Clearly these places, which provided presumably important services in the dining room, laundry room and the office space, are no longer available for that purpose, so how are those services being provided?

1115 **Hon. P A Orfila:** Firstly, Madam Speaker, the hon. Gentleman across the floor is not going to tell me who I should not listen to. Furthermore, I do recall very vividly when they used to live in an awful state. It even caught fire. If I recall correctly, that accommodation that they had to suffer actually caught fire, which is why eventually you guys had to think about something else to do with them, which you did not, and when we came in we did it for you. So, first of all, I shall listen to whomever I want. Secondly, these rooms that you claim have been ... were not used and I think I already explained that they were not used, otherwise they would not have been taken over. 1120 Everything has been done accordingly and it has been done properly.

Hon. D J Bossino: If I may, Madam Speaker, I think that the notebook on that occasion would have been engaged more than once. I was not suggesting, and please, she needs to understand that I was not suggesting that she should listen to somebody. Of course it is up to her. We are all 1125 adults here and she can take advice or prompting from anybody she wishes. That was certainly not my intention.

Is she able to give an indication to this House, because very closely linked, she may recall at the last session, to the questions arising in respect of the Sunrise Motel was the accommodation which is now no longer going to be provided at the Europa Point development. She is nodding; 1130 she knows which one I mean. Is she able to at least indicate when the construction works are likely to start at the back of this building for the provision of that service, which is now no longer, as a result of the Government's decision, going to be provided at the Europa Point area?

1135 **Hon. P A Orfila:** Madam Speaker, I cannot give you the exact date for that, therefore I would rather withdraw that answer.

Madam Speaker: Next question.

EQUALITY, EMPLOYMENT, CULTURE AND TOURISM

Q717/2024

Youth workers –

Vetting process

Clerk: Questions to the Minister for Equality, Employment, Culture and Tourism. Question 717. The Hon. the Leader of the Opposition on behalf of the Hon. G Origo.

1140 **Hon. Dr K Azopardi:** Madam Speaker, what process is currently in place for the vetting of candidates for youth worker roles in our youth clubs?

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, all youth and community workers are employed and vetted by the Department of Personnel and Development. All youth workers undertaking training to work in our youth clubs are vetted by the Royal Gibraltar Police.

1145 **Hon. Dr K Azopardi:** Madam Speaker, perhaps the Hon. Minister can give us a bit more information in that regard. The question was put by my hon. colleague, he advises me in his notes, because of the recent reports of a youth worker charged with a number of child-related offences. How robust are these protocols of vetting? How comfortable is the Minister that they are robust if things like that have happened?

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Hon. C P Santos: The vetting process for youth workers is the same as the vetting process for anyone who is going to work with children or vulnerable adults. There are two parts to the vetting by the RGP. You tick if you are going to work with children or vulnerable adults, and it is a more stringent vetting process on their side. Unless someone commits a crime or is charged with a crime, that will never appear in the vetting process. We cannot really go into people's houses or computers and check what they are looking at or searching for or what their actions are behind closed doors. We can only do what we do, and by 'we' I mean the Police as a whole through their vetting process.

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1160 **Hon. Dr K Azopardi:** Subsequent to incident happening, has there been a discussion between the Department and perhaps the Police about whether the process itself should be reviewed to see if it could be enhanced in any particular way, whether anyone has ideas in that regard? I am sure the Minister agrees that this kind of incident should be avoided and if there can be improvement, there should be.

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Hon. C P Santos: Any vetting process, I think, is already as efficient as it can be. As I said, there is only so much that the RGP can do in order to get information on what people's criminal past has been. This is something that falls under their remit and that of the Department of Personnel and Development. This is not something that is exclusive to the Youth Service. Anyone who commits this type of crime, unless they are already charged or have committed a crime, there is only so much information. There is actually no information that you can get unless they have already been charged or committed. I am not sure how this process could be improved other than going into people's private computers or going to their houses and seeing what their actions are behind closed doors. I am not quite sure what further processes can be made.

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Madam Speaker: Next question.

Q718/2024

**The Zone: Step Up and Thrive –
Number of attendees**

Clerk: Question 718. The Hon. the Leader of the Opposition on behalf of the Hon. G Origo.

1180 **Hon. Dr K Azopardi:** Madam Speaker, can the Minister confirm how many individuals have attended The Zone: Step Up and Thrive project?

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

1185 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** Madam Speaker, thirty-nine young people from the ages of 16 to 25 years of age have attended The Zone: Step Up and Thrive project. We also had nine young people under the age of 16, which would not fall under the remit of The Zone, but instead via the Youth Service provision.

1190 **Hon. Dr K Azopardi:** Thank you for that information. Looking at the Budget address of the Hon. Minister, when he talked about this project he did indicate at that stage – and things may have changed, which is the purpose of my question – that the operational hours of the service were notably limited to a mere 90 minutes a week, specifically, from 12.30 to 2 p.m. every Thursday. Has there been any change in the availability of the service? Has it been extended?

1195 **Hon. C P Santos:** Madam Speaker, the hours, I think, remain the same. We were looking at extending them to two hours. The hours changed during the summer period. What happens is that during those times you get initial contact and then the users are able to use the Youth Service provision during the evenings or during other times when they do other types of projects. Those
1200 two hours or 90 minutes are the initial point of contact for a young person to come to the Youth Service and register within the NEET programme.

Hon. Dr K Azopardi: I see, and is his Department doing any broader work in relation to this? As I understand this project, it is for people who are not in education, not in employment and not in
1205 training. I think I am right in that. Has he, through his Department, done any work to collate the data numerically of how many young people might not be in education, employment or training?

Hon. C P Santos: Madam Speaker, we are currently working on this programme according to what the needs may be. I have answered before in other Parliaments about how there are people
1210 who are not in employment, education or training, not for the long term. There are students who take a year out and we have had some of these young people coming. There are people who are not in employment, education or training because they have taken time off to be with their children; then they will be able to come back. We have figures of the unemployment from the employment perspective, but with regard to young people there are many variants on why they
1215 might not be in employment, education or training. What we find is that the people who come to this programme are those that need help getting into employment, education or training, and these are the numbers that we are working with at the moment.

Hon. Dr K Azopardi: I appreciate that. I was just trying to probe whether the hon. Member, in
1220 the development of this project, will, in the context of understanding the feedback of the young people who might use it ... whether the Department might think of areas in which this service could be improved either by extending the hours or by developing it further in a particular way. As I understand it, the focus of it is 16 to 25-year-olds generally, so it is a wide berth – it is a 10-year gap. You would expect to see a lot of young people in that 10-year gap – clearly there will be
1225 lots of young people in that age group – but 39 people have taken up the opportunity. Of course,

part of understanding the use and the usefulness of this project might be to also understand is it 39 from a possible catchment of maybe 100 people young people who are not in education, training or employment, or is it 500. That is why I am probing the hon. Member in trying to understand it. Does he think that 39 is a good enough number, or is it perhaps affected by the limited accessibility of the hours?

Hon. C P Santos: Madam Speaker, I think that if you are not in education, employment or training, the hours available will be good enough because you are not involved in anything else, so you will be able to make it for the initial contact.

Something that we are overlooking is that this programme also involves the Department of Employment. We also have the Supported Employment Company coming in, Supported Employment Programme. This is led by the Youth Service but we have employment clinics; we have clinics with Supported Employment. As I said, a lot of people do not come for employment. A lot of the young people we have worked with are students who are taking a year out. We are working on signposting them to correct training and educational opportunities, personal development and guidance. We have a multi-agency collaboration, so we are working with all the different Departments that work with regard to education, employment or training, most of which, other than Education, fall under my portfolios.

I do not have the exact numbers because it is a 10-year span of young people, which is what we consider young persons between 16 and 25, a lot of whom are already in employment, some of whom do not come to this programme because they are searching for employment via the ETB. They might be in one of our employment schemes. A lot of them, as we mentioned yesterday, are in education. It is difficult to ascertain the number of people who are and not in education, employment or training, so we open the doors. This is another of the many different opportunities that we offer young people to get into employment, education or training.

Hon. Dr K Azopardi: I can understand the opening of the doors, but can I perhaps ask the hon. Member whether he agrees that it would be useful to him in planning this initiative further, to understand the catchment area that we are talking about? Will he take on board the idea of perhaps speaking to officials in the Employment Service to see if more work could be done to assess the number of young people there could be in this area, how many young people are in employment? We already have, in the Employment Survey, statistics on certain things, so it might be something that would be useful to understand for him to further expand the initiative. He did say in his Budget speech – that is why I raise it – that the restricted availability raised critical questions about the effectiveness of the initiative. That is why I was asking him about the whole thing. So, it is not just about the availability of it, but rather about understanding what backdrop you are developing against.

Hon. C P Santos: Madam Speaker, the statistics from Employment I am very aware of, as Minister for Employment – these vary as well – but I can only go by those who are actively seeking employment, and that is still in the high 20s. The best way to give this opportunity to younger people is to create a programme and open the doors. It is very difficult to see if I have 500 or 100. It is very difficult to get that number because it is an evolving number, especially with young people. I imagine that come June time the number will rise because they are all coming back from university, but a lot of them come with studies and they are looking for a certain type of job, and they might not register for this type of programme. It is difficult. I understand what the hon. Member opposite, the Hon. Leader of the Opposition is trying to get at, but it is very difficult to get those statistics because from an employment perspective the numbers are very low. As a youth provision, the hours are not limited. The hours of initial contact are limited, but then we do projects on CV writing, CV creation, development, signposting and guidance. We have all the evening hours that are offered by the same workers for those young people who need any extra support. So, as much as I understand what the Hon. Leader of the Opposition is trying to say, it is

very difficult to get an accurate number of how many young people in Gibraltar are not in education, employment or training, or actively looking for an opportunity to get into education, employment or training, because some people are not maybe looking for that at that particular time.

Madam Speaker: Before I move on to the next question, I am aware that there is Question 875 for supplementaries. I am going to finish with the Hon. the Minister for Employment, Equality etc. and at the end of those questions I will ask the Hon. Mrs Ladislaus if she has any supplementaries. Next question.

Q719/2024
Training apprenticeship courses –
Numbers enrolled

Clerk: Question 719. The Hon. the Leader of the Opposition on behalf of the Hon. G Origo.

Hon. Dr K Azopardi: Madam Speaker, can the Government provide how many individuals have enrolled on the newly launched training apprenticeship courses, broken down by age and the qualification obtained?

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

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, in May 2024 the Gibraltar Training Centre enrolled 42 apprentices on an Extended Certificate NVQ Level 1 in Construction in construction as follows: age 15, one; age 17, seven; age 18, 4; age 19, six; age 20, nine; age 21, one; age 22, one; age 23, two; age 24, one; age 25, one; age 26, three; age 27, three; age 33, one; age 37, one; and age 42, one. This has now been assessed, in September 2024, and the following has been achieved by the apprentices: 22 apprentices have achieved the full Extended Certificate Level 1 and 19 apprentices have achieved single subject awards.

Furthermore, in September 2024 the centre enrolled 14 apprentices on the Mechanical and Electrical Engineering Level 2 as follows: age 17, three; age 18, one; age 19, three; age 20, two; age 21, two; age 22, one; age 24, one; and age 34, one.

Hon. Dr K Azopardi: Thank you. I was getting dizzy with all the breakdowns. May I just ask the Minister to clarify that in September he said that they had taken on 14, is that right, in the Mechanical and Electrical? Yes, okay – I am grateful – so these apprentices are in Construction and Mechanical and Electrical. Will the Minister first agree with me that Gibraltar needs more locally trained electricians, plumbers and carpenters; and, if he agrees with me, these qualifications might be a good base for some entry into some of these trades? But can he perhaps give me information on whether it will lead to more skilled local plumbers, craftsmen, electricians and so on? Does the qualification, for example, in Mechanical and Electrical, give you a base that allows you entry into that trade? I do not know, so I am asking. Equally, the information he has given – perhaps I am giving him too many questions – is in relation to the construction and mechanical electricians. Is there no interest in skills towards plumbing, or is it separate qualification that will be launched in future?

Hon. C P Santos: Madam Speaker, We obviously believe that we need more skilled workers. This is a programme that has been going on for many years. We have just started publicising, to get more people, because this is something that is of essence to our industry.

1325 To answer the first part of the question, these qualifications do make you a skilled electrical or
mechanical engineer. At the moment, we have 14 during Level 2; they will then proceed to Level 3,
so after the three years they will be qualified to start at an entry point within that industry.
Construction is a broad term, but it does include plumbing, the wet trades, painting, decorating
and carpentry, so it involves all of that part, especially the courses that we are doing. The NVQs
that we are doing at the moment are about maintenance, which is what we need here in Gibraltar.
1330 It is about maintenance within the construction industry, and yes, the Level 2, when that is
completed, will also make them skilled labourers.

Hon. Dr K Azopardi: I terms of remuneration, am I right in thinking that when they are doing
these training apprenticeship schemes, they are remunerated at below Minimum Wage? Is that
correct?

1335 **Hon. C P Santos:** Madam Speaker, I do not think that is correct; it is, I think, at Minimum Wage.
They get an apprentice salary, but it is not below Minimum Wage because I do not think we are
able to pay below Minimum Wage. I think it is at Minimum Wage.

1340 **Hon. Dr K Azopardi:** But it is at Minimum Wage, is it? And the rationale there – if we wanted
to attract more people, is that something that the Government would review as an incentive for
people to come forward?

1345 **Hon. C P Santos:** I am not quite sure what you have asked. The rationale to attract more people
would be ... I do not know what the question is, sorry.

Chief Minister (Hon. F R Picardo): Madam Speaker, as Minister for Public Finance I can tell the
hon. Gentleman that we have made a decision, which we think is a huge incentive, which is that
we do not pay less than the Minimum Wage, as is the case in the United Kingdom, for example.
1350 We pay the full Minimum Wage. In the United Kingdom it is a reduction on the Minimum Wage.
The Hon. the Minister for Inward Investment reminds me it is half the Minimum Wage that is paid
in the United Kingdom. Here, we are paying double for this. *(Interjection)* Yes, we pay the full
Minimum Wage.

1355 The incentive here is the qualification. The Hon. Leader of the Opposition was asking, ‘Does
the hon. Gentleman agree that we need more of these locally trained individuals?’ and he got
agreement from the Hon. Minister because the Leader of the Opposition, the Hon. Minister and I
all agree, as many people agree, that there is scope – that is to say, if you get the qualification,
there is work – and the work is available at prime rates. So, the incentive is the qualification. To
1360 make it even more attractive than it is in the United Kingdom, we are paying the full Minimum
Wage. It would be asking the public purse to go very far indeed to pay more than the Minimum
Wage for somebody who has not got the qualification in those areas.

Madam Speaker: Next question.

Q720/2024

**Flights from Gibraltar –
Enhancement of destinations**

Clerk: Question 720. The Hon. D J Bossino on behalf of the Hon. G Origo.

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Hon. D J Bossino: Can the Government confirm whether it is in the process of enhancing the travel destinations available via flights from Gibraltar; and, if so, can it disclose which territories it is looking into?

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

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Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, the Government is constantly exploring new airline routes and opportunities. Ultimately the destinations they visit are based on commercial decisions taken by the airlines dependent on economical dynamics. These discussions are commercial in nature.

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Hon. D J Bossino: How is the Hon. the Minister – I am assuming he or members of his department, indeed the CEO of his department will be heavily engaged in this respect – constantly seeking to do the things that he has referred to? I fully understand – and indeed that was one of the issues which I debated on many occasions with his predecessor, Mr Daryanani – that ultimately it is the commercial decision of the relevant company which will determine whether they come to Gibraltar, but how is he, or his department, constantly seeking to increase destinations and commercial airlines?

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Hon. C P Santos: Madam Speaker, we go to conferences like Connect and Routes, which are essentially about expansion of flights and airlines within the Airport. We are also in touch with other entities across the Mediterranean to see how we can get more connectivity. We are always working at marketing Gibraltar as a destination. We do go to a lot of international conferences where we market Gibraltar as a destination, and we meet airlines and all different types of people within the industry and the trade in order to get – not just airlines – interest in Gibraltar as a destination. We are working on this constantly throughout the year. We are currently limited due to the Air Transport Services Agreement. After the EU deal, hopefully we will be able to expand further, but currently our main feeder market is the UK and we are always in discussions and meeting both of the airlines that come to Gibraltar already. I am meeting them on 5th November. We meet regularly. I met them a few weeks ago when they came on a site visit here to Gibraltar. We are constantly in touch and seeing how we can expand further.

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Hon. D J Bossino: Is the Hon. the Minister able to provide any information as to whether there is a strategic view and plan in relation to this? He says that he and presumably other Members of his Department go to these conferences and all the rest of it, but is there a plan in place, subject, I understand, to the possibility of there being some sort of deal which would then widen the panoply of destinations which would be available to Gibraltar? He is absolutely right that we are, in effect, currently limited to the United Kingdom, but his predecessors – and I will say so in the plural ... I recall, when I held this portfolio the first time that I was in this House as an Opposition Member, asking the Hon. Mr Neil Costa, who would lay a lot of store on his personal contacts, and he was very critical of his predecessor, who was Mr Holliday, who he claimed did not do that. So, is there is there a strategy in place, rather than what, with the greatest of respect to him, seems a bit woolly on this side of the House in terms of the reply that he has given?

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Hon. C P Santos: Of course we have a strategy. We have developed a tourism strategy, which we will publish very soon. I am not going to disclose who we are talking to, but there is a very

concrete strategy. We are talking with airlines who are waiting for a deal, because we have interest from a lot of different airlines that want to come. This is not just going and fluttering around in meetings and discussing. We have very regular meetings with the airlines within the UK. We are looking at different areas within the UK that would work for Gibraltar, the UK and Ireland that would help in passenger movements and expansion of air routes. Going to the conferences is about preparing for what could happen if we have a successful deal with the Airport, so we need to not just work on the present, but also work on the future. And no, this is not about my personal contacts but the Tourist Board as a whole. I am just the Minister today. Tomorrow I may not be the Minister for Tourism, so I need to leave all the contacts for whoever takes on after this. This is about what the Gibraltar Tourist Board does with regard to work with airlines.

Hon. D J Bossino: The Hon. Minister's now third response, as a result of the questions that I am posing to him by way of supplementary, provides very interesting information in terms of substantive contacts which he/his Department is having in respect of a number of airlines, and he says that there is a strategy. If he has willing to provide the information – I doubt he will – then I would welcome it regarding which airlines he is talking to. I understand that that may be, at this stage, commercially sensitive, but is he able to at least provide a number and the destinations, because I think there would be public interest in that now, and when he thinks he will be in a position to make an announcement in relation to his work in this area.

May I also ask him this question? Again, I appreciate – but I put it to him – that this may also be commercially sensitive. Does the package and the strategy also include the possibility of tweaking the landing charges, which I know is always, as I understand it, an issue which was looked at by previous Governments in this context?

Hon. C P Santos: Madam Speaker, the hon. Member is correct and I will not disclose who I am speaking to or about which destinations, because, as the hon. Member already mentioned ... I have not made a mistake yet; I am not in the book. I am very conscious of saying 'the hon. Member' repeatedly but I will not get caught in one single note. I will go back to how I was in school, not wanting to get anything wrong.

Madam Speaker: I am not naming and shaming just yet.

Hon. C P Santos: Okay, good. Hopefully I will be on zero.

As the hon. Member correctly stated, it is commercially sensitive. It is impossible to say when I would be able to disclose what destinations we are looking into because, as we know, as with any deal, you do not want to give anything away until the deal is actually done. Anything would be hypothetical at this point in time. There is only so much information I can give him, and that is that we are currently in talks and negotiations with, more actively, the ones that currently come already to Gibraltar, looking at expanding our routes with them, and obviously, as I said, with other destinations that we are awaiting after the deal.

With regard to landing fees, this is something that we are always discussing, seeing about landing fees, handling fees and all the different fees with regard to the Airport and how we can make it work to make it commercially viable for Gibraltar, as well as being able to attract airlines.

Madam Speaker: Next question.

Q724/2024

**Licensed guides –
Number of individuals completing course**

Clerk: Question 724. The Hon. D J Bossino on behalf of the Hon. G Origo.

1460 **Hon. D J Bossino:** How many individuals have completed the newly introduced licensed guide course, broken down by age and nationality?

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

1465 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** Madam Speaker, a total of 42 persons have completed the licensed guide course: British, 41; Italian, 1. Age groups as follows: 16 to 29, 11; 30 to 49, 15; and 49-plus, 16.

1470 **Hon. D J Bossino:** Given that I was not the drafter of this question, so I am not fully aware of what the thinking is behind it, I cannot make a value judgement on the bare figures that the Hon. Minister has provided to this House, but is he able to say – and this is a point that has been raised in this House in the past and I think it does legitimately flow from the question put on the Order Paper – whether there is any enforcement in the context of guide tours which are not provided by those who are licensed by the relevant authorities here in Gibraltar? In fact, I can share with him ... I am sure he was provided with that photographic evidence as well, where there were
1475 hundreds of – if I can delve into hyperbole, but there were many, many bicycles at the entrance by the Casemates area ... The hon. Member looks a bit blank, so maybe ... I can share those photos behind the Speaker's Chair of a foreign provider who was providing a tour on bicycles in Gibraltar and it was very obvious and for all to see. The point which has been raised in the past is that we have seen Spanish guides providing history tours of Gibraltar which are incorrect and inaccurate.
1480 My point is: is there any way that his Department can enforce that proper licensed tours exclusively are provided in Gibraltar?

Hon. C P Santos: Madam Speaker, there are times when we need to differentiate between guides and escorts. Sometimes, there are escorts that accompany a group of tourists from their
1485 coaches – they are not necessarily guides – and they are giving information on where to find things in Gibraltar. That is a different thing to a licensed guide.

I am aware of the many different photos and many different tours. One of the those with the bicycles that I saw actually was a guided tour from a cruise ship, so that is offered in conjunction with a local tour operator. If that is the one and I am not mistaken – a few weeks ago, blue bicycles
1490 **(Hon. D J Bossino: Yes.)** – that is actually a licensed tour from a cruise liner. They park in Casemates. *(Interjection)* Yes, but that is actually a licensed tour guide.

On occasions, there have been issues where we have seen people from across the border incorrectly giving guided tours. We did change amend ... I think it falls under the Transport Act ...
1495 back in May 2024, in order to give enforcement to members on a tiered system if any unlicensed guide comes into Gibraltar. We added that the CEO and the Senior Executive Officers from the Gibraltar Tourist Board can be notified and then go and enforce a fine, as well as everyone else who was included in the Transport Act, on which I am not clear right now, but we did add this so that we have some more control from the Tourist Board perspective.

1500 **Hon. D J Bossino:** That is interesting information that the Hon. Minister has provided. Does he have a record of the number of complaints which have been received under the system that he refers to, which I think was introduced by the relevant Minister for Transport, in relation to those individuals who have infringed this particular law? Does he have that information available? I am

not suggesting he has it with him now, but does he have the information, which could be provided at another meeting?

Hon. C P Santos: Madam Speaker, I would need notice of that question. I can tell him that from the Tourist Board perspective we have had no complaints; no one has complained to us. I have seen complaints, I see it on social media, but it is always best if you just come straight to the source. Social media is not necessarily going to solve the problem but coming straight to the source we will be able to actually do something. I have seen it on social media, but we have not had any reports. My colleague the Hon. Minister Cortes is also going to look into it because it would maybe fall under the Transport Act, but I can tell you that from a Tourist Board perspective we have not had any direct complaints about it.

Hon. D J Bossino: Yes, I think it is useful for the public to understand that this is available to them and that the concerns that they have can be reported to his Department.

In relation to the statistics that he did provide, of the 42 British, I think he said – 42? (**Hon. C P Santos:** Forty-one.) Okay, of the 41 British – presumably they are all residents – is he able to distinguish whether they are British Gibraltarian? I understand that he may not have that distinction made, or the officials in this Department have not provided him with that distinctive breakdown.

Hon. C P Santos: Madam Speaker, I cannot give you exact nationalities, whether they British Gibraltarian or just British citizens. I can tell you that they are all resident in Gibraltar. We have 41 British and one Italian. You must be resident in Gibraltar to be a licensed guide.

Madam Speaker: The Hon. Mr Clinton had a question, the last one on this one.

Hon. R M Clinton: Thank you, Madam Speaker. First of all, I must declare that I am a licensed guide, albeit under the old system, although only I operate on the Upper Rock.

I have been following this discussion from the antechamber. I have had several complaints from licensed guides in Gibraltar having witnessed these tours, whether they are guides in the legal sense or providing accompanying tours, but they obviously are providing information on Gibraltar, and obviously the whole purpose of having licensed guides is that the people providing the information know what they are talking about. In respect of any complaints that the licensed guides have, who should they approach in the Tourist Board to register these complaints?

Hon. C P Santos: Madam Speaker, I must say, actually, after listening to the hon. Member's question, we have had complaints from licensed guides about other licensed guides, local licensed guides. We have had issues with regard to that, not officially about people from abroad.

As I said, I am very aware that these complaints happen; they have been discussed on social media. They should email my Department. I need to find what the general email for this would be, because I contact them directly on theirs. I will be happy to publish this.

A Member: Email john.cortes.

Hon. C P Santos: Yes, we can say John Cortes. I am going to get the main tourist board email. I am sure it is something like ... No, I am not going to invent it, because it is going to go in *Hansard* and it would be completely something out of my imagination. I will make an announcement about this and get the information out there so that people know who they can contact if they come across this type of issue.

Madam Speaker: Next question.

Q725 and Q797/2024
Employment Tribunal –
Claims awaiting appointment of chairperson; plans to improve delays

1555 **Clerk:** Question 725. The Hon. D J Bossino on behalf of the Hon. E J Reyes.

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

1560 **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, I will answer this question together with Question 797.

1565 **Clerk:** Question 797. The Hon. D J Bossino.

Hon. D J Bossino: Does the Government have any plans to improve the current delays being experienced in respect of cases before the Employment Tribunal?

1570 **Clerk:** Answer, the Hon. the Minister for Employment, Equality, Culture and Tourism.

Hon. C P Santos: Madam Speaker, the Government remains committed to addressing this issue and improving the experience for all those involved in Employment Tribunal cases. Significant progress has been achieved, through the work of both the President and the part-time Chair, with the turnover of cases in which a chairperson has been appointed now at a satisfactory level. This does not mean that we are losing focus on recruiting more chairpersons to ensure that cases are dealt with more swiftly. The Government is launching a recruitment drive to appoint additional chairpersons and mediators. This initiative is designed to ensure cases can be heard more promptly. The addition of chairpersons and mediators will not only reduce the strain on the existing system but will also improve the speed and efficiency of case management. The Government remains committed to resolving this issue and will continue to monitor the effectiveness of the recruitment initiative, along with other initiatives aimed at improving the tribunal system.

In summary, the total number of claims filed with the Employment Tribunal awaiting the appointment of a chairperson stands at 56 and we have reduced the number of claims undergoing the tribunal process from 1st December 2023 to the end of September 2024 by 15%. I am sure that the Members opposite will be glad to hear that I will be handing over a schedule with the above information.

Answer to Question 725/2024

Claims awaiting appointment of chairperson by date are as follows:

2019	2022	2023	2024
Jun 1	May 1	Jan 2	Jan 2
	Jun 8	Feb 3	Feb 1
	Jul 3	Apr 1	Mar 2
	Aug 4	May 1	Apr 2
	Sep 1	Jun 4	Jul 1
	Oct 1	Jul 2	
	Nov 1	Aug 3	
	Dec 5	Sep 2	
		Oct 1	
		Nov 2	
		Dec 7	

1590 **Hon. D J Bossino:** Madam Speaker, there are, immediately, questions which arise in my mind drawing from the response of the Hon. Minister.

Hon. C P Santos: Sorry, I have given the supplementaries as opposed to the schedule, so we can get ... *(Laughter)* I have given you the wrong paperwork.

1595 **Madam Speaker:** All right, I will allow the hon. Member to ask any immediate questions that spring to mind on the information given, and then I will allow you to consider the schedule if there is anything further.

1600 **Hon. D J Bossino:** I missed a good opportunity there to have advance notice of the answers to the supplementaries that I have not yet posed, but I understand that that is how Hon. Ministers prepare

I thought he was going to say in his concluding remark that we would be pleased to hear the statistics, rather than what he did actually say, which is that he would provide the information in a schedule. But the statistics are still quite alarming. Fifty-six still awaiting the appointment of a chairperson is, I think, a figure which is too high and in fact accords with the information which is coming to us in the Opposition that these cases are the subject of substantial and therefore, I would add, prejudicial delay to the individuals who are seeking redress from the Employment Tribunal under the Employment Act. The period within which claims need to be filed, as the Hon. Minister will know, is very short for these claims. It is three months, and the purpose behind that must surely be because there is a need to deal with these things quickly. We are dealing with people's employment and their prospects and all the rest of it, and I think it is unforgivable that we are, at this juncture, still facing these issues which are having such a serious effect on access to justice. May I, therefore, ask the hon. Member, when he talks about the intention of appointing more chairpersons and more mediators and all the rest of it, when that is going to happen so that we do see an improvement on the ground in relation to this issue?

1620 **Hon. C P Santos:** Madam Speaker, I must correct the hon. Member opposite, who was apparently awaiting statistics which I did not give, but at the end of my answer I did say 'awaiting the appointment of a chairperson stands at 56 and that the claims were reduced by 15%, so the statistics were there. I have given you more specific statistics in the schedule. The reason it is 56 is because we are actually progressing. We had 27 in total last time this was asked, in March, but since then 15 have previously appointed a chairperson, but these had to recuse due to conflicts of interest, and then we have progressed 20 from the mediation stages. So, we have in the past year increased the number of claims undergoing the Tribunal by 15%.

1625 There are issues in Gibraltar, as we know, due to familiarity. Some cases have multiple claimants and some claimants represent themselves in person, so sometimes it is a slower process. We keep on working through the mediation stages, therefore moving the process faster. If you look back, at least in the past 12 months that we have been here, we have eliminated a lot of the backlog. We are actively looking for more chairpersons, which we already did last year. We had some new chairpersons last year. This is why we have been able to move this forward. One of the chairpersons who was dealing with one particular entity's cases is now in a conflict of interest, and that is why we have gained back some of the cases that were already assigned to a chairperson. We are actively working towards making the process faster and we have more or less worked on the large number in the backlog that we had.

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Hon. D J Bossino: There is a lot in what the Hon. the Minister has provided in that answer, and I must say that it is all rather foggy from this side of the House. I think it is very difficult. But the underlying problem remains. In fact, by providing the answer that the Hon. Minister has provided, he has only confirmed that there is a very significant problem. In fact, the figure has actually gone up. We have gone from a figure, I think he said, about two or three years ago, of 27, and now it is 56 awaiting appointment of chairmen. I understand he is saying that there was a recusal issue, and I think I know what that issue is in respect of one of the ... in this case, I think it was a chairman who must have had ... I do not propose that we discuss over the floor of the House that particular case. But he then he talks about familiarity. I do not know what he means by that. Perhaps he can elucidate what he means by familiarity in Gibraltar being an issue which is somehow blocking progress in this area.

1640 He says that he has going to be appointing/recruiting more chairpersons. I asked him when that is going to happen, and the hon. Member, with the greatest of respect to him, has not provided me with that answer. I would ask him, on a second occasion, whether he can provide some particulars in relation to when this is going to happen, because this is urgent. I would ask him to treat this with the greatest of urgency so that this is resolved once and for all.

1650 I think he talked about changing rules and processes and all the rest of it, but he specifically said that they are looking at other initiatives. May I also ask him to provide this House with – beyond the appointment of new chairpersons, which I think is an obvious thing that needs to be done – what his Department is looking at so that we have a resolution to this very serious issue?

1655 May I also ask him if –?

Madam Speaker: I think there are enough questions in that batch. You can ask a –

1660 **Hon. D J Bossino:** It is a small point by way of clarification because, just for the record, I am not sure whether he was stating that there was a 50% reduction or a 15% reduction.

Hon. C P Santos: Madam Speaker, I must apologise if I do not answer all the questions when I am asked by the Hon. Minister –

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A Member: He is not a Minister.

1670 **Hon. C P Santos:** Hon. Member – goodness me! (*Laughter and interjection*) – opposite. As we have just witnessed, between the length of the preamble and the multiple questions I can only retain a certain amount of information in my head. Ten questions on the trot whilst I am explaining may be too much for me to handle, and I apologise for that.

1675 Let's work backwards: 15% improvement, not 50%. The number from the last six months, not three years, was less, but it is not that we have not issued any judgments. Since March, a total of 31 judgments have been issued and have gone through the process. It is not that we keep adding and nothing keeps happening. We keep getting more and more people coming into the Tribunal or moving through the stages, so what is not happening is that it is stale and standard and not

moving, and we are just adding numbers. We have, in the last six months, had 31 judgments, we have had additional people moving from the mediation stages, so the process is moving.

1680 I think I was also asked about what we are doing to recruit chairpersons and mediators. We are currently actively working on this. We are contacting people who we know are not in conflict of interest with regard to the cases that we have now. We are going to open this process for people to be able to apply.

1685 What is the Department doing, is another question. I am working very closely with the chairpersons. We meet on a regular basis and we are all working towards how to streamline this process, not just how we go through it, but how individuals are able to apply, and also to have more clear instructions on the forms. A lot of these cases are moving to a chairperson and then the information is wrong, filing for incorrect reasons, so we are going through streamlining how people who want to go through this process fill in the forms and know exactly what information is required.

1690 If I have missed one of the ample questions that I was asked within the hugely, massively long preamble, I apologise in advance. Please ask me again.

1695 **Madam Speaker:** I am not going to allow the questions to be re-put. If a further supplementary arises, I will allow it, and also any supplementaries on the tables, which are brief and short, so presumably the hon. Member has had a chance to look at them.

Hon. D J Bossino: He has done very well. Sorry, the Hon. Minister has done very well. I think he has answered –

1700 **Madam Speaker:** And the hon. Member was doing so well.

Hon. D J Bossino: Yes, and the Hon. Minister has done very well. I think he has answered broadly the points that offered to him. I am not satisfied with the way he has done so, but he has identified the issues and that is fine.

1705 He mentioned, in the context of one of his replies – and I am just going to raise two points – that ... I think it was in the context – and I say so by way of explanation to him, so he understands where I am coming from – of the appointment of the new chairpersons. He talked about satisfactory levels. Can I ask him to explain what he meant by that? I have assumed, perhaps incorrectly, that we are talking about pay. Is that what the hon. Member is talking about, or is it in terms of the number of chairpersons he ideally would like to see?

1710 May I also ask him that how many chairpersons – I am not sure that he has provided the answer – are currently in place, which I think is a fundamental point? If he has not, we ought to know what the current state, the status quo, is.

1715 Finally, when he refers to the 31 judgments as being something positive, as being a sign of activity, as being a sign of progress, is he, in fact, incorrect in its premise, because from the information that I have, but he can correct me if I am wrong, the vast majority of these so-called judgments – I suppose technically they are judgments or orders of this particular Tribunal – are, in fact, simply to record that the claims have been withdrawn because they have resulted in a settlement or, goodness knows what, the claimant probably got bored of waiting so long for justice to be done, and that is what the vast majority, if not all, of these so-called judgments relate to?

1720 **Hon. C P Santos:** Madam Speaker, with regard to the last question, I am unsure of what the 31 judgments are. I do not know what the reasons are for these judgments or that people have withdrawn. I do not have details on this. I just know that we have had 31 judgments passed.

1725 With regard to the number of chairpersons, there are nine currently. With regard to it being a satisfactory level, we currently have nine chairpersons. We have been able to move the process much faster than it was moving. When is it going to be the perfect number of chairpersons? Well,

1730 when we have zero on the list. When are we going to get there? We are going to keep on trying because, as I always say, there is always room for improvement. You could have 9, you could have 20, you could have 25, and as long as we keep moving the process forward we will continue to try to improve the service.

1735 I apologise if the tone in which I replied before was not the one you expected or adequate. I was just trying to not reply in the same condescending way that the hon. Member spoke to me at the beginning. Thank you.

1740 **Hon. D J Bossino:** As a point of order, is it appropriate for the Hon. the Minister to describe the way that I have put the question in those terms? Condescending? That may be his view, but I find it insulting. That certainly was not my intention and I think, in my respectful view, that it should be withdrawn.

Chief Minister (Hon. F R Picardo): What is the point of order?

1745 **Hon. D J Bossino:** The point of order that, in my view, that is an unparliamentary use of language, is totally improper and should be withdrawn instantly in my respectful submission.

1750 **Hon. Chief Minister:** Madam Speaker, the rules on what is unparliamentary language are very clear, and I have never come across any suggestion from anyone thin-skinned enough to think that being told that they had addressed another Member in an uncourteous manner is unparliamentary. I would ask that the hon. Gentleman, if he wants to pursue a point of order of that type, should point you and the rest of the Chamber to an example where that has been considered to be unparliamentary language. We all know what unparliamentary language is. We all try to stick to parliamentary language. When we fail – and we fail on both sides of the House when your tempers flare – you rightly bring it to our attention, but this is not, by any stretch of
1755 definition that I have ever read, unparliamentary language. This is Mr Bossino wanting to get up to make the point that he does not like to be pulled up when he is condescending to people.

1760 **Madam Speaker:** The first point that I want to raise is that unparliamentary language is not just restricted to words which have already been defined as unparliamentary language. Unparliamentary language is a moving subject and any word that may not have been defined as unparliamentary in the past may be unparliamentary in any given situation.

1765 I do not consider that describing an hon. Member's view of the way another hon. Member has put a question – in this case, condescending – is unparliamentary language. Of course, the hon. Member may rise and say that he takes offence at that and it was not what he intended, or it was what was intended, but I do not think that that is unparliamentary use of language.

1770 Moving on from there, are there any questions on the tables? They are quite brief, so I think the hon. Member can address those now if any supplementaries arise. Possibly they have already been covered by the questions that have already been put, but I give the hon. Member, or anybody else on the Opposition bench, the opportunity to ask any supplementary specifically on that.

1775 **Hon. D J Bossino:** And I am grateful to you, Madam Speaker. The question which does arise from the schedule which the Hon. Minister has kindly provided to this House and to Members on this side of the House does ... I would simply put one question to him, and that is in relation particularly to the one remaining case, because it is the oldest one there, of 2019. Is there anything which can be done in order to resolve that long pending case, which is now five years?

1780 **Hon. C P Santos:** Madam Speaker, that one case, I think, is one of the 15 that were recused because it was not one of the cases back in March. We are still pending the chairperson for that entity's cases.

Hon. D J Bossino: If I may pursue this point, again he may not have the information available to him, but if that is one of the cases which has been impacted as a result of a recusal issue by the Chairman of the Tribunal, can I ask him why it is taking so long to appoint from the remaining eight who are available to the Tribunal, in terms of crop of chairpersons, to take on this case?
(Interjections)

Madam Speaker: The Hon. the Minister for Employment wants to reply?

Hon. C P Santos: I do not have the ... Oh, I hear ... Am I going to raise a point of order now, when I hear from a sedentary position the word 'condescending' being used as I have been standing up? (Interjection) It is fine, just that the terminology is either for one or the other. It is either offensive or not, so that is fine. (Hon. Chief Minister: Hear, hear.)

I do not have the information, Madam Speaker, as to what is happening with that case, but I will get this information and find out what the issues are. As I said, we are looking for new chairpersons so we have a broader spectrum of people working for us, and hopefully we will not have issues with conflict of interest, which is why we are looking for more chairpersons.

Madam Speaker: Next question.

Hon. Dr K Azopardi: You invited, I thought, at some point, that other hon. Members may have questions.

Madam Speaker: That was on the premise that the Hon. Mr Bossino may not have any, but that was perhaps ... Yes, all right, I will allow a supplementary from the Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: I am grateful. I wanted to ask on the tables. That is the issue that I think Madam Speaker was inviting specifically. The tables look remarkably similar to tables we have spoken about before. I am going to just take the hon. Member back. A couple of answers ago he said that there had been improvements; and this is the issue, that we are not seeing improvements. When you are seeing tables like this, where there are people awaiting the appointment of chairpersons for more than two years, where there are 56 cases awaiting the appointment of chairpersons ... Before the hon. Member became the Minister responsible for this, I remember asking his predecessor on a number of occasions about the number of cases that were awaiting the appointment of a chairperson before the 2023 election. We were told on a number of occasions that the number was 59. There was then a big announcement in April 2023 with the appointment of the nine chairpersons, which the Minister – his predecessor – said would be critical in delivering justice, but here we are with the same number, more or less, as were awaiting chairpersons back then, before that so-called improvement. So, what is it really that is breaking down and not cutting across these delays? Can the Minister not look beyond the issue of the appointment of chairpersons, because if his predecessor attempted the appointment of chairpersons and it has not dealt with the backlog, it might be either that that was insufficient or something else might have to be done?

Hon. C P Santos: Madam Speaker, the numbers, if you have the schedule from last time, are different, and as I said, it is not the same people awaiting the appointment of a chairperson. There is a process they go through. As I said, there are 20 new people who have gone into the process of waiting for a chairperson because they have passed on from the mediation stage, which means that the appointed nine chairpersons have been working to expediate the process. The question is not how many people are involved in the Employment Tribunal process. The question has been how many people are awaiting the appointment of a chairperson, which means that it is not the same people from March because at least 31 of them have already passed on to other stages and

20 of them are new. With the larger number of chairpersons and mediators we have, we can expediate those two parts of the process so that we can hopefully move this further along as quickly as we have. The numbers may be similar, but it is new people who have moved from one stage to the other.

Hon. Dr K Azopardi: I am sorry, I just cannot accept that on the numbers, because if we are dealing with the same ... The Hon. Minister has gone back to his previous answer, but when we are talking about – *(Interjection by Hon. Chief Minister)* The Chief Minister says he regrets that we are spending so much time on this, but for the 56 people who have been awaiting the appointment of the chairpersons, some of them for two years, it is a real issue. These questions have been put before and there has not been any critical improvement in the delivery of justice, which was the phrase used in the press release that was issued by the Government back in April 2023. What I am suggesting to the Hon. Minister to take on board is that perhaps it is not just about appointing more chairpersons, but it might be other factors, including ... I do not know. It might require a conversation with these chairpersons as to whether they are not allocating sufficient time or whether it is about remuneration or something else. The issues are still there, so the Minister needs to recognise that there must be new measures to unblock the delay of the appointment of chairpersons. Does he not agree?

Hon. Chief Minister: Madam Speaker, both hon. Gentlemen, the Leader of the Opposition and the Hon. Mr Bossino, are making assumptions that the delay in each of the 56 cases is because of the appointment of chairmen. In some cases, there may be appointment of chairman and then the cases may slow down because parties may start to talk to each other and decide not to go before the chairman or may seek different orders. They are extrapolating from the information on a basis that is entirely assumption. There may be some cases where people have been waiting for appointments of chairmen and it has taken longer than we wanted, and we have tried everything possible to appoint new chairmen. The hon. Gentleman says try more in other areas of the process. Madam Speaker, we are constantly being advised in other areas of the process which we are improving. Nobody wants to see justice delayed, because justice is denied, but in the process of justice, the parties sometimes take time to do things, because in that way they try to resolve things in the context of what used to be referred to, and it may still be referred to, as the overriding objective in civil litigation, which is to cut down costs and achieve a final resolution, which does not apply in the industrial tribunal but where people are legally represented will be a principle that they bring to try to resolve things. All of the questions that we have heard in the past 15 minutes in pursuit of this matter are, in my view, based on the assumption that the delay is only being caused by the Government's failure to appoint more chairmen, and that is not correct. I entirely take on board the hon. Gentleman's point that if there is anything else in the process that can be done to resolve matters more quickly, we should be pursuing it.

Madam Speaker, this must be the only Parliament in the world which has an open-ended provision as to supplementaries, which can make one question take this long. *(Interjections)*

Madam Speaker: With respect to the Hon. the Chief Minister, it is not an open-ended approach I am taking to supplementaries – not that I have to defend any approach that I take to supplementaries, but for the record it is not an open-ended approach. On matters of public interest, I allow more supplementaries than I would, in my opinion, for other issues.

That said, we have exhausted this subject sufficiently and we are now going to move on to the next question.

Q726/2024
Factories inspectors –
Numbers per year over last 10 years

1880 **Clerk:** Question 726. The Hon. D J Bossino.

Hon. D J Bossino: Please provide the number of factories inspectors per year over the last 10 years.

1885 **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 total number of factories inspectors per year over the last 10 years is as follows: 2015, three; 2016, three; 2017, three; 2018, three; 2019, three; 2020, three; 2021, three; 2022, three; 2023, three and 2024, three.

Hon. D J Bossino: I was going to suggest to the Hon. the Minister when he started the response to provide this information by way of a schedule, but it is actually quite easy to follow on this occasion.

1895 The question arises in the context of whether the complement is sufficient. There has not, clearly, been a shift in the number of people assigned to this role, and it would be a breach of the rules to ask the Minister what his view in relation to that is, but can I ask him whether he has a policy to increase this and whether he is concerned that the complement is not sufficient to deal with issues as they arise? With your permission, Madam Speaker, I would raise this point in this
1900 specific context in relation to a specific incident which occurred during the summer, when we had that rather dramatic-looking scaffolding collapse by St Bernadette's – I think it is Corral Road. Thank goodness there were not any injuries as a result. I am told that one of the reasons is that the Department simply does not have the manpower to –

1905 **Madam Speaker:** Could we get to the question, please?

Chief Minister (Hon. F R Picardo): The question is already posed, I would say.

Hon. D J Bossino: It was simply to put it in a specific context to assist the Hon. Minister.

1910 **Hon. C P Santos:** Madam Speaker, I think the initial question was whether I am concerned about the number of factory inspectors in the complement. Well, just today, actually this morning, was the health and safety conference, so I spent the morning talking about health and safety. This is something that we are taking very seriously. It is always at the forefront of our policy with regard
1915 to any construction, any building work and anything that we get to work with. This is not just about construction and that side of it, but we are also looking at health and safety in the workplace with regard to mental health, but that is something else beside the point of the question.

We have just engaged a new Principal Health and Safety Officer. We are also currently recruiting and increasing the complement by one person. Ideally we are going to have four health
1920 and safety inspectors and one Principal Officer.

He asked about ... Oh, the tick; you have got one. The hon. Member asked about the Corral Road incident. At the time, we did all the checks. This is a private construction, and the last check that was done by the Health and Safety team was in July 2024, when everything was in order. The area was then used for what it was not meant to be used for. This was corrected and then the
1925 Health and Safety team went after this incident. So, we did our due diligence. We go to all different construction sites and we go as often as required.

1930 It is no worry of mine about the complement; I just think that we need to expand it in order for us to cover our bases. Construction is one of the biggest areas in Gibraltar that we need to cover and I think adding one more person will ease the work, but I am perfectly content with the complement of three. We are improving by one.

1935 **Hon. D J Bossino:** I welcome what the Hon. the Minister has just announced in this House. He says that he is not worried. With the greatest respect, I think he ought to be, but at least the Hon. the Hon. Minister is moving in the right direction, and in fact it is – (*Interjection*)

Madam Speaker: A question?

1940 **Hon. D J Bossino:** May I ask the Hon. Minister when these roles will be filled and in place and whether he has an idea as to whether he is – I am being very careful in the way I am posing the question – to minded further increase the complement? Will there be a period of time which you will allow to see how this works and whether it is fit for purpose, after which he may say, 'Actually, I may need more,' subject, of course, to the relevant budgetary constraints? He rightly mentions that construction is a very heavy industry, in Gibraltar there is a lot of construction going on. I put the question as it is and I give him the opportunity to answer.

1945 **Hon. Chief Minister:** Madam Speaker, discussions about complements and whether they should increase or not increase are held during what might be colloquially called the Budget round between relevant heads of department, Ministers and the Chief Minister in his capacity as Minister for Public Finance, or whoever might hold that brief. That determination is then made.
1950 The matter is fixed for the year. It comes here for approval by the Parliament in what we call the Budget debate and not in the context of a discussion across the floor of the House with the Opposition trying to persuade a Member of the Government of one thing and the Government trying to persuade the Opposition Member of another. I would suggest, therefore, it is a fruitless discussion, in particular given that the incident that the hon. Member has referred to the Hon.
1955 Minister with responsibility for this particular area had absolutely nothing to do with the complement of factories inspectors.

Madam Speaker: Next question.

1960 **Hon. D J Bossino:** Madam Speaker, with the greatest respect, the hon. Minister has not answered the question.

Madam Speaker: Next question.

1965 **Clerk:** Question 727.

Hon. D J Bossino: I asked the Hon. Minister ... This is not a discussion.

Madam Speaker: Next question.

Q727/2024

**Landport Tunnel refurbishment project –
Commencement**

1970 **Clerk:** Question 727. The Hon. D J Bossino.

Hon. D J Bossino: When will the Landport Tunnel refurbishment project commence?

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

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Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, at present a start date for the Landport beautification project has not been agreed as there are practical issues to address such as the ongoing works to the development on Corral Road which affect the northern section. The beautification works will start once these issues are addressed.

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Hon. D J Bossino: Presumably the Hon. Minister is referring to the hotel development when he refers to Corral Road. Can he confirm that that is the development that he is referring to?

Hon. C P Santos: Madam Speaker, yes, that is part of the reason.

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Hon. D J Bossino: On two occasions the Hon. Minister has said ‘such as’, in response to the first question on the Order Paper, and now he says that is one of the issues. What are the other issues which are impacting on the commencement date of this particular project?

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Hon. C P Santos: Following the tender award in February 2024, the funding allocation for the project had to be confirmed, as this was towards the end of the financial year. Then it was established that the original scope and specifications for the project, which were compiled during the previous Minister’s time, did not take into account the structural condition of the bridge section on the route, which spans between the Landport drawbridge and the road leading to Corral Road. The main concern was the steelwork, decking and column connections. In order to manage the contractual risk associated with unforeseen works, it was considered prudent to undertake intrusive investigations of said bridge to establish its condition before making a start on the project. Starting a project which is linear in nature, knowing that the central section of the route could potentially have structural issues that would lead to delays and increase contract costs ... It is not wise to start, so it is better to delay starting the project. The investigations were completed in June 2024 and an assessment made, following which a cost evaluation of the works required was carried out. These additional costs will increase the contract sum and funding will need to be cleared before proceeding.

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Hon. D J Bossino: Is the Hon. Minister able to provide information as to what the cost to date is of this particular project? He talks about the investigative work carried out which has resulted in certain conclusions being reached about the structural integrity, as I understand it, of the bridge. Is he able to provide that information?

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Hon. C P Santos: In order to provide information on costs, I would need notice of the question.

Madam Speaker: Next question.

Hon. D J Bossino: May I –?

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Madam Speaker: No, we are moving on.

Q728/2024

**Elite funding programme in performing arts –
Expenditure and number of applicants**

Clerk: Question 728. The Hon. the Leader of the Opposition.

2020 **Hon. Dr K Azopardi:** Madam Speaker, how much money has been spent in the elite funding programme in performing arts in 2024 to date? How many applicants have applied and how many have been successful?

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

2025 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** Madam Speaker, we have spent £10,000 and we have 12 applicants who have applied for the elite funding programme, of whom 9 have been successful and 3 unsuccessful.

2030 **Hon. Dr K Azopardi:** Can the Minister remind me of the criteria and who decides these things?

Hon. C P Santos: The criteria is that the applications need to be for accredited vocational schools and the accreditation that we are looking for is under the Council for Dance, Drama and Musical Theatre. There was a board convened by the Ministry of Culture which looked at all the applications and then decided on who was going to be the successful candidate.

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Madam Speaker: Next question.

Q792-93/2024

**Coach and cruise arrivals –
Plans to increase numbers**

Clerk: Question 792. The Hon. D J Bossino on behalf of the Hon. G Origo.

2040 **Hon. D J Bossino:** What is the Government's plan to improve the number of coaches arriving via the land Frontier to Gibraltar?

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

2045 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** Madam Speaker, I will answer this question together with Question 793.

Clerk: Question 793. The Hon. D J Bossino on behalf of the Hon. G Origo.

2050 **Hon. D J Bossino:** What is the Government proposing to do to improve the number of cruise calls to Gibraltar?

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

2055 **Hon. C P Santos:** Madam Speaker, the Government engages constantly with industry players, including attending trade shows, events, liaising with tour operators, media engagement and marketing, with the aim of promoting Gibraltar at every opportunity. Coach calls are up by 10%

from 2023 as at September 2024, and cruise calls are up by 12% from 2023 if we consider all bookings in hand for 2024. Likewise, cruise calls are forecast to increase a further 33% in 2025.

2060 **Madam Speaker:** Next question.

Q794-96/2024

**Chatham Counterguard, Casemates Square and Main Street –
Beautification projects**

Clerk: Question 794. The Hon. C Sacarello.

Hon. C Sacarello: Could the Minister please provide the House with an update on the Government's manifesto commitment to beautify Chatham Counterguard?

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

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, I will answer this question together with Questions 795 and 796.

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Clerk: Question 795. The Hon. C Sacarello.

Hon. C Sacarello: Could the Minister please provide the House with an update on the progress made to date with Casemates Square in relation to the Government's manifesto commitment to refurbish the area?

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Clerk: Question 796. The Hon. C Sacarello.

Hon. C Sacarello: Could the Government please provide the House with an update on how their Main Street beautification programme is progressing?

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

Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos): Madam Speaker, I am very pleased to confirm that we have been actively co-ordinating with relevant departments, architects and stakeholders to ensure a unified approach to the beautification of Casemates Square, Chatham Counterguard and Main Street. Our efforts have focused on streamlining the design process and accurately assessing the associated costs for each project, and we have made significant headway.

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Hon. C Sacarello: Madam Speaker, I would like to thank the Hon. Minister for his brief reply. I understand that they are now aligning all three processes. Would the Minister know how much progress has actually been made in, if I could refer to my Question 795, Casemates Square? Do they know what the substantive developments are, what the projected cost will be, how it will be funded and actually when it will be delivered?

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Hon. C P Santos: At the moment, we do not have a cost. yet. What we have done, both myself and my colleague the Minister for business, is make the whole area, including Chatham Counterguard, Casemates and Main Street, one cohesive project so that it all feels like the centre of town. We are looking at different designs. Before we came in there were some preliminary

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designs made, and we are looking at how we can make some changes to make everything more cohesive.

With regard to costings, currently this is being looked at as from a QS level as an estimate. I do not have these costs at the moment.

2105 When is this going to be done? I do not feel like the Opposition is the timekeeper necessarily of how we deal with our manifesto commitments; so, within the lifetime of this Parliament.

2110 **Hon. C Sacarello:** Madam Speaker, will the Hon. Minister be able to provide details on how this will be prioritised? The manifesto commitment alluded to a very brief consultation process followed by the beautification of Main Street. In that area in particular, I suspect that the businesses, and the arteries in fact, are looking forward to this refurbishment following the brief consultation. Will the Government be true to its word and deliver it soon?

2115 **Hon. C P Santos:** Madam Speaker, as I have already mentioned, we are actively working on this. This is not something that we work on and put to rest. Just tomorrow we have another meeting with the retailers board – because now we have boards with all the different areas of Main Street, Chatham and Casemates, and we have a separate retailers board working. We are also consulting with the GFSB and we have consulted with the Chamber on these projects, so we are actively working on it and hopefully will deliver this as soon as possible.

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Madam Speaker: Next question.

Q798/2024

Boy Scout Association Act – Amendment to reflect equality principles

Clerk: Question 798. The Hon. the Leader of the Opposition.

2125 **Hon. Dr K Azopardi:** Madam Speaker, given the number of wonderful female Scouts in our community, does the Government agree, and if so, will it take steps towards the amendment of the Boy Scout Association Act so its nomenclature is in keeping with the co-educational nature of scouting in the present day, the fact that the Scout Association has itself dropped that old nomenclature, and so that the Act reflects modern equality principles and the fact that there are male and female Scouts?

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

2135 **Minister for Equality, Employment, Culture and Tourism (Hon. C P Santos):** Madam Speaker, yes, we are in the process of doing this. Upon becoming aware of this matter early last week, I immediately took action prior to the release of parliamentary questions. However, in respect of Madam Speaker's instructions regarding the questions raised and reactions taken, the question posed by the Opposition has unfortunately delayed further progress.

2140 **Hon. Dr K Azopardi:** Well, it cannot have delayed further progress if he heard about it last week, when I filed the question last week, but can I urge the hon. Member ...? He can do his own research, but he may find it of interest, if he wants to look at it, that there has been legislation passed in a number of territories of the Commonwealth in this respect. For example, there is very specific legislation he may want to look at in some of the states in Australia that deals with the nomenclature issue. I hope he agrees to look at that on that basis. It may be of use to those officials
2145 that are advising him, quips aside.

Hon. C P Santos: Madam Speaker, I heard of this last Tuesday when the Scout Association from the UK approached the Scout Association here in Gibraltar. The Commissioner appointed a person who is a trainee lawyer to look into this and take it forward. This person notified me on Wednesday, after the questions were posed, but someone else who was on that committee let me know on Tuesday evening, so before the question came this was already with the Government Law Offices (GLO) and it was going to be published on Thursday because it is a very slight change.

I am aware of all the other Overseas Territories and the other members of the Commonwealth that have done this. In actual fact, the name was changed back in 1967 by the official Scouts, but now the official Scouting Association is asking everyone to please amend and change the Act. It was going to be published again today because I thought I was going to ask to be asked and answering the questions yesterday, but I was not. This has been ready since Wednesday morning, before the question came; and due to what was explained to us about questions in Parliament, this would have been in on Thursday. Yes, the work is done; it is ready. I have been waiting with arms folded since three o'clock last Wednesday when the question came in, and so was Government Law Offices, waiting to publish this Bill.

Clerk: Next question.

Chief Minister (Hon. F R Picardo): Madam Speaker, I am very conscious that there some of us with prostate glands and some of us without prostate glands – Skene's glands, I understand they are called in the context of females – who have been unable to move for three and a bit hours. I wonder whether this might be a convenient moment for the House to break for 10 minutes for a comfort break, and then return for the next question or other business.

Madam Speaker: I will gratefully adjourn for 10 minutes.

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

Standing Order 7(1) suspended to proceed with Government Bills

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 Government Bills.

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

BILLS

FIRST AND SECOND READING

Tobacco (Amendment) Bill 2024 – First Reading approved

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

A Bill for an Act to amend the Tobacco Act 1997 and Imports and Exports Act 1986. The Hon. the Chief Minister.

2180 **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 and Imports and Exports Act 1986 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 and Imports and Exports Act 1986 be read a first time. Those in favour? (**Members:** Aye.)
2185 Those against? Carried.

Clerk: The Tobacco (Amendment) Act 2024.

**Tobacco (Amendment) Bill 2024 –
Second Reading approved**

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

2190 Before I move to the substantive part of my address, for those who may not be in this House I just want to advertise the fact that the House has now moved to deal with Bills, because there are three Bills that we need to deal with quite urgently, but that we will be moving back to questions later on during the course of the afternoon. There may be people who have read the Notice of Questions and have an interest in a particular question yet to come up. For timetabling purposes,
2195 Bills are being interposed for a little while and then the House will go back to questions.

In the context of this particular Bill, it is a Bill that amends section 16 and 16A of the Tobacco Act 1997 to better reflect, in the manner that we are advised, the requirements of article 15(14)(c) of the World Health Organisation Framework Convention on Tobacco Control, which is a convention that the Government of Gibraltar has acceded to through the United Kingdom, and to
2200 permit for the disposal of tobacco other than through destruction. Consequent on the amendments of the Tobacco Act 1997, there is a requirement that section 121A of the Import and Export Act 1986 is repealed in order to give effect to the provisions of the Bill which are operative.

I have had an opportunity to discuss the matter with the Leader of the Opposition, and I understand that this Bill will enjoy unanimous support across the floor of the House. It is a Bill that has been published since July. It is not a Bill that I am making urgent, but it is a Bill that has become
2205 urgent because we have not had an opportunity to deal with Bills until today. Although it is a technical recasting of compliance with the Convention, I think by having set out those parts of the Convention that we are advised are better complied with by this amending piece of legislation I have set out what the House is being asked to do with this legislation and I have had an
2210 opportunity of discussing the background to it with the Leader of the Opposition behind the Speaker's Chair. I therefore commend the Bill to the House.

Madam Speaker: Before I put the question, does any hon. Member wish to speak on the general merits and principles of the Bill?
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Hon. Dr K Azopardi: Madam Speaker, yes, only briefly to say that I confirm that this Bill does enjoy the support of the Opposition for the reason that the Chief Minister and I discussed the rationale and impetus behind this Act, and we therefore support this amending legislation.

2220 **Madam Speaker:** If no other Member wishes to speak, does the mover wish to reply?

Clerk: Only to briefly thank the Hon. Leader of the Opposition for his confirmation of support, Madam Speaker, and to once again commend the Bill to the House.

2225 **Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Tobacco Act 1997 and the Imports and Exports Act 1986 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Tobacco (Amendment) Act 2024.

**Tobacco (Amendment) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

2230 **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?

2235 **Members:** Aye.

**Proceeds of Crime (Amendment) Bill 2024 –
First Reading approved**

Clerk: A Bill for an Act to amend the Proceeds of Crime Act 2015 in order to make provision for unexplained wealth orders and for connected purposes. The Hon. the Minister for Justice, Trade and Industry.

2240 **Minister for Justice, Trade and Industry (Hon. N Feetham):** I have the honour to move that a Bill for an Act to amend the Proceeds of Crime Act 2015 in order to make provision for unexplained wealth orders and for connected purposes be read a first time.

2245 **Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Proceeds of Crime Act 2015 in order to make provision for unexplained wealth orders and for connected purposes be read a first time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Proceeds of Crime (Amendment) Act 2024.

**Proceeds of Crime (Amendment) Bill 2024 –
Second Reading approved**

2250 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, I have the honour to move that the Bill for the Proceeds of Crime Act (Amendment) Act 2024 be read a second time.

2255 The Bill amends the Proceeds of Crime Act 2015 (POCA) by inserting new provisions into POCA to allow for unexplained wealth orders. It is an important piece of legislation. Serious crime erodes the fabric of our society. It undermines our safety, our prosperity and the rule of law. It inflicts significant, often irreparable harm on the lives and well-being of its victims. The fight against money laundering and other serious criminal practices poses a major challenge to law enforcement around the world, and more tools are needed to recover the proceeds of property acquired using illicit funds. Unexplained wealth orders serve as a proactive and powerful

mechanism to tackle money laundering and serious crime and have been introduced in many countries around the world, including Northern Ireland, Australia and England and Wales.

The Bill will, therefore, enhance the ability of law enforcement officers to tackle serious crime in Gibraltar. It will make it harder for criminals to fund their lavish lifestyles and to benefit from their ill-gotten gains. Importantly, it will also ensure that Gibraltar remains at the forefront of the global fight against serious crime. This remains especially important in the context of Gibraltar's next Moneyval evaluation. This House will no doubt recall that we came off the FATF grey list this year following my address to the FATF plenary in Paris, and it is therefore essential that we maintain momentum with the 2027 evaluation now in sight.

Madam Speaker, the proposed regime was unanimously recommended to the Government of Gibraltar by law enforcement and regulatory bodies earlier this year. There is, therefore, a strong consensus by those who are on the front line that the regime could make a real difference. I hope this consensus will be echoed throughout the scrutiny of this House.

The Bill will amend the Proceeds of Crime Act 2015 by inserting sections 166A to 166Y. It creates a new regime for the making of unexplained wealth orders (UWOs) and interim freezing orders (IFOs). The regime has been transplanted from the UW regime in the UK under Part 8 of the Proceeds of Crime Act 2002 as amended by the Economic Crime, Transparency and Enforcement Act 2022. The UWO is an investigative tool. It will sit alongside other investigative measures in POCA, such as disclosure orders and production orders. It requires a person who is a politically exposed person (PEP) or suspected of involvement in or association with serious criminality to explain the origin of assets where those assets appear to be disproportionate to their known wealth, or there are otherwise grounds for suspecting that they have been obtained through unlawful conduct. It is, therefore, about information gathering. However, it is an investigation tool which is fortified with real teeth. A failure to comply with a UWO without reasonable excuse will give rise to a statutory presumption that the property in question is recoverable for the purpose of any civil recovery proceedings. It can also be a criminal offence or a contempt of court. There is, accordingly, a strong incentive to comply with a UWO by providing the information sought and correspondingly strong consequences in the event of non-compliance.

The main utility of the UWO is its ability to kickstart an investigation at the very genesis of a case. This is what sets it apart from the other measures. It enables an investigator to obtain information in respect of property about which minimal information is known or available, where the officer may suspect something but does not have enough to freeze or recover assets, particularly in cases where there is an international dimension and the officer cannot rely on co-operation from other jurisdictions or cannot compel disclosure from persons located abroad.

The UK has had its UWO regime for over six years. It has been tried and tested. There have been several cases to date in which the statutory regime has been challenged and interpreted. Whilst the tool has not been used as frequently as envisaged, it has enjoyed notable successes. The cases of *Hussain* and *Hajiyeva* have resulted in civil recovery orders being granted by consent, without having to pursue costly proceedings in respect of assets worth many millions of pounds. The cases of *Eunice* has not yet concluded, but the High Court has determined that the National Crime Agency can rely on the statutory presumption following the respondent's failure to comply with the UWO.

There are no constitutional concerns. None were raised during the passage of the Bill in the UK. There are specific statutory safeguards. Moreover, and crucially, the granting of a UWO and any accompanying IFO is subject to significant judicial oversight and discretion, ensuring that justice is achieved in each individual case and that fundamental rights are not contravened without justification. For example, the UWO in the *Hajiyeva* case was challenged on the ground that it infringed the respondent's convention rights under article 8. However, this was rejected by the High Court judge on the basis that any interference was proportionate and struck a fair balance in all the circumstances.

As we look forward to the upcoming Moneyval evaluation in 2027, the timeliness and effectiveness with which we address financial crime and money laundering will be determining

factors in our remaining off the FATF grey list. In the original evaluation, Moneyval pointed out, in paragraph 198:

Given the fact that Gibraltar is an international financial centre, even when one takes the size of the jurisdiction into account, the number of ML cases investigated is low and the number of ML investigations leading to ML prosecutions is extremely low.

This is the Fifth Round Mutual Evaluation Report 2019, at page 63.

2315 Whilst the Government sees no reason why these powers should not be used as frequently as necessary, and indeed confidently, it will ultimately be up to the law enforcement bodies to determine when and how these powers are used. The legislation does not undermine the operational independence of law enforcement. The use of these provisions is entirely a matter for law enforcement.

2320 For the benefit of this House, allow me to outline the relevant legislative provisions and the purpose behind them. As I have explained, the UWOs are measures primarily intended to assist in building evidence to support a case for civil recovery of the proceeds of crime under Part 5 of POCA, using civil rather than criminal powers. The Bill mirrors the UK provisions contained in POCA 2002, which were introduced in the UK by the Criminal Finances Act 2017 and were more recently
2325 amended by the Economic Crime, Transparency and Enforcement Act 2022 to strengthen and reinforce the existing provisions. The Bill reflects the most up-to-date version of the unexplained wealth orders provision, as currently contained in section 362A to 362U of the UK POCA Act 2002.

We have consulted widely with other jurisdictions and UK experts. In particular, we have done so in order to identify any limitations to the UK or other regimes and any changes that could be made to make our provisions more useful for law enforcement agencies and a more efficient tool
2330 against money laundering and serious crime. As a result, we have made a few changes, which I will refer to in due course below.

This Bill inserts section 166A and 166Y into the Proceeds of Crime Act 2015. An unexplained wealth order is defined in section 166A as an order requiring the respondent or a responsible officer of the respondent to set out the nature and extent of their interest in the property in
2335 question and to explain how they obtained the property. It is the enforcement authority that can make an application to the Supreme Court for an unexplained wealth order. The enforcement authority is defined as the RGP, HM Customs, the Attorney General, or such other person as may be designated by the Minister. The application must specify or describe the property in question and the person whom the enforcement authority thinks holds the property. An unexplained
2340 wealth order can be made in respect of any property if the court is satisfied that each of the requirements for the making of the order is fulfilled.

There are a few slight differences in this section to the UK regime. Firstly, in subsection (4)(b), where we have added the words 'or any other specified person' to ensure that information can be sought not just on how the respondent obtained the property but also any other persons who
2345 may have obtained an interest in the property. Whilst reliance can be placed on the wide residual category in subsection (4)(d), 'such other information in connection with the property', we felt it would be best to make it absolutely clear that this may be required by the order.

Secondly, we have clarified that a statement may be made in writing or by video recording. Whilst this may be implicit, we thought it made sense to remove any argument that video
2350 statements are permitted. Video statements were ordered in two recent UK cases and have a number of benefits, including ensuring accountability and creating the best contemporaneous record of the explanation given by a respondent.

Thirdly, we have ensured by way of subsection (6) that where accompanying documents to the statement are required, the form and manner in which they are provided can also be specified in
2355 the order. This is to avoid a dump of a huge volume of information without any particular order or categorisation, in order to conceal difficult documents and waste limited investigative time.

Finally, we have made clear, too, that a single order may be made in respect of more than one item of property.

There are four main requirements to be satisfied for the making of an unexplained wealth order that can be summarised as follows: the holding requirement – the court must be satisfied that the respondent holds the specified property: the value requirement – the value of the property must be greater than £50,000; the income/unlawful conduct requirement – this means that either the known sources of the respondent’s lawfully obtained income are insufficient to have enabled the person to have acquired the property legitimately or lawfully, or that the property was obtained through unlawful conduct. Here, we have made a change to the requirement so as to ensure that it applies not only to property obtained directly through unlawful conduct but also to property which represents property obtained through unlawful conduct, such as is the case in Part 5 of POCA with recoverable property, namely under sections 136 to 142, the PEP or serious crime requirement. The court must be satisfied that the respondent is either a politically exposed person or is or has been involved in serious crime. A PEP is defined as an individual who is or has been entrusted with prominent public functions by an international organisation or state other than Gibraltar, the UK or an EEA state. It also includes a family member of a PEP, close association or connected person.

Serious crime is defined in section 166X by reference to a list of offences set out in Schedule 10 and includes drug trafficking and money laundering. It is not necessary to prove to the criminal standard that the respondent or other persons are involved in such offences. The effect of making an unexplained wealth order is that the respondent will have to provide a statement setting out the nature and extent of their interest in the property in respect of which the order is made and how the respondent obtained the property, including how any costs incurred in obtaining it were met. Where the property is held by trustees or a settlement, the respondent must set out the details of the settlement as specified in the order and other information in connection with the property as may be specified in the order. Failure without reasonable excuse to comply with the requirements imposed by an unexplained wealth order will result in the property presumed to be recoverable property.

For the purposes of any proceedings taken in respect of the property under Part 5 of POCA, namely section 166C, it is a rebuttable presumption and therefore it is open to the respondent or, if applicable, the specified responsible officer to call evidence, should they wish, in any linked subsequent civil recovery proceeding.

It is an offence to knowingly or recklessly make a statement that is misleading to the court in response to an unexplained wealth order. The general rule is that any statement provided by the respondent under an unexplained wealth order cannot be used in any subsequent criminal proceedings, with various exceptions.

The court may also make an interim freezing order in respect of the property, if the court considers it necessary to do so for the purposes of avoiding the risk of any recovery or other order that might subsequently be obtained being frustrated. An interim freezing order is an order that prohibits the respondent to the unexplained wealth order and any other person with an interest in the property from in any way dealing with the property. An interim freezing order can only be made on the application of the enforcement authority that applied for the unexplained wealth order and must be made in the same proceedings as those in which the unexplained wealth order was made.

We have added the words ‘or confiscation order’ to section 166L, so as not to confine the test only to the making of a recovery order, but in order to allow for another type of order that may be sought after a UWO.

A failure to comply with an unexplained wealth order will put any respondent, or, if applicable, the specified responsible officer, very much at a disadvantage in civil recovery proceedings. In effect, it creates a reverse evidential burden on the respondent to civil recovery proceedings to demonstrate on the balance of probabilities that the property in question is in fact the proceeds

of lawful conduct. However, the obtaining of an unexplained wealth order does not necessarily mean that the enforcement authority will necessarily proceed with a civil recovery investigation.

2410 Unexplained wealth orders are necessarily obtained at a stage where the investigation and any underlying evidence is still at an early stage. It all depends on what the respondent does, what the ongoing investigation uncovers and what the statement in response to the UWO discloses.

2415 The UK recently introduced significant reforms to the unexplained wealth order regime, which we have incorporated here, including extending the statutory provisions to allow applications for UWOs against organisations to include the name of a specified responsible officer within that organisation. This broadens the scope of individuals who can be made subject to a UWO as a property holder, and therefore the scope of individuals who could potentially be subject to civil recovery proceedings under Part 5 of POCA. It also includes a provision enabling legal costs to be limited for the enforcement authority, unless they have used the powers unreasonably, 2420 improperly or dishonestly, which is intended to remove a barrier to the use of UWOs. You can find this in section 166W.

Currently, POCA does not have provisions to issue a code of practice, so we have included this power for the purposes of the UWO regime.

2425 The Government has bolstered resources for agencies in Gibraltar. We have also co-ordinated additional support wherever possible and have established a clear policy direction aligned with our commitments to the FATF.

2430 Madam Speaker, in conclusion, I wish to extend my sincere thanks to my Justice and Tax Ministries teams, to the GLO, the DPP, the UK counsel with whom we have consulted extensively, Gibraltar's law enforcement and regulatory bodies, and indeed the foreign agencies. Each contributed, whether through recommending the UWO regime to the Government, offering valuable insights or providing direct assistance in the development of this Bill.

I commend this Bill to the House. *(Banging on desks)*

Madam Speaker: I understand the Hon. the Chief Minister wishes to interject.

2435 **Hon. Chief Minister:** Well, no, Madam Speaker, not to interject but to make a contribution which amounts to a statement that I have certified this Bill as urgent. I have written to you under section 35(3) of the Act, and therefore the Bill does not have to wait for the effluxion of six weeks for it to be considered by the House.

2440 **Madam Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles and merits of the Bill?

2445 **Hon. Dr K Azopardi:** Madam Speaker, the main contributor on this side of the House would be my learned colleague Mrs Ladislaus, but may I just ask the Hon. Minister before he sits – if I may just put it in those terms, because he may want to intervene and I will give way to him ... We did not get, in his contribution, the reason for the urgency. This Bill was published on Tuesday, so we would like to understand that a bit more. If he asks me to give way, I will sit down and then not rise again.

2450 **Hon. N Feetham:** Madam Speaker, had we given the six weeks' notice, that would have taken us to the December period. On this side of the House, we have a number of Ministers who will be travelling during that time, and therefore, reflecting the fact that this can and must be passed by a government majority, unless it is supported by the other side of the House, and we would hope 2455 that the other side of the House would lend its support to the Bill ... Given that the Bill is supported, as I have said in my address to this Chamber, by all law enforcement agencies in Gibraltar and indeed all regulatory bodies ... In other words, what the Government is doing is bringing a Bill to this House which was unanimously recommended to the Government earlier this year.

2460 **Hon. J Ladislaus:** Madam Speaker, we are very grateful for that indication from the Hon. Minister. Nevertheless, if that is the only reason for this Bill having been certified as urgent, perhaps the Government could have reached out and asked whether we supported the Bill, and then we would not need to have it certified as urgent and it would have had better scrutiny, possibly.

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Chief Minister (Hon. F R Picardo): Will the hon. Member give way to me on this? Madam Speaker, the issue is, as the Hon. Minister has said, it is difficult to see how this Bill could be controversial between us, and the indications I have had from the Hon. the Leader of the Opposition are that this Bill is going to be agreed.

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The reality is that this is a Bill based on an established piece of UK legislation. Scrutiny is hugely important in this House, and the fact that something is working in the United Kingdom is not necessarily going to persuade us in this House in some other spheres. But if you are in the sphere of the criminal law and sanctions etc., it is very likely that we want the model of the United Kingdom. We want to ensure that where we are dealing with creating new offences, if there is an established model in the United Kingdom that is subject to jurisprudence in the United Kingdom and testing in the United Kingdom courts, that is going to be the position that we are all going to want to see reflected here on most occasions, and that is what this Bill does. The more notice that we give on this, the more notice that we give people actually to start doing things that might enable them to hide from the prosecutorial authorities that may be pursuing them, so I do not think it should even be controversial between us that I have been asked to abridge time.

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In the context of the international positioning of Gibraltar and in the context of what we might loosely call listing, this is also a 'sooner the better' Bill, and I think that what the Hon. Minister was saying, which I am sure will enjoy the support of hon. Members opposite, is that we need to get this Bill from the Order Paper to the statute book as soon as possible. No doubt we will enjoy the support of the whole House in doing so in substance, and I would have thought we would enjoy the support of the whole House also in doing so as quickly as possible.

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Hon. Dr K Azopardi: Will the hon. Member give way, before he –? (**Hon. Chief Minister:** Give way?) Yes.

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Hon. Chief Minister: Well, in fact, Madam Speaker, I am not giving way because I am not speaking; the hon. Lady has given way to me. I have finished and I thank the hon. Lady for having given way to me.

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Madam Speaker: The Hon. the Leader of the Opposition has already spoken and finished speaking and the hon. Lady has started speaking, but I will allow the Hon. the Leader of the Opposition to –

A Member: She has given way to him.

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Hon. Dr K Azopardi: I am grateful. I only rise because of this, which I consider an important constitutional principle. We ask what the reason for urgency is because if it is only about the Government not being sure, because of diaries, when people will be here in terms of achieving its parliamentary majority ... Of course they have the right to govern. They have the right to have their majority here to pass legislation if they so wish. But if that is the reason, certainly for me, speaking for my part, and for the Members on this side, it is important how this constitutional mechanism of the certification of urgency is used. If there is a reason for the certification of urgency, well, then, so be it, and that is why we asked, but if it is only about the diaries of Ministers, then I think the point that the Hon. Chief Minister has just risen to make can be easily accommodated without giving notice to people, etc. The Bill can be published, as it was on Tuesday. Having been published, the Minister can then perhaps reach out to the Opposition and

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say, 'We would be rather keen to get this done. Would it enjoy the support of the Opposition?' We would then give an indication, which would not require a Certificate of Urgency being given simply because diaries do not permit it. Certainly, speaking for myself, it seems to me that diaries should not be sufficient to trigger the constitutional mechanism of the Certificate of Urgency. That should be done in circumstances where there is more than just a diary issue. I would urge perhaps the development of a practice that allows us to ensure that this mechanism is used in a way that – Yes, I will.

Hon. Chief Minister: Madam Speaker, I am grateful that the hon. Gentleman gives way. The hon. Gentleman needs to understand what he has saying in the context of where it puts the Government. This is an important constitutional principle. That is why I am going to not belabour the point but reply. He is saying, 'If we have told you that the Bill will enjoy support, then your diaries matter a little less.' But then, of course, the situation would be that we would be coming to this House for a debate on a Bill, which hon. Members say they would support, but potentially without a government majority, to vote on something relying on the fact that hon. Members have told us that they support it. But although they do, they may not support one particular clause. They may want clarification of something. We may give them unsatisfactory clarification. They may then say they want to amend this clause to say this or that. We may then lose a vote on those issues. So, although I am receptive to the point that the hon. Gentleman is making, it would have to be on the basis that if we get that indication and we tell them we are going to come to the House in the context of the Government not having an absolute majority ... it probably would be matched one for one, in which case, if they do not vote with us or one of them does not leave the Chamber to vote, the Government would be defeated and would have to republish the Bill. The Government would have to go through that process and the Bill would then have to be certified as urgent. Those are the issues that would arise. So, it would require the hon. Gentleman to say, 'We are going to support it. We acknowledge that on that day there will not be an inbuilt government majority, and in the event that there is a vote, one of us will step into the antechamber so that the Government is able to enjoy its majority for those purposes.' That is the sort of practice we would have to develop, which I would be very keen to explore with the hon. Gentleman.

Madam Speaker: The Hon. Ms Ladislaus.

Hon. J Ladislaus: Madam Speaker, I will be brief. Unexplained wealth orders are also nicknamed McMafia orders in the UK, and they are a welcome extension to civil recovery proceedings which are already in existence. They have been in force in the UK since 2018, since they were introduced by sections 1 and 2 of the Criminal Finances Act 2017. The amendments will no doubt assist in more difficult cases where concrete evidence is hard to obtain because the alleged perpetrator is part of, or has the support or assistance of, in particular a foreign regime where the use of CROs is limited.

The enhancement of transparency and accountability practices and dealing with perpetrators in a robust manner is something that we on this side of the House have strongly advocated for and will continue to advocate for, and we are, therefore, in agreement with the proposed amendments. However, it must be said that unexplained wealth orders require significant investigatory resources to pinpoint questionable assets and make a case that an order should be granted. I would be remiss if I did not take this opportunity, therefore, to emphasise the burden that this could have on law enforcements resources and urge the Hon. Minister to ensure that those resources are in place to enable the amendments to have maximum effectiveness and impact when the sections are indeed relied upon.

I have identified two minor issues within the Act. One is of a very minor nature and perhaps can be taken at the Committee Stage, and the other involves a missing word which would change the meaning of the entire sentence.

We are in support of the Bill.

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Madam Speaker: Does any other hon. Member wish to speak? The Hon. Mr Clinton.

Hon. R M Clinton: Thank you, Madam Speaker. I rise to address the Bill from a financial services point of view. I cannot emphasise enough how important it is that as a jurisdiction we not only say but demonstrate that we are not a soft touch for financial crime or money laundering or any such matters, and therefore anything that adds to the tools in respect of anti-money laundering and law enforcement is to be welcomed from a financial services point of view. I am sure there will be other measures that will arise, as this is an evolving science in which we have to try to update our laws as the perpetrators update their methods. No doubt we will see other areas that will require legislation as things get more complex in the cryptosphere and other such areas.

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If I may ask the Minister – and this is a very narrow point ... Again, I am not a lawyer, but I am a politically exposed person, as is everybody in this Chamber. I was just a bit bemused. If I can take the Minister to section 166B(7), at the bottom of page 4:

(7) In subsection (4)(a), “politically exposed person” means a person who is-
(a) an individual who is, or has been, entrusted with prominent public functions by an international organisation or by a State other than-
(i) Gibraltar or the United Kingdom; or
(ii) an EEA State;

I just wonder whether that language was lifted directly from the UK, and if so, has any consideration being given to whether that reads like an exemption is appropriate?

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That is my only comment on the substance of the Bill itself. The hon. Lady to my left I think has looked through this in depth and she has mentioned she spotted a few areas that may need tightening up at the Committee Stage, but as the Leader of the Opposition has said, this is something that will enjoy our full support.

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Madam Speaker: Does any other hon. Member wish to speak? I call on the mover to reply.

Hon. N Feetham: I am grateful, Madam Speaker, to the hon. Members opposite for supporting the Bill. A number of questions have been raised by the hon. Member opposite, Mr Clinton. I think his question related to the definition of a PEP. This is precisely the same challenge and the same discussion that we had when I looked at a first draft of the legislation. I can assure the House that this is lifted from the UK provisions. In other words, this is a lifting of the relevant UK provisions. The reason why PEPs specifically was carved out by reference to persons entrusted in public functions by international organisations other than Gibraltar, the United Kingdom or an EEA state was that when this legislation was put together by the UK, one of the primary objectives was to catch foreign PEPs – in other words, persons associated with or linked to former Soviet republics specifically. You will, therefore, find that the first cases that came through in the UK were all PEP related. They were all related to foreign nationals. That is not to say that any person in Gibraltar who is the equivalent of a PEP is not caught by the legislation. In other words, it is broadly phrased such that everyone is caught by this, and there are other references in the Bill to make that absolutely clear. It is not the case that people in Gibraltar with a similar status would not be caught by the statutory provisions. That is the way that it has been explained to me. Let me reassure this House that a draft of the Bill was sent to one of the UK law enforcement agencies – I would rather not name them here in the Chamber – for them to have a look at the initial drafts of the legislation, and they confirmed to us that certainly the draft was consistent with their legislation in the UK and indeed incorporated all the relevant amendments that had been picked up in the relevant UK regime as a result of a number of cases that have been heard in the UK courts, which required the UK Parliament to intervene with legislative amendments.

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2610 The hon. Lady opposite made a comment which resonates with us on this side of the House. She has pointed out that it is important for law enforcement to be fully resourced in order to meet their objectives in terms of the functions that they exercise, specifically in relation to this. We agree in this side of the House. We have significantly resourced law enforcement, and it is not just over the last 12 months. The Hon. Chief Minister has ensured that other law enforcement agencies in Gibraltar other than the RGP ... For example, Customs in the area of financial crime is fully
2615 resourced to a very high standard indeed. We have also, over the last 12 months, resourced up the Gibraltar Financial Intelligence Unit. We have resourced up the Financial Crime Unit in Gibraltar. In fact, as I have stated in this Chamber before, we have recruited two financial crime investigators for the Criminal Intelligence Unit and we are now recruiting a third one. We have also recruited a Crown Counsel who has been doing a sterling job at the RGP over the last few
2620 months and who will be spearheading a lot of the work that we are attempting to achieve in terms of what Moneyval and the FATF are expecting us to do in Gibraltar.

I think I have covered at least the comment from the hon. Lady, and I think I have answered the question from the hon. Gentleman opposite.

2625 **Madam Speaker:** I now put the question, which is that a Bill for an Act to amend the Proceeds of Crime Act 2015 in order to make provision for unexplained wealth orders and for connected purposes be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Proceeds of Crime (Amendment) Act 2024.

**Proceeds of Crime (Amendment) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

2630 **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?

2635 **Members:** Aye.

**Communications (Amendment) Bill 2024 –
First Reading approved**

Clerk: A Bill for an Act to amend the Communications Act 2006. The Hon. the Minister for Inward Investment and the Savings Bank.

2640 **Minister for Inward Investment and the Savings Bank (Hon. Sir J J Bossano):** I have the honour to move that a Bill for an Act to amend the Communications Act 2006 be read a first time.

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Communications Act 2006 be read a first time. Those in favour? (**Members:** Aye.) Those against?
2645 Carried.

Clerk: The Communications (Amendment) Act 2024.

**Communications (Amendment) Bill 2024 –
First Reading approved**

Minister for Inward Investment and the Savings Bank (Hon. Sir J J Bossano): I have the honour to move that the Bill now be read a second time.

2650 Madam Speaker, the Bill amends the Communications Act 2006 by inserting a new section 60A, which prohibits the Minister – that is me, so I am prohibiting myself – or any other relevant person appointed by the Minister from issuing any new licences for the operation of mobile telephony network in Gibraltar.

2655 The Bill is important. It is a preliminary step which will enable the Government to introduce more comprehensive legislation to reform the law relating to telecommunications. The Communications Act 2006 transposed the European Electronic Communications Code, an EU-derived measure which we were required to implement but had many aspects which were not really suitable for a small jurisdiction like us. We now have an opportunity to move away from that regime and adopt telecommunication legislation which is better suited to our needs. In doing
2660 so, we will be looking at what similar approaches have been taken in other small jurisdictions like Andorra, Monaco and the Falkland Islands in terms of protecting the stability of telecommunications given the small numbers of consumers in all of those territories which are similar to us.

2665 One of the changes which we intend to make is to grant an exclusive licence to a single mobile network operator in Gibraltar, to ensure that we can continue to have a stable and reliable access to mobile services for the future.

I commend the Bill to the House. (*Banging on desks*)

Madam Speaker: Before I put the question, does the Hon. the Chief Minister want to speak?
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Chief Minister (Hon. F R Picardo): I do; not to reply or make a contribution at this stage, Madam Speaker, but simply to say I have certified this Bill as urgent under section 35(3) of the Gibraltar Constitution.

2675 **Madam Speaker:** Before I put the question, does any hon. Member wish to speak on the general principles or merits of the Bill?

Hon. C Sacarello: Madam Speaker, on this side of the House we strongly question the need for this Bill to be rushed through Parliament, as has been recently discussed, certainly with urgency,
2680 as it denies the public a chance to studiously reflect on the relative merits and drawbacks of this serious piece of legislation and its implications. It also denies those directly and negatively affected by it the opportunity to relay their concerns to His Majesty's Opposition. This undermines the sovereignty of Parliament, as it negates its ability to effectively scrutinise legislation. I say 'serious' not in any complimentary manner but in the sense of dangerous precedents being set by this
2685 Government and in the sense of the potential harm it could specifically cause the consumer, the people of Gibraltar.

This Bill will effectively deliver, as has been indicated, a monopolistic situation in the mobile phone network sector, denying any potential competition a chance at establishing themselves in the market and hence endangering fair and open-market pricing in this sector. The resultant
2690 impenetrability of this sector is further rubberstamped by the Competition (Amendment) Bill 2022, which amends the Competition Act 2020, when this goes through. Whatever the Government's motivations and intentions are, the net outcome is a harmful one for the consumer.

The Bill, as I have said, is a blatant attempt at applying anti-competitive measures in a sector which is widely recognised to benefit from competition. It does not take the most learned of minds
2695 to work out that competition is healthy for the market. Amongst other benefits, principally it delivers driving prices down and improves the service to the customer. You do not need to take

my word for it, Madam Speaker; you only need to refer to the Government's own website, specifically its page on communications. On it, you will find quotes boasting about the positive effects of liberalising the electronic communications industry, where 'new market entrants have stimulated the industry' and where this has resulted in 'improved quality of services and more attractive prices'. Has the Government turned completely deaf to its own advice?

The positive benefits derived from competition are exactly why the EU and the UK encourage a free market for mobile networks. In fact, the amendment does not tamper with the principle of allowing any number of mobile operators as such, but instead seeks to prohibit the issuing of any new radiocommunication licence, which an operator would legally require to function. Further, it takes steps to ensure that there is little, if any, room for legal recourse, by imposing an obligation on the Minister or any other person to refuse the licence from the outset. It is intended – let's be clear – to provide a complete blanket monopoly, nothing less.

What benefits will this bring to the consumer? The Minister might claim that this will help safeguard jobs. If that is the intended purpose, then not only is it a shortsighted and flawed policy, but it is one that displays a disregard to the disproportionately high number of detrimentally affected consumers that will result. The market, including the total workforce, would not be destroyed, in our view, by the introduction of competition. On the contrary, new entrants will most likely lead to growth and the introduction of efficiencies, better working practices, improved products and possibly disrupted technology way in advance of what a monopolistic company could ever expect to achieve. We have recent examples of this in the telecom sector itself. Prior to the liberalising liberalisation of the market, local landline calls cost 5 pence per minute under Gibtelecom. The same company then raised their pricing by 20% to 6 pence per minute upon liberalisation, while other companies strove to provide an improved service to the customer, lowering the price of local landline calls over time to zero pence per minute. For completion's sake, Gibtelecom currently charge 2 pence per minute outside of bundle deals. This is the very real and very live benefit of an open market free from government intervention where it is not needed.

What signal does this move send out to current players and potential investors across our economy? Will the Government now apply this anti-competitive slam dunk to the construction sector, by way of example, where GJBS would also benefit from such a draconian measure? Or will its next move be to forge for itself a monopoly in the television or satellite sector – a very real possibility? What message will this send to potential investors in Gibraltar? A Government with increasingly greater interventionist intentions will not attract much needed investment. There are local companies currently investing their own legitimate, hard-earned money into this sector to the tune of millions of pounds. Can the Government seriously say they would rather turn away this considerable investment in the context of the current economic climate? Do they really have their finger on the pulse? Government intervention of this nature in this sector is simply unacceptable and demonstrates a clear case of overreach for very questionable purposes, a case in which the consumer will be the ultimate victim.

Madam Speaker, given all of these concerns and the lack of time to properly consider all the ramifications or to properly consult, we will be abstaining on this Bill.

Madam Speaker: Does any other hon. Member wish to speak on the general principles and merits of the Bill?

Hon. Chief Minister: Yes, Madam Speaker, because frankly the speech we have heard from the Hon. Mr Sacarello in the context of explaining why the Opposition is going to abstain persuades us to do nothing but proceed with all due alacrity in relation to this Bill. The hon. Gentleman is talking about liberalisation in the context of Gibraltar's membership of the European Union when we were required, because we had access to the single market in services, to liberalise so that anybody else in that market could come to Gibraltar to compete, but of course with the opportunity that we too could go into the market and 500 million people to compete, so

Gibtelecom could have become also a provider of mobile telephony in Italy, France etc. The hon. Gentleman is now asking us to continue that regime without access to a market in services, in telecommunications, beyond the residents and visitors to Gibraltar. The hon. Gentleman does not appear to have factored that into the equation when confecting his speech. What this Bill does is actually set out to protect consumers. It sets out not to create a monopoly, it sets out to ensure that the position that we have had for 30 years is maintained. The hon. Gentleman has not referred the Parliament or anybody listening to the reality of the telecoms market in Gibraltar, in particular in mobile telephony. There has been one other licensee in Gibraltar in the past 30 years. They are no longer in business. He knows what that means: they have shut down. He knows what that means, shutting down a business: the business was not successful. Therefore, what is it that he is telling us? That we should leave our law as it is and wait another 30 years, now without access to a greater market, for another competitor to come along with the potential to destroy what consumers today are able to enjoy, which does give them the ability to use their mobiles wherever they go in the European Union or anywhere else? Indeed, hon. Members and members of the community may have noted that they are travelling to places and the message that they are getting from their telecoms provider is 'Welcome to wherever. Your home telecoms provider is going to charge you home rates, even though you are somewhere else,' because Gibtelecom has negotiated with those telecoms providers that its consumers – its SIM card holders, to use the terminology that is, in eSIM days, becoming less and less relevant – should be able to have home charges applied to them when they travel in other places. You have to be careful. You have to look out for that message because you might not get it in some areas. So, this is designed to protect consumers, to ensure they can continue to enjoy what they are enjoying today and not find themselves in a situation, if there is another telecoms provider and you split a market the size of Gibraltar in two or three, that eventually what happens is that there is no local mobile telephony provider and consumers end up having to buy foreign mobile telephony services. That is what he has talking about, and it could only be a non-socialist who could get up in this place and say that protecting jobs is short sighted, as the hon. Gentleman said. *(Interjection)* Madam Speaker, the hon. Gentleman said, 'If what they are setting out to do is to protect jobs, that is short sighted.' *(Interjection)* One of the things we are trying to do is to protect consumers by ensuring they can continue to have the service provided in the way that it was provided before telecoms liberalisation came in, and now that we are no longer subject to telecoms liberalisation, and in exactly the same way as is the case in the small states that form part of the continent of Europe but not the European Union and are not subject to the requirement of liberalisation. As all hon. Members know and every member of this community knows, in the discussions that we are having in relation to the potential treaty, there is no discussion about free movement of services, and this is about services, and on this, whatever the outcome of the treaty may be, we can move.

Madam Speaker, I will be corrected if I am wrong, but I do seem to recall that telecoms liberalisation came in the time when hon. Members were in government and it was done in Gibraltar at the last minute. That is to say in the time that they were in government they presided over the regime that they are now saying is so critically terrible for consumers, and they did not move to bring about liberalisation because it was a homegrown view that they had, or because once the directive was passed they wanted to move quickly. At the last minute, and probably – from memory, but I would have to check – long after the transposition due date, they moved, because they were required to, to bring about this liberalisation, which we are now undoing. It makes absolutely no sense. Yes, when we had access to the market and 500 million people it made sense. The hon. Gentleman says in the EU and in the UK this has been very important and it has worked very well. The EU is a market of 500 million people. The UK is a market of 80 million people. Gibraltar is a market of 32,000 people, Madam Speaker, so how can he make that correlation between those markets and this market? And what benefits will the consumer have: guaranteed continuation of the excellent service that they have had for the 30 years since mobile telephony was introduced by the first socialist labour administration, ironically by the man who has today moved the Bill, the Hon. the Father of the House, the Hon. Minister for Inward Investment and

Telecommunications. Madam Speaker, yesterday when you addressed us, you did not address us on whether I had to call him the Father of the House or the Minister for Inward Investment, so avoid the pad being employed I have called him both.

2805 The hon. Gentleman says, 'What are they going to do next, move in the television or satellite sector?' Well, the last time I checked there was only one television station in Gibraltar and they were about to celebrate 60 years of being the only television station in Gibraltar, although there has been a provision for people to come and establish television stations in Gibraltar for the past 10 years or so, and no one has come. Or the satellite sector? As far as I know, there is no satellite television channel in Gibraltar. There are some people who provide the service. One of them
2810 provides them entirely legally. Or is it that the hon. Gentleman is here to defend people who provide satellite television illegally? Is that what he is here to do? Is he here to defend people who provide pirated satellite television, in this Chamber, in this House, where we make laws and where we talk about not going on people's blacklists? Is that what the hon. Gentleman is here to do? I put it to the hon. Gentleman that if that is what he was doing, he would have to consider very
2815 carefully how he would put his arguments, because this is an issue about legality, about complying with the law.

We changed our law to comply with European law when we were required to do so. They did it when they were in government. They did it, I think, at the last minute, past the transposition deadline. We are no longer required to comply with that law and we are therefore putting the law
2820 of Gibraltar back to where it was, back to where mobile telephony was brought to Gibraltar, back to when consumers were being offered something they did not have before, and in order to guarantee that consumers are going to be able to have a homegrown mobile telephony solution for the future.

Do we have our finger on the pulse? Much more than them, but that is not the issue. The issue
2825 is whether they want Gibtelecom to have a pulse in the future. This Government that created that company when we were first in government, this Government that cares about the jobs of people in Gibtelecom, *this* Government has a vested interest on behalf of the people of Gibraltar in ensuring that we act so that Gibtelecom in the future does have a pulse. And finally, because the 'S' in GSLP Liberals stands for Socialist, I will tell him without fear or shame that we are acting also
2830 to protect jobs. That is what we do. (*Banging on desks*)

Madam Speaker: Does any other hon. Member wish to speak? The Hon. Leader of the Opposition.

2835 **Hon. Dr K Azopardi:** And I thought the 'S' stood for something else.

Hon. N Feetham: You have been in politics for 30 years.

Hon. Dr K Azopardi: There you go; I have just discovered that.

2840 Madam Speaker, the hon. Member does not need to cast aspersions that my colleague is trying to promote illegality. Clearly, nothing that he said could have been construed in that way, and he said he did not say that. Really, the main contribution on this side of the House is on the principles of competition, as he very clearly set out.

Stepping back from this, I think the important thing which has not been addressed by either of
2845 the contributors on that side of the House, and perhaps in reply the Father of the House can address it, is this simple point. The Chief Minister is right that Gibraltar did grapple with telecoms liberalisation in the sense that the impact of it was considered long and hard. I remember being on that side, as Minister responsible for trade, industry and telecoms in those days, when those discussions were taking place and the liberalisation was introduced, not at the last minute but
2850 certainly into the GSD Government. But since that happened, it has been almost 20 years, and maybe even more than 20 years since competition was thrust into our market – yes, because we were members of the EU, and I understand the argument that the hon. Member the Father of the

House made that in a post-Brexit scenario you can now look at other options. I accept that of course you can, but the question is whether competition also is in the public interest and in the domestic market, not just because Gibtelecom can set up and compete in the EU as they could have in other member states but whether competition is good for the domestic market.

I appreciate what has been said on that side of the House as to the how small our market is, but the question that is unanswered, which is which is the one that I would like to be answered in reply, is what is the urgency? We have had 20 years since liberalisation and this Bill was published last Thursday, a week ago, and has been certified as urgent. In relation to the other Bill, I asked the Hon. Minister for Justice to explain the reason for the urgency, and I do so again on this issue because on this, a piece of legislation that has been there on the statute book for a long time, to introduce a Bill like this, which in effect seems to me – and I ask again for clarification, because it seems to me that given the explanation on the Second Reading by the Father of the House, it would effectively provide, as I understand his intention, a temporary freeze in the market, a self-prohibition on the Minister to allow the Government to then consider reform of the law and perhaps new legislation based on the legislation that might be in place in small territories. But if all of that is the case, it might lead to new legislation that might be different, that might reintroduce, presumably, competition into the domestic market – I do not know; I ask. Or is it that the Government is attempting to secure a monopolistic market because it has abandoned competition principles? But fundamentally and ultimately, what is the urgency of doing it now in this way? I do not understand. It is not obvious from the face of the Bill because the explanatory memorandum simply says:

This Act amends the Communications Act 2006. It prohibits the issue of new radiocommunications licences for the operation of public mobile telephone networks in Gibraltar.

That is obvious. It does not tell you – and of course it would not, because there is an assumption necessarily that legislation, when it is published, will not necessarily be certified urgent – what the urgency is, and I am asking the Father of the House to address the issue because I do not understand it. Surely we are not in a situation where there is such a crisis in the market or a threat to Gibtelecom that the Government feels it needs to act in this way now.

I ask the Government to address that issue and to consider everything that has been said on this side of the House, because what has been said in the main contribution on this side of the House by my colleague the Hon. Mr Sacarello is that having seen how competition works in the market, in principle competition might be useful. It is not necessarily a threat to the domestic market in this way. We are unconvinced. That is why we are abstaining. We are not voting against it, but we are unconvinced given the explanations that have been given so far, the lack of information and the inability to consult more widely and scrutinise this Bill and its effect in a better way. Those are the reasons why we are taking the position –

Hon. Chief Minister: Will you give way on urgency?

Hon. Dr K Azopardi: Yes.

Hon. Chief Minister: I am grateful to the hon. Gentleman for giving way on urgency. He has asked the Father of the House, but of course I am the one who certified it as urgent, so it may be helpful to the hon. Gentleman to hear that actually the certification arises much for the same reason that the Hon. the Minister for Justice told the Hon. the Leader of the Opposition, because we needed to ensure that we had a government majority. Now the hon. Gentleman has opened the door to another way of dealing with those matters going forward. This is a potentially volatile market. We need to ensure that we deal with these matters when we know that we have a majority. There are other Bills on the Order Paper that are not in respect of volatile issues. That is why I have certified the Bill as urgent, Madam Speaker.

Hon. Dr K Azopardi: Madam Speaker, I am grateful for that explanation. Again, I repeat, as I did in the other Bill, that I would be concerned that the mechanism in the Constitution which provides a six-week period for the scrutiny of legislation is simply sidestepped on a diary basis. It is there for good reason. It is to provide the Parliament some adequate time to scrutinise legislation before it is debated and passed in this House. And so, what I would say, because the Chief Minister suggested a possible mechanism ... I will say on my feet, because when I heard him on the last intervention I did not contribute because I had already spoken, but I will say to him that I would be quite happy to discuss with him a practical arrangement that allows an indication to be given to the Government on whether we will support, so that they do not require to use the Certificate of Urgency mechanism, and yes, a kind of pairing-off system so that he knows that if we have indicated it we are not going to resile from that indication. I am quite happy to arrange that. I would prefer that to any sidestepping of a constitutional mechanism that is intended to give proper scrutiny to legislation.

I will say before I sit down that if that is the reason again, diaries, and given that this legislation has been in place for so long and the effect of this is so deep in changing the prevailing environment of the telecoms market, it seems to me that it is an insufficient basis for moving forward. I end on that note.

Madam Speaker: The Hon. Mr Clinton.

Hon. R M Clinton: Thank you, Madam Speaker. I am not going to repeat everything that is been said by the Leader of the Opposition and my hon. Friend the Hon. Mr Sacarello, but I will say that this Bill effectively shuts, bolts, welds shut any ability to issue any new licences and it seems to me ... The Chief Minister used the words 'in a volatile market'. I would be interested to hear from the Father of the House, in his reply, is he dealing with a clear and present danger in his mind to the market and to Gibtelecom? Is this what it is about, and that danger is immediate? Otherwise, I do not see why, as the Leader of the Opposition said, the sudden urgency for this Bill. If there is a clear and present danger, who is the motivator? Who is actually asking the Government for this Bill? Is it Gibtelecom itself or has something come to the Government's attention that would threaten Gibtelecom? Or Gibtelecom itself may know of a potential operator out there who may wish to apply for this sort of licence. In the last 20 years – forget about Europe – we have seen domestic operators offering cable and other items, and the technology is advancing quite rapidly. God knows what technology will be like in another 10 years. What I am trying to understand is what it is that the Government is trying to achieve and why the urgency. Is this something that, as I said, is a clear and present danger to Gibtelecom in a volatile market, to use the Chief Minister's words, such that it has to be addressed by Parliament today in this way? Of course, this will set a precedent for other areas in Gibraltar, as the Hon. Mr Sacramento has referred to, and I think we would just like to hear more from the Father of the House as to the rationale behind this, and the thinking. Has anybody actually approached the Government and said, 'We would like to apply for a licence,' but the Government is worried that if they did actually start that process it might undermine Gibtelecom? That, Madam Speaker, is what I would like to know. Thank you.

Madam Speaker: Would any other hon. Member like to speak on the general principles and merits of the Bill? In that case, I call on the hon. mover to reply.

Hon. Sir J J Bossano: Madam Speaker, I think it is obvious that this is not a complex Bill that requires a long time for Members to digest and make up their minds. This is a very simple thing. There is one view, Adam Smith, and that is the other view, which is that we are in 2024 and not in the 18th century. The idea of competition that is the textbook definition is a complete nonsense since in most of the western world you have half a dozen massive entities that control all the brands that are theoretically competing with each other. The world that the hon. Member opposite was describing no longer exists. In the case of telecommunications, this is overdue, and

once we take the step of moving to where we should be ... If we are going to become as poor as Monaco because we are doing what Monaco does, I do not think anybody is going to be unhappy in Gibraltar.

The reality is that what is required in terms of telecommunications in the future is more and more investment. What we are already doing with Gibtelecom and what we have done since we started, because everything that we have in Gibraltar – *everything* that we have in Gibraltar today – would not be here if the telecoms had not been transformed as they were in 1988 when Nynex came in and we had a quantum leap in our technology. Today, Gibtelecom is in a position where it needs to have a secure home base from which it can then invest in technology, because the decisions that are taken every time we upgrade are decisions that are massive compared to the size of a market where we are the only one, never mind if the market was fragmented.

Why does it need to be done once we announce it? I would have thought that was self-evident. If you say that the door that is open today is not going to be open forever, then I would have thought people who have no intention at this point of applying for a licence will say, 'I am going to apply before the door is shut.' I would have thought that was self-evident. If you say you are going to change something, you cannot say, 'I am going to do it in six weeks,' because then you have six weeks for every Tom, Dick and Harry to say, 'I want a telephone licence' before you shut the door.

This has been done because it is essential for the telecommunications in Gibraltar to be able to keep growing and keep improving what they do with the level of investments that are in the pipeline which would not be feasible to invest unless the home base is secure. On that basis, I would recommend the hon. Member to support the Bill, but I am grateful that at least they are not voting against it.

I commend the Bill to the House. (*Banging on desks*)

Madam Speaker: I now put the question, which is that a Bill for an Act to amend the Communications Act 2006 be read a second time. Those in favour? (**Members:** Aye.) Those against? Carried.

Clerk: The Communications (Amendment) Act 2024.

**Communications (Amendment) Bill 2024 –
Committee Stage and Third Reading to be taken at this sitting**

Minister for Inward Investment and the Savings Bank (Hon. Sir J J Bossano): 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.

2995 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I have the honour to move that the House should resolve itself into Committee to consider the following Bills clause by clause, namely the Tobacco (Amendment) Bill 2024, the Proceeds of Crime (Amendment) Bill 2024 and the Communications (Amendment) Bill 2024.

In Committee of the whole House

**Tobacco (Amendment) Bill 2024 –
Clauses considered and approved**

3000 **Clerk:** A Bill for An act to amend the Tobacco Act 1997 and the Imports and Exports Act 1986. Clauses 1 to 3.

Madam Chair: Clauses 1 to 3 stand part of the Bill.

Clerk: The long title.

3005 **Madam Chair:** The long title stands part of the Bill.

**Proceeds of Crime (Amendment) Bill 2024 –
Clauses considered and approved with amendment**

Clerk: A Bill for An act to amend the Proceeds of Crime Act 2015 in order to make provision for unexplained wealth orders and for connected purposes. Clauses 1 to 4.

3010 **Hon. J Ladislaus:** Madam Chair, if I may just point out the small issues which I identified within this Bill, there is just a very minor error with spacing at section 166D(6) (*Interjection*). Also at Schedule 10, section 14(1)(b), where it reads 'section 231(1)(a), (b), (c)(iii)', I would suggest that there be inserted 'and' or 'or'. Otherwise, it leaves one in doubt, when interpreting the Act, whether it means all of them or it means ... Is it an 'and' or an 'or'? I think it is important for the
3015 purpose of interpretation.

Chief Minister (Hon. F R Picardo): Madam Chair, the Government would agree that it is helpful to set out that the list would be disjunctive, not conjunctive, and therefore the adding of the 'or' at the end of the penultimate paragraph would be helpful. In any event, my understanding is that
3020 if you do not have an 'and' or an 'or' they are usually therefore disjunctive, not conjunctive. But I think it is helpful to set out the 'or' and I am grateful for the hon. Lady's scrutiny.

Madam Chair: Clauses 1 and 2 stand part of the Bill.
Clause 3, as amended, stands part of the Bill.
3025 Clause 4 stands part of the Bill.

Clerk: The long title.

Madam Chair: The long title stands part of the Bill.

**Communications (Amendment) Bill 2024 –
Clauses considered and approved**

3030 **Clerk:** A Bill for an Act to amend the Communications Act 2006.
Clauses 1 to 3.

Madam Chair: Clauses 1 to 3 stand part of the Bill.

3035 **Clerk:** The long title.

Madam Chair: The long title stands part of the Bill.

**Tobacco (Amendment) Bill 2024;
Proceeds of Crime (Amendment) Bill 2024;
Communications (Amendment) Bill 2024 –
Third Reading approved: Bills passed**

Clerk: The Hon. the Chief Minister.

3040 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I have the honour to report that the Tobacco (Amendment) Bill 2024, the Proceeds of Crime (Amendment) Bill 2024 and the Communications (Amendment) Bill 2024 have been considered in Committee with one of them having a small amendment. I now move that they be moved a third time and passed.

3045 **Madam Speaker:** I put the question, which is that the Tobacco (Amendment) Bill 2024, the Proceeds of Crime (Amendment) Bill 2024 and the Communications (Amendment) Bill 2024 be read a third time and passed.

Those in favour of the Tobacco (Amendment) Bill 2024? (**Members:** Aye.) Those against? Carried.

3050 Those in favour of the Proceeds of Crime (Amendment) Bill 2024? (**Members:** Aye.) Those against? Carried.

Those in favour of the Communications (Amendment) Bill 2024? (**Members:** Aye.) Those against? (Opposition Members Abstained) Carried.

**Recognition of Kevin Balban
on stepping up to post of Assistant Clerk to the Parliament**

3055 **Chief Minister (Hon. F R Picardo):** Madam Speaker, before the House continues with questions, which it will now do given that we have come to the end of the legislative process, as I have informed you and the Leader of the Opposition, I have to absent myself from the Chamber now whilst the Chamber continues with questions, but I do just want to recognise, as the adjournment *sine die* will be called when I am not here, the fact that our beloved Kevin has sat in the chair for the Clerk on a number of occasions, having spent, I think, longer in this House than me already, and it is delightful to see him stepping up to that post.

Questions for Oral Answer

EDUCATION, THE ENVIRONMENT AND CLIMATE CHANGE

Q799/2024

Public toilets – Repairs and maintenance

3060 **Madam Speaker:** Next question.

Clerk: Questions to the Hon. the Minister for Education, the Environment and Climate Change. Question 799. The Hon. D J Bossino on behalf of the Hon. G Origo.

3065 **Hon. D J Bossino:** Is the Minister satisfied with the current state of our public toilets, in particular the one located in John Mackintosh Square, and the regular repairs and maintenance services provided?

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

3070

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, I am not, and we are looking at a phased programme of refurbishment and improvement.

3075 **Hon. D J Bossino:** Not being the individual who drafted the question, I am assuming that Mr Origo is not satisfied and will be *ad idem* with the Hon. Minister in relation to the important issue of our public toilets. What programme is the Hon. Minister intending will take effect so that we have an improvement in this facility?

3080 **Hon. Prof. J E Cortes:** Madam Speaker, there are a number of public toilets that I am not satisfied with. I think that the ones that have been highlighted in John Mackintosh Square are the ones that concern me the most. They are going to be refurbished almost immediately, and they will be followed by the ones at Europa Point, which also needs some work. We will be rolling out a programme for the other public toilets, but those I think are the ones that are in most need of repair. Small repairs are done on a regular basis, but they do need more intensive refurbishment and that is what we are going to be doing within the budget that the House voted for at the Budget session.

3090 **Hon. D J Bossino:** One final question. I assume that this will be done internally by the Government's own staff. Is the Hon. Minister able to provide a timeline as to when these, I think he mentioned three areas, are going to be completed?

Hon. Prof. J E Cortes: The first toilets that we are prioritising are the ones here in John Mackintosh Square, and I am expecting work to start on them within the next few weeks.

3095 **Hon. D J Bossino:** I was more interested, Madam Speaker, in relation to the completion; he has answered when they are going to start.

Hon. Prof. J E Cortes: I would have thought by the end of the year, although we are coming up to the Christmas period, so it might take a couple of months to do them. I would say no more than three.

3100

Madam Speaker: Next question.

Q800/2024

**New cycle lane via George's Lane to Line Wall Road –
Cost and chosen contractor**

Assistant Clerk: Question 800. The Hon. D J Bossino on behalf of the Hon. G Origo.

3105 **Hon. D J Bossino:** What will be the cost to the Government for the new cycle access, to be built via George's Lane to Line Wall Road, and who will be contracted for this project?

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

3110 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, I refer the hon. Member, or rather the Hon. Mr Origo via the hon. Member, to Government Press Release 573/2024 dated 2nd September 2024 and titled 'New Cycle Access via George's Lane to Line Wall Road'. As stated therein, these works were completed just under two months ago. The cost of this shared cycle route was £1,880. The awarded contractor was fairly
3115 chosen via the Government of Gibraltar's Source to Contract portal, as per the norm for these and other minor works.

Madam Speaker: Next question.

Q801/2024

**Card payments on buses –
Trial results and expansion of facility**

Assistant Clerk: Question 801. The Hon. D J Bossino on behalf of the Hon. G Origo.

3120

Hon. D J Bossino: Is the Government satisfied with its trials of card payments on our bus services; and, if so, when does it intend to expand this facility to the remainder of the complement of buses?

3125 **Assistant Clerk:** Answer, the Hon. the Minister for Education, the Environment and Climate Change.

3130 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, the Government is extremely satisfied with the card payment system, as are GBCL drivers and passengers. It is envisaged that all buses will have card payment facilities by 1st November – in other words, next week.

Madam Speaker: Next question.

Q802/2024
Government vehicle fleet –
Replacement with electric models

Assistant Clerk: Question 802. The Hon. the Leader of the Opposition on behalf of the Hon. G Origo.

Hon. Dr K Azopardi: Madam Speaker, can the Minister provide an update on the Government's plans to electrify its own road transport fleet of vehicles?

May I thank my colleague Mr Origo for teaching me the word 'electrify'; I did not think it was a thing.

Assistant 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): 'Electrified' rather than 'electrocuted', Madam Speaker.

The Ministry recently carried out a survey of all government vehicles with the results presented to the Net Zero Delivery Body, which met a couple of weeks ago. The next steps on replacing the fleet are being planned. I can add now that we have all the data available.

Hon. Dr K Azopardi: Can the Minister give us, perhaps, a bit of information on the mechanics of how that is going to be brought about? There is some talk about that in their manifesto, and I am just wondering if he can give us a progress update on precisely how it will happen.

Hon. Prof. J E Cortes: Yes, Madam Speaker. We now have a full rundown, by government department and agency, as to how many vehicles they have, which are electric, which are diesel and which are petrol, so we now know the performance. Some departments have done better than others. Some vehicles are more readily available as electric vehicles than others. What we are doing now is going department by department and analysing which are near the end of life and which can be replaced. The Department of the Environment is trying to work with the different departments to see how we can replace them in a structured way in order to increase the percentage, which at the moment stands at 10% electric vehicle, which I certainly do not think is good enough, but obviously we need to be careful that we do not just replace a vehicle that is fairly new, does not need replacing and is performing well. We are now working with all the data in order to have a programme in place.

Hon. Dr K Azopardi: Does the Minister have a sense – he has usefully given us that percentage, which was going to be my next question – having gauged what the fleet of vehicles is like in Government ...? He said 10%. Where does the Government want to get to, and how long does the Minister think it is going to take?

Hon. Prof. J E Cortes: This is part of the analysis because, as I said before, if a vehicle is very new, then we are not going to replace it right away. The process will also question whether vehicles have to be replaced at all. Perhaps we do not need to replace a van with a van and things can be done in other ways, so that is part of the process.

I would be happy, at the stage where we are with technology, with 60% to 70% electric vehicles. I think that is achievable, but it has to be done sensibly over a period of years – we cannot go out and buy electric vehicles willy nilly – but at least now we know what the situation is and we can plan accordingly.

Hon. Dr K Azopardi: In terms of that, specifically are there any particular priorities that the Government would have in terms of achieving electrification of vehicles in particular areas? For example, is it buses? In terms of the infrastructure, if you want to get to 60% or 70%, let's say – let's use that – I assume that the Government will need to also invest in some kind of infrastructure, electric points, in or about government departments to support that.

Hon. Prof. J E Cortes: Buses are the most difficult. Cars and pickups are the easiest. Infrastructure need not necessarily be difficult to achieve. There are examples like the Post Office, which some years ago completely electrified the fleet. We have the generating capacity, as has been said before by me and by the Hon. Minister for Utilities. In the Department of the Environment, for example, all the vans have been replaced with electric vans and it is very easy to power them up because there is a good electricity supply. Obviously, as we plan the transition we also have to bear in mind the ability to charge the vehicles, and that is part of the process that we are undertaking.

Madam Speaker: Next question.

Q803/2024
25-Year Environment Plan –
Publication date

Assistant Clerk: Question 803. The Hon. the Leader of the Opposition on behalf of the Hon. G Origo.

Hon. Dr K Azopardi: Madam Speaker, does the Minister have a date for when he expects to publish the 25-Year Environment Plan?

Assistant 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): Yes, Madam Speaker, I expect to publish the 25-Year Environment Plan by December this year.

Hon. Dr K Azopardi: I see. Perhaps the Minister can explain the reason for that. I just remind him that he said, I believe in this House, that a draft of the of the plan was ready but they wanted to conduct changes to the plan following from his attendance at COP28. That was, at the end of last year, going to be published, he said, in January 2024. He then said in July, during his Budget speech, that it was going to be published the following week. Can he explain the two intervening delays that have happened, given his indications to the House on previous occasions?

Hon. Prof. J E Cortes: Yes, Madam Speaker, the work involved in changing it was rather more than appeared was to be the case. Then we were virtually ready to publish and, in consultation with the environmental NGOs, we thought that it was a good idea to consult them and to share a draft with them so that they could make their own contribution. That process has now been completed and this is where we are now. We are just putting the finishing touches to that following the helpful suggestions that the NGOs have provided.

Madam Speaker: Next question.

Q804-05/2024
Lathbury Sports Complex –
Photovoltaic panels

3225 **Assistant Clerk:** Question 804. The Hon. the Leader of the Opposition on behalf of the Hon. G Origo.

3230 **Hon. Dr K Azopardi:** Can the Minister provide details of the damage to the solar panels fitted atop Lathbury swimming pool, including how many panels were lost to adverse weather and what the costs will be of the repairs?

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

3235 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, I will answer this question together with Question 805.

Assistant Clerk: Question 805. The Hon. D J Bossino.

3240 **Hon. D J Bossino:** Can the Minister confirm whether the remainder of the solar panels atop Lathbury which are still fixed are in use?

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

3245 **Hon. Prof. J E Cortes:** Madam Speaker, the photovoltaic panels fitted at Lathbury Sports Complex, which my hon. Friend the Minister for Sport has told me is the correct way to refer to them, were not affected by the adverse weather and therefore none were lost and no repairs are needed.

3250 In relation to Question 805, as to whether they are still fixed and in use, they are fixed and in use.

Madam Speaker: The Hon. Mr Clinton.

3255 **Hon. R M Clinton:** Madam Speaker, just a very quick question. I walk by that area practically every day, and I seem to vaguely remember that some panels were stored on top of the retrenchment block. Is it the case that some of those blew off during the storm?

3260 **Hon. Prof. J E Cortes:** Yes, indeed. That is what led to the confusion. They are those that are stored on the retrenchment block, which belong to a private contractor who has now been tasked and has now ensured that they are properly strapped. Those are the ones, not the ones that had been actually fixed and are in use.

Madam Speaker: Next question.

Q806/2024
Casemates Square –
Cleaning

Assistant Clerk: Question 806. The Hon. C Sacarello.

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Hon. C Sacarello: Could the Minister provide some clarification over their policy on cleaning Casemates Square, namely the frequency of the events and details of the area covered per clean?

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

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Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, the current policy is as set in the urban and street cleaning agreement with Britannia Premium Cleaning Ltd.

3275 Casemates Square is cleaned by way of sweeping Mondays to Saturdays from 7 a.m. to 7 p.m. and on Sundays from 7 a.m. to 1 p.m., including the servicing of all litter bins. Contractually Casemates Square is to be flushed once a week, although this is regularly done more often. Areas covered per clean are as follows: on Mondays, the northern path in front of the establishment entrances, the main central area including the road, and the west side of the square; on
3280 Wednesdays, the main central area and east side pavement; and again, on Thursdays, the main central area and north side of the square.

All readily accessible areas are done on these occasions, limited by the placing of tables, chairs, awnings, umbrellas, sign boards and other types of furniture set up by the different establishments. When establishments are given notice by the Ministry of Culture to remove all
3285 tables, chairs, awnings and other furniture for the holding of events, a thorough deep flushing of all Casemates Square is done. Such events include but not exclusively, as this may change from year to year, the Three Kings Cavalcade, His Majesty the King's Birthday Parade, National Day, the Ceremony of the Keys, the Festival of Light and the New Year celebrations.

3290 **Hon. C Sacarello:** Madam Speaker, I am grateful to the Hon. Minister for his thorough reply, which is as thorough as the cleaning of Casemates Square, evidently. The reason I am asking this question is not to be picky but is on behalf of some of the people there who are asked to clear their equipment, chairs and tables, and then the area is not cleaned. I think there is a bit of confusion, particularly for some of the people who are elderly. Would the Minister be able to
3295 assist these people by asking Britannia perhaps to distribute details of when the clearances are and what part of the Square, because I think there is some confusion with the tenants there?

Hon. Prof. J E Cortes: Madam Speaker, I think the tenants there are well used to the process. They often do not move furniture when they have been requested. Certainly, there are some
3300 circumstances where it is absolutely essential that they should, National Day being one, the Ceremony of the Keys and the King's Birthday Parade. They are issued, as far as I am aware, because I spoke to the people responsible today, with letters explaining when and what they have to do. If there is any confusion, I would urge them to get in touch with the Department. The Department of the Environment does not issue the letters but supervises the removal of the
3305 furniture. I am sure that the Cleansing Superintendent would be very happy to listen to any concerns and ensure that if they are not getting the information, they get it in due time.

Madam Speaker: Next question.

Q807-08/2024
Theatre Royal car park –
Ownership

Assistant Clerk: Question 807. The Hon. C Sacarello.

Hon. C Sacarello: Could the Minister please name the company that owns the Theatre Royal car park?

Assistant 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 808.

Clerk: Question 808. The Hon. C Sacarello.

Hon. C Sacarello: Given that the Theatre Royal car park is owned by a private company, could the Minister please state whether the property was sold as a leasehold or as a freehold and what consideration was exchanged?

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

Hon. Prof. J E Cortes: Madam Speaker, as a preface to the answer, if I may, I need to clarify something. In answer to Question 705 at the last session, which asked when the Theatre Royal car park was last cleaned and how often is it done, I replied, as per the answer that had been prepared for me, that it was a private car park. The Department has since clarified that it is, in fact, as I stated, not cleaned by the cleaning contractor but that, while being private in the sense that it is not open to the public, i.e. you cannot drive in and pay and display, it is owned by a government-owned company. I have also, since then, been able to ascertain that there is a cleaner engaged by Gibraltar Car Parks Ltd who works there four hours a day, Monday to Friday. There is also a quarterly deep clean.

I will now proceed with the answer to Question 808. The car park located at 46A City Mill Lane is currently held by Gibraltar Land Holdings Ltd for a term of 150 years commencing on 4th December 2009 granted under a deed of lease dated 4th December 2009. There was no monetary consideration for the demise. Gibraltar Land Holdings Ltd is a wholly owned government company and we have no details in the Land Registry that it has been sold to any third party.

Madam Speaker: The Hon. Mr Clinton.

Hon. R M Clinton: Madam Speaker, I would be grateful if the Minister could go back to his officials and emphasise to them the importance of giving accurate information, because the impression we got on this side of the House was something completely different to our understanding of what the situation was, and of course it makes our work in this place harder on both sides of the House if we are being provided with incomplete or incorrect information. Thank you.

Hon. Prof. J E Cortes: Madam Speaker, absolutely. I was under the same impression last time round. I have, immediately I got this information, brought it to the House. The person responsible, whom I will not name, was extremely apologetic this morning. I think that he had misunderstood what was meant by 'private car park'. He is a very efficient officer who does a lot of work of the

highest standard, so I think that I will take it on the chin and I do apologise that I was given the wrong information, which is what I shared, but I have rectified it at the first possible occasion.

3360 **Madam Speaker:** Next question.

Q809/2024
Knightsfield Holdings Ltd –
Extension of contract

Assistant Clerk: Question 809. The Hon. D J Bossino.

Hon. D J Bossino: Has the contract with Knightsfield Holdings Ltd been extended; and, if so, from when and for how long?

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

3370 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, yes. I would be grateful, however, if, for now, the hon. Gentleman would accept the answer to the second part of his question behind the Speaker's Chair, as there is a connected sensitivity.

3375 **Hon. D J Bossino:** By 'the second part', the Hon. Minister is referring to the 'if so, from when and for how long?' and he is answering in the affirmative that it has indeed been extended – is that understanding correct?

3380 **Hon. Prof. J E Cortes:** That is correct, Madam Speaker. It has been extended, but I would rather deal with the second part behind the Speaker's Chair. Of course, once we have done that, if he wants to bring it back he is entitled to do so, but I think he will understand the sensitivity.

3385 **Hon. D J Bossino:** And if I may, the confidentiality suggestion by the Hon. Minister is, do I take it, not meant to be permanent? Is there a point in time, or is he leaving it to me once he provides information, and then I will be at liberty to divulge that information? I am not sure how to interpret what he said.

Hon. Prof. J E Cortes: Madam Speaker, I will have the discussion behind the Speaker's Chair. I think the hon. Member will understand the reasons why this is not to be shared, and we can have that discussion there and then.

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Madam Speaker: Well, it is clear that the hon. Member cannot insist on any particular answer. The answer that the Minister gives is the answer the Minister gives. Have the conversation behind the Speaker's Chair and then, if there is anything that arises from that which you require the guidance of the Speaker on, I will do my best to give that guidance.

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3400 **Hon. D J Bossino:** The only concern I always have when this arises, especially when we are dealing with albeit a private company, but it is a beneficiary of a contractual arrangement from the Government and therefore in the public interest, is that in my humble opinion the answers ought to be provided across the floor of the House and publicly. If one then acquiesces to being given that information behind the Speaker's Chair, i.e. confidentially, then I am not sure to what

extent one would be bound to keep it confidential going forward. That is that is the concern that I have, if I have a view that it ought to be made public.

3405 **Madam Speaker:** I am just dipping into *Erskine and May* here. Where a question has refused to be answered – well, the Hon. Minister is choosing not to answer the question across the floor, but rather behind the Speaker's Chair – then if representations want to be made, they should be made to the Speaker privately, not raised in the House, because it is a matter for the Minister to give whatever answers he wants. I suggest again that the conversation is had behind the Speaker's Chair, and then if the hon. Member wants to raise any issues that result from that with me, as to
3410 whether that question may be pursued publicly in the House and how, then I will clearly have that conversation with the hon. Member in due course.

3415 **Hon. D J Bossino:** Yes, I think that is a partial solution of sorts. May I also ask him this? The extension ... and I understand why the hon. Member would have viewed it in the context of time, because that is the way I put it, but is he also able to provide information in relation to assets? Has the contract also been extended to include assets beyond those which are currently managed by this particular company? Again, that may be information he would rather provide me behind the Speaker's Chair.

3420 **Hon. Prof. J E Cortes:** I think that would be part of that conversation. I think what I must say in relation to the time element is that there are many government contractors and therefore the details of any decisions on any particular one could be sensitive in relation to all the different government contractors that there are. But I am very happy to provide all that information, and what I undertake is to arrange with the hon. Member to meet, sit down and go through that in
3425 whatever detail we feel we need to discuss it.

Hon. D J Bossino: I do not want to labour the point, and the Speaker has been very helpful in this regard, but may I ask – and he may not even be able to answer this question – why is it sensitive? I have not fully understood what he has saying. Is it that in relation to this particular
3430 contractual arrangement it may have an impact on other government contractors, or is it a general point that he is making?

Hon. Prof. J E Cortes: The agreement that one reaches with one contractor would ... If other contractors are aware of that, there could be sensitivities, and other contractors who are
3435 negotiating contracts with the Government should not have access to the detail of particular agreements arrived at with specific contractors.

Madam Speaker: We will move on and we will have the position as I stated. Next question.

Q810/2024
Upper Rock ticketing services –
Contract details

3440 **Assistant Clerk:** Question 810. The Hon. D J Bossino.

Hon. D J Bossino: Please provide details of the contractors which provide ticketing services at the Upper Rock, to include their names, when the contracts were entered into, and what amount is paid by the Government for their services.

3445 **Assistant 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 contract was first entered into on 25th June 2019 with Wrighttech Ltd. A
3450 reassignment of contract was signed on 16th November 2023 making Treeus Ltd the assigned contractor. The amount paid for ticketing services is 10% of sales.

Hon. D J Bossino: By way of confirmation, is the current position that the contractor is Treeus? He is nodding his head. Can he say how the assignment took effect? I am assuming that the
3455 assignment was not from Wrighttech to Treeus; it would have been from the Government presumably cancelling the contract with the Wrighttech and then entering into a fresh contractual arrangement with Treeus Ltd. My hon. learned Friend the Leader of the Opposition says it sounded like the other way, that it is possible that Wrighttech assigned the contract to Treeus, but presumably there must have been some sort of consent from the Government.

3460 **Hon. Prof. J E Cortes:** Yes, obviously it would have been with the consent of the Government; the actual detail I would have to check. The product was the same product, the ticketing system is the same ticketing system; this was assigned, clearly with the consent of the Government, but the detail I would need to check.

3465 **Hon. D J Bossino:** The detail that I was seeking, which the Hon. Minister says he needs to check, relates to how the transaction took place? Can he confirm that, maybe, for the purpose of *Hansard*?

3470 **Hon. Prof. J E Cortes:** Yes, Madam Speaker, that is exactly what I am saying, and I am very happy to write to him with those details. As the hon. Members of the Opposition know, I tend to write quite soon after with any details that I have been asked.

Hon. D J Bossino: I would be grateful for that, subject to it not being the subject of
3475 confidentiality.

Am I right in assuming that the 10% figure is the figure of three-point-something million pounds, which is in fact in the Estimates Book? He and I, I think, may have had an exchange in relation to this at the Committee Stage of the Bill, and at the time I thought he had said that there were three beneficiaries, but he is now saying it is one, it is Treeus Ltd. Can I put it in these terms:
3480 is Treeus Ltd in receipt of in excess of £3 million, and that is a 10% representation, or is that analysis incorrect?

Hon. Prof. J E Cortes: Again, Madam Speaker, I would need to check the figures because a head in the Estimates Book need not necessarily go to one entity and might include other contracts in relation to the Department. I would not be able to confirm that; it is something that I would need
3485 to look into.

Hon. D J Bossino: Is that information which he would be willing to provide by way of communication after this session. And simply to point out that ... I would need to confer with the Book, but I think it actually relates specifically to ticketing services, and from memory I think the
3490 figure is in excess of £3 million. I could find it relatively easily, but certainly not on my feet.

Hon. Prof. J E Cortes: I will get the information and I will share it, Madam Speaker.

3495 **Madam Speaker:** The Hon. Mr Clinton.

Hon. R M Clinton: Thank you, Madam Speaker, just a quick question for the Minister. The assignment to Treeus Ltd from Wrighttech: does the Minister know whether this was some sort of internal reorganisation within the same group, i.e. is it the same beneficial owner of Treeus, or is it actually a completely different group of owners as to Wrighttech?

Hon. Prof. J E Cortes: Madam Speaker, I would need to have notice of that question; I do not have the details.

Hon. D J Bossino: I am not sure that the Hon. Minister will be able to assist, given the answer he has already given that he is unaware of certain facts, but is he able to say why it goes from one company, which I assume, although I may be incorrect, is Wrighttech that would have been the beneficiary of that contract – as a result of a tender, one would have thought; this was a lucrative contract. Is the hon. Member saying that the assignment, in whichever manner it happened legally, happened without a new tender process having been engaged?

Hon. Prof. J E Cortes: Madam Speaker, the tender was for the product and it was the same product, so there was not a new tender process; the product was the same product.

Hon. D J Bossino: Yes, but the Hon. Minister must appreciate that if that is the basis on which he is saying that the product was not then the subject of a tender process, subject to the checks that he needs to carry out, a new entity is the beneficiary of the product and that has not gone to tender. I am not sure that I fully understand why the Hon. Minister is focusing on the products as opposed to the beneficiary of the product.

Hon. Prof. J E Cortes: I am focusing on the product because the tender was for the product and the product is what interests us and has actually achieved a great deal more income for the Nature Reserve. I think I would need to be aware of the answer to the Hon. Mr Clinton's question before I can be of any more assistance on this matter.

Madam Speaker: The next question.

Q811-12/2024

Development of relations with Morocco – Commercial and other links under considerations; costs re visit to Tangiers

Assistant Clerk: Question 811. The Hon. D J Bossino.

Hon. D J Bossino: Is the Minister with responsibility for developing relations with Morocco able to share details of the commercial and other links which are being considered; and, if so, what are these?

Assistant 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 812.

Clerk: Question 812. The Hon. D J Bossino.

Hon. D J Bossino: Please provide the following details relating to the recent visit to Tangiers: (ii) who comprised the Government's delegation; (ii) the total cost of the trip broken down into travel costs, lodgings and entertainment; (iii) who the Minister or any member of the delegation met at each event; and (iv) the duration of the trip.

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

Hon. Prof. J E Cortes: Madam Speaker, in answer to Question 811, issues discussed included areas of possible co-operation such as promotion of tourism, educational links and exchanges, sporting links, business links, joint university research projects and travel. As these are early stages of discussion, I am unable to share details.

In answer to Question 812, the delegation was made up of Simon Galliano from my Ministry and me. Travelling expenses were £1,871.32, and meals were MAD3,509 or £273.55 – I had the hon. Member worried then. *(Laughter)* The persons met were HE Assis Ben Salah Alaoui, the Roving Ambassador for His Majesty Mohammed VI, Kingdom of Morocco. From the British Embassy, HE Simon Martin CBE, HM Ambassador to Morocco; and 2nd Secretary Global Britain/Prosperity, Mr Kiram Hassan. From the British Council, Mme Kenza El Mohajir, Project Manager for English and Education. From the Ministry of Tourism, Mme Zora Tazi, Director of Regulations and Quality Development; and Mr Moncef Ettayeb, Director of Strategy and Co-operation. From the Ministry for Education and Sport, Mr Younes Shaimi, Secretary General of Sport and Education up to Secondary Level. From the Ministry of Transport and Logistics, Mr Khalid Cherkaoui, Secretary General; Mr Humaidi Youssef, Maritime Senior Manager; Mme Mounia Esskely, Head of Co-operation and Communication Department; and Mr Tarik Talibi, General Director of Civil Aviation. From the Ministry of Industry and Trade, Dr Ahmed Khyad, Senior Chief Engineer and Regional Director of Industry and Commerce for the Moroccan government in Tangier. From the Chamber of Commerce, Industry and Services, Abdelatif Afailal, President for the Tanger, Tétouan, Al Hoceima Region; and Mr Aziz Agbalu, Head of Strategy and Partnership Department. From the Donabo Botanical Gardens, Charifa Lalla Malika El Alaoui, Director; and Paul Belvoir, Garden Designer and Manager. From Abdelmalek Essaadi University, the University of Tetuan, Prof. Bouchta Mourni, President of the University; Prof. Abdellah Oulmaati, Dean of the Faculty of Medicine and Pharmacy; Prof. Adil Najdi, Prof. of Higher Education and Vice Dean for Research and Co-operation; Mme Hanane Hammich, Secretary General of the Faculty of Medicine and Pharmacy; Prof. Jalil Abdelkader El Hangouche, Prof. of Higher Education in Physiology; Prof. Hicham Sbai, Prof. of Higher Education in Anaesthesia and Resuscitation; Prof. Imane Iken, Assistant Prof. in Toxicology; Prof. Madinha Alami Chentoufi, Assistant Prof. in Pharmacy. And finally, in relation to the Tiron Monteverde Exhibition, which coincided while I was there, Mr Tiron Monteverde, the artist; Ms Jayne Wink and Ms Carmen McLaren, Straits of Gibraltar Charity Trustees. In relation to subsection 4, the length of the visit was Monday to Friday, therefore about four and a half days.

Madam Speaker: The moral of the story is to be careful what you ask for.

Hon. D J Bossino: That is fine; this is information. I think the Hon. Minister could have provided this information by schedule, but it is fine. I will point out, though, that if he had invited all of them to lunch, then the price in pounds would have been justified, but I am assuming that many of these individuals he would have met in groups rather than individually; if not, he would have still been in Morocco. But yes, a very extensive list of individuals.

The serious point is that in relation specifically to the answer that the hon. Gentleman has given to the first question, Question 811, it is wide ranging and it is reflected in the different individuals he met in a panoply of areas from business, education, tourism and all the rest of it. At what stage does he focus on a particular area, where he thinks that these contacts that he is making will become something more substantive and real, in terms of agreements and the like?

When does he think of not just as a series of meetings that then do not come to fruition? I am concerned here, from this side of the House, that in fact it may be too wide ranging and that at some point he will need to focus on specific areas, and indeed, in that context, should that happen, seek the assistance of other Ministers of the Cabinet to assist him in any particular area.

Hon. Prof. J E Cortes: Madam Speaker, that is absolutely how it works. I am the conduit; I am not going to develop all these initiatives. I have briefed very superficially some of my colleagues, those who particularly work in the areas that I have made contact with. I will now pass those contacts on to them, and they may then wish to develop and set their own priorities. As I said, I believe I am the conduit. I have contacts there, I am developing a contact network, and then I will lead them in different directions. For example, tomorrow I will be meeting at the University with the Hon. the Minister for the University to look specifically at possible co-operation with the University of Tétouan. I have emails which are being prepared for the Minister for Tourism, the Minister for Sport and the Minister for Business setting out the contacts, what they see the possibilities are, and it is now up to them whether they want to follow them up and set their own priorities. It is not that I am going to be dealing with all things Morocco. I want to facilitate, be used as a conduit, but it is for others to do the work.

Hon. D J Bossino: I think he explains how it is going to work, but in terms of the next immediate step, what is the Minister considering?

Hon. Prof. J E Cortes: I think that there are several avenues here, and some of them pertain to my Ministry, Education. In education, there is a great deal of interest in Morocco for teaching in English at all levels from pre-school upwards. English is now considered the main foreign language that they want to teach in Morocco, so I think there are possibilities there. They have a shortage of teachers in English and we have quite a number of teachers, so that is one possibility. The University is another one. They are very interested in research in marine areas and in climate change; the University of Gibraltar does that, and this is what the meeting tomorrow will concentrate on. I have not discussed it in detail yet with my learned friend the Minister for Health, but they have a health faculty; there are nursing degrees here and there may be possibilities there. Those are things that I think could happen fairly quickly in relation to education. There is a lot of interest in promoting tourism both to Gibraltar and also from the UK via Gibraltar to Morocco, the two-centre approach that used to be the case years ago, and I believe that the Ministry for Tourism will shortly be receiving an invitation to an event. There is a delegation of businesses coming to Gibraltar sometime in November, and they would like other people to visit them. So, there are different things happening. I think probably education is going to be the one that we will see develop – education and research – most quickly.

Hon. D J Bossino: Beyond the visits that the Hon. Minister has mentioned in respect of the November visits of business individuals, are there any more visits planned in this direction, from Morocco to here?

Hon. Prof. J E Cortes: Madam Speaker, there is a lot of interest and certainly I know that the President of the University of Tétouan was very keen to visit the Gibraltar University. I know that there is interest from businesses, as I said, but it is in the early stages. We have to wait and see how it develops.

Madam Speaker: Next question.

Q813/2024

Mobile phone usage by students in schools

Assistant Clerk: Question 813. The Hon. the Leader of the Opposition.

Hon. Dr K Azopardi: Madam Speaker, what plans are there to control the use of mobile phones by students in schools?

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Assistant 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, all schools have a strict no phone usage during school hours policy. The policy and approach have been reviewed and continue to be reviewed periodically. Indeed, I visited a school near London earlier this week to study and discuss their approach and experiences, and I also discussed the issue with the UK Minister for Education, Stephen Morgan, on Tuesday, two days ago. I will be discussing the various options that I saw there with the Education team, including the schools, and will make any necessary changes to the policy or its implementation after that.

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Hon. Dr K Azopardi: I am grateful for that indication, but even though there is a 'no mobiles in schools' policy, I think he said 'in all schools – or no use, yes – I am sure the Minister will agree that nowadays, unfortunately, it may be that this is one of the perils. Technology is a great asset, but equally our young children – and everyone, really – are tied to their mobile phones, and so while there might be a general policy, does he agree that in practice that policy might be more ignored than it is adhered to because it is maybe complex to enforce? What I am asking him is not just whether there is a policy that theoretically says there should not be mobile use, but what is the Department doing to try to make sure that that happens? I am sure he will agree with me that that is probably in the interests of the mental health of our children.

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Hon. Prof. J E Cortes: Madam Speaker, it is a huge issue. It is of great concern in the UK and Minister Morgan shared some of his thoughts with me. Mobile phones are not going anywhere, they are not going away, so I think young people have to learn to use them responsibly, but certainly the distraction of having access to them during the school day is something that is of concern. The academy that I visited on Tuesday has seen a significant improvement in performance and a reduction in disciplinary issues in the school since they introduced their very strictly adhered-to policy. They have the Yondr system, whereby the children keep their phones during the day but they are locked away in a pouch which can only be opened by the teacher should the child need to use it in an emergency or should the child be on medication and need to track it or should there be a legitimate educational use for the phone, and there are circumstances where there is, and then the pouches would be unlocked on the way out. This is one system in the UK that was in place in the school that I visited, which has its detractors but is extremely interesting, and we are in touch with the organisation that provides them. This might be a way of allowing the child to take ownership of the responsibility of not using the phone when he or she should not. As I said, I am bringing all that information. It is fresh. I have not shared it with the Department of Education yet. I will be doing that over the next couple of weeks with a view to perhaps firming up on our policy. But we do agree that young people have to learn to use phones responsibly. They are going to be there, they are not going away, but we have to make sure that they are not distracted and that they are not used in a negative way during school.

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Hon. Dr K Azopardi: Following from that, is it perhaps the Government's intention to try out something like that as a pilot project in a particular school, for example? Is that something that might be on the radar for the Minister? Clearly you do not want to jump into the scheme at the

3690 deep end, you want to try it out, and it might be that a pilot project is a useful way forward. Does he agree?

Hon. Prof. J E Cortes: That that may well be the case, but we need the discussion first. There is not just this one, there are a lot of schools in different countries – I think I was told that about 20 or 30 different countries use this system – but there are complications and there are detractors, so I would like to study it in the first instance, and if the Department feels ... Obviously it has to be accepted by the teaching profession as well, but I think that we can work through that. If they feel that this is something we need to try, then a pilot is usually a good way of trying it, but it does not necessarily mean that we will be requiring a pilot. We will have to wait and see. As I said, the House is hearing it first, even before I have been able to discuss it with the officials.

Q875/2024

**Average employee turnover –
Gibraltar Fire and Rescue Service –**

Supplementary question to be asked at next session

Madam Speaker: Before we move on to the next question, I have a note here for supplementaries on behalf of the Hon. Ms Ladislaus for Question 875, but clearly the Hon. the Chief Minister is not in the House. My first question to the hon. Member is were there any supplementaries?

3705 **Hon. J Ladislaus:** There was one, but it is a very brief, by way of clarification, supplementary.

Madam Speaker: In that case and given the fact that the Hon. the Chief Minister is not present, I think the fairest way to deal with that is to allow the Hon. Ms Ladislaus the choice of either putting that one supplementary in writing, or we can take it over to the next session and I will allow you to put it to the Hon. the Chief Minister then, on the understanding that it is one supplementary and we are not going to develop another six or seven during the break.

3715 **Hon. J Ladislaus:** Yes, I would be happy to roll it over, to be honest, to the next session.

Madam Speaker: Next question.

JUSTICE, TRADE AND INDUSTRY

Q855/2024

**RGP –
Community Policing Team; Drugs Squad**

Assistant Clerk: We continue with questions to the Hon. the Minister for Justice, Trade and Industry. Question 855. The Hon. J Ladislaus.

3720 **Hon. J Ladislaus:** Madam Speaker, how many RGP officers currently make up the Community Policing Team?

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

3725 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, I will answer this question together with Question 856.

Clerk: Question 856. The Hon. J Ladislaus.

3730 **Hon. J Ladislaus:** Madam Speaker, can the Government provide the following information pertaining to the RGP's Drug Squad: (i) how many Drugs Squad led operations have been carried out in the last six months; (ii) how many arrests have there been as a result of Drugs Squad led operations in the past six months; and (iii) what is the total amount of drugs which have been seized as a result of Drugs Squad led operations in the past six months, broken down by specific drugs?

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

3740 **Hon. N Feetham:** Madam Speaker answer to 855, at present, there is no Community Policing Team. Arising from the 2022 HM Inspectorate of Constabularies and Fire and Rescue Service Inspection of the RGP, the Command Team instead has been recommended to deploy resources where the highest risk lies. In view of this, the RGP feels it now better understands its demands and accordingly redeploys officers. It is also, in any event, the RGP's view that every officer engages with the community, offering a holistic service that is co-ordinated by the RGP operational lead.

3745 In answer to Question 856, the RGP does not operate a dedicated Drugs Squad. Currently, drugs-led operations are managed by the RGP's Response Team officers and Marine Unit. There have been 89 arrests made as a result of drugs-led operations in the last six months. There has been a total amount of 54.51g of cocaine (Class A) and 180.8g of cannabis resin (Class B) seized as a result of drugs-led operations in the last six months.

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Hon. J Ladislaus: Madam Speaker, firstly, a supplementary on Question 855. In respect of the Community Policing Team and the fact that there are currently none, is it the case that there are none because the RGP simply does not have the resources to have a Community Policing Team and therefore has had to filter officers to other departments?

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3760 **Hon. N Feetham:** Madam Speaker, I believe that the answer to the question is no. I have sat down and discussed this with the Commissioner of Police and the response from the Commissioner is that the RGP's approach to policing is demand-and also risk-based. In other words, the RGP will deploy resources as and where these resources are required. When I have asked the Commissioner whether that means that there is not community policing, the answer is that there is. The fact that there is not a dedicated team does not mean that there is not community policing; the resources are deployed according to the priorities and the risks that are perceived by the Command Team in individual cases. Indeed, the Commissioner has reminded me, when I have had this discussion with him that, as hon. Members opposite will know from news reports, the RGP is and has been over the last year or more been deploying resources in order to meet concerns relating to sexual offences and some of the things that we have seen being reported in the media, and indeed also domestic violence. That is the reply that I have been given when I have discussed this matter with the Commissioner.

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3770 **Hon. J Ladislaus:** Madam Speaker, my understanding is that these community policing officers had three specific roles. They were school liaison officers, community policing and Operation Trojan officers who dealt with anti-social behaviour. That included drug taking, driving offences and thefts in intelligence-identified hotspots. They also covered beach patrols over the summer. Given that incidences of anti-social behaviour appear to be on the rise, wouldn't the Hon. Minister

3775 agree that perhaps the absence of this team is, in fact, having a detrimental impact upon the community?

3780 **Hon. N Feetham:** Mr Speaker, I can tell you from personal ministerial experience that when anti-social behaviour has been reported to me as a constituency MP in relation to those estates for which I am responsible, the RGP has deployed officers immediately upon concerns being raised with them. Is it better, in terms of having officers within the community? Well, the more resources the better, Madam Speaker, but Gibraltar is a small place and there are finite resources, and the resources that are available need to be deployed in the best possible way. Those are operational decisions for the Commissioner of Police. It is not for the Government to tell the Commissioner
3785 how he deploys the resources within the force.

Hon. J Ladislaus: One further supplementary on Question 855. I do not know whether the Hon. the Minister will have this answer in front of him or not, but is the Minister aware whether officers are still being sent into schools, for example, in order to have that contact with children early on?
3790 I think that is crucial in terms of relationship and the way that they will perceive the Police moving forward.

Hon. N Feetham: Madam Speaker, I do not have an answer to that question, but if you give me notice of the question then I am prepared to discuss it with the Commissioner. In fact,
3795 notwithstanding that there is not notice of the question, I can assure the hon. Member that I will be reaching out to the Commissioner to ask him that very question.

Madam Speaker: The Hon. Mr Sacarello.

3800 **Hon. C Sacarello:** Thank you, Madam Speaker. Would the Hon. Minister be willing to work with us on the following, in the sense that, coming back to community policing specifically, recently my colleagues and I visited some Government estates and the levels of vandalism and small-level crime, as well as alleged sales of illicit substances in known apartments are on the rise. This is something which they are struggling with and they are worried about, and they are asking for our
3805 help in trying to get the community police to return, because when there was a relationship there it seemed to be dealt with a lot more efficiently. Now that it is absent, they are finding it a lot harder, so would the Minister be keen on working with us behind the Chair, outside of this, to try to help promote a reduction in crime?

3810 **Hon. N Feetham:** Madam Speaker, the Government has no objection in doing anything which has the effect of reducing crime. If the hon. Member wants to engage with me and my Ministry in relation to any particular initiative, then I would welcome those sort of discussions. I do not believe I can take his statement that crime is on the rise, which I think is what he has said, because I cannot say with any degree of certainty whether crime is on the rise or not in particular estates.
3815 There have been, certainly, offences and allegations of offences being committed in particular estates, and when that has happened and it is brought to my attention I always reach out to the RGP, and the RGP, to my knowledge, make a point of visiting the estates and indeed talking to tenants. That is as much as I think the RGP can do, short of more evidence being provided to them.

I will the hon. Member an example, if I can: the letterboxes in some of the estates. I am not
3820 going to mention one of the estates by name, but if you are on social media, as I believe the hon. Member is, he may be able to determine which estate it is. No matter how much money we spend on repairing post boxes, these are vandalised and it happens regularly. One of the things that the Government is considering in those estates which are worst afflicted by this sort of anti-social behaviour is whether or not we can introduce CCTV to control, or at least have an element of
3825 deterrent. Those discussions with the relevant estate associations continue and hopefully we will be able to do something. But it is very difficult, Madam Speaker. The same with lifts. The

Government spends a huge amount of taxpayer money repairing lifts, and then there is the recurring problem of lifts being broken. I am not sure that the RGP necessarily, through community service work, can do anything about that.

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Hon. C Sacarello: One last one, please?

Madam Speaker: One last one. Brief, because ...

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Hon. C Sacarello: Thank you, Madam Speaker. Just very briefly on the CCTV – it was actually a subject that did come up – this particular estate has CCTV, but the Police do not access it and they have to pay someone to gain access. Perhaps that is somewhere where you can start to ... The point of having CCTV is that you are able to look at it. Would the Minister be able to look into that, too, perhaps?

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Hon. N Feetham: Madam Speaker, if the hon. Member writes to me, obviously I will consider it in the context of discussions with my colleagues in Cabinet. Thank you.

Madam Speaker: Any supplementaries on Question 856?

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Hon. J Ladislaus: Madam Speaker, could the Hon. Minister confirm when the Drugs Squad was dismantled and the reasons behind that? The Drugs Squad has been in existence for a number of years, and to now be told that the Drugs Squad is no longer in existence is quite a surprise.

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Hon. N Feetham: Madam Speaker, I do not have the exact date, but I am sure that I read in some of the information that I was provided with that it certainly has not been disbanded over the last 12 months. I do not have the exact date. I can certainly come back to the hon. Member with the date, but to my knowledge it has not happened over the last 12 months.

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Hon. J Ladislaus: I am grateful for that indication, but what is the reason behind that? The Drugs Squad surely play a central role, particularly with the issues that we have had with drugs in Gibraltar.

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Hon. N Feetham: Madam Speaker, let me make it absolutely clear that ... nor can there be any suggestion that the RGP does not investigate and pursue drug offences. It needs to be absolutely clear to this House that that is not the case. When I have engaged with the Commissioner – in fact, I have had that discussion with the Commissioner as a result of the question that was tabled in this House – and asked the very specific question, ‘Does this mean that the RGP is not deploying resources in this area, given the detriment to society that drugs cause and that action needs to be taken where appropriate?’ the Commissioner has reassured me categorically that resources are deployed, that there are lead officers who investigate drugs, and indeed any reports of drugs offences are pursued by the RGP. The difference is that what you do not have is just a dedicated unit set up for that purpose, because officers could be involved one day in investigating an allegation of a drugs offence and the following month they could be investigating a sexual offence or domestic violence.

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Hon. J Ladislaus: Madam Speaker, just for clarification, for *Hansard*, nobody is suggesting that the RGP are not looking into these offences. The contrary is, in fact, the case: they do, and they do so diligently a lot of the time. Nevertheless, what I am suggesting is that perhaps they are very much under-resourced and therefore are unable to keep this unit together, and that they have been for some time. I would therefore ask whether the Hon. Minister could clarify whether the reason for the disbanding of that particular unit is because they are under-resourced.

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3880 **Hon. N Feetham:** Madam Speaker, we have provided resources to the RGP over the last 12 months. Are more resources necessary? Of course you can make a case for more resources. We have had two recruitment batches of officers. We have given commitments to the RGP, of which I have informed the House before, that the number of officers should not fall below the complement level and in fact it should be above the complement level. So, we as a Government support the RGP and we have provided the RGP with resources whenever those resources have
3885 been requested. As I have said in the answer to the question, it is for the RGP to decide what its priorities are, and that is an operational decision for the Commissioner of Police. It is not a decision for a Minister, nor indeed for any hon. Member in this House.

3890 **Hon. Dr K Azopardi:** Of course, it is not an operational matter on which we are asking the Minister to get involved. We are asking does he know the rationale, because we are just not understanding it. The answer he has given is that he does not think it is a resources issue, but we want to understand the rationale. In his discussions, is he aware of the rationale? The explanation he has given is that sometimes they can be pursuing an investigation in drugs and then be doing a different crime, but from my interface with the Police and from doing cases at the criminal Bar,
3895 that has never been my experience before; it was always that they had a Drugs Squad. They have a special unit to deal with sexual victims and they have a traffic department because different areas require different specialisation. It is not the case – at least, it was not the case before – that someone who is a specialist officer in sexual crime investigation would ordinarily be perhaps posted to pursue drugs issues, and Drugs Squad officers would give evidence in criminal cases
3900 because they had particular expertise. We are just not understanding. Is the Minister aware ...? And if he has not aware, perhaps in his meetings with the Police would he endeavour to get an explanation on the rationale of it so that on this side of the House we can be informed, if it is not a resources issue, of the thinking on why, in running a modern police, that is no longer the way to run it.

3905 **Hon. N Feetham:** Madam Speaker, I refer the hon. Member to my previous reply.

Madam Speaker: Next question.

Q857-58/2024
RGP Dogs Section –
Kennels

3910 **Assistant Clerk:** Question 857. The Hon. J Ladislaus.

Hon. J Ladislaus: How long were the police dogs that form part of the RGP's Dogs Section housed at the kennels situated at Building 209, British Lines, before being transferred to kennels situated near the land Frontier?

3915 **Assistant 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 this question together with Question 858.

3920 **Clerk:** Question 858. The Hon. J Ladislaus.

Hon. J Ladislaus: What was the total cost of the refurbishments carried out to Building 209, British Lines as regards the kennels for the RGP's Dogs Section?

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

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Hon. N Feetham: Madam Speaker, the police dogs were never housed at the kennels situated at Building 209, as the unit was disbanded by the RGP at their own discretion before the completion of the works.

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The total cost of the refurbishments carried out to Building 209 as regards the kennels for the Dogs Section, which had been carried out at the specific request of the RGP, was £221,544.41.

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Hon. J Ladislaus: Madam Speaker, I am very grateful for that answer, but just for clarification, am I correct in my understanding that the Hon. Minister has just said that the dogs were not housed there? The works were carried out in respect of moving the dogs in, but the dogs were never actually moved in, and the cost was £221,544 – am I correct in my understanding?

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Hon. N Feetham: You are absolutely correct. That is exactly the answer that I have given you. Absolutely, yes. Just to restate the answer, if you want me to restate it, they were never housed in the kennel and the cost was a substantial cost. That was an operational decision by the RGP, it was not a decision by the Government, so nobody on the opposite side of the House can accuse the Government of mispending any money. This was money that was spent by the Commissioner – the then Commissioner, I must say. If I can perhaps give a little bit more background, because the information has been provided to me as supplementary information, I have been told that this substantial amount of money was spent by the ex-Commissioner – I will not name the Commissioner; it is not necessary for me to do so – but when the current Command Team undertook a strategic demand assessment and an organisational risk assessment on the unit, it was deemed – and I am quoting – ‘that the RGP Dogs Section provided no real value to policing’. Madam Speaker, that is the information that I have been given. Maybe that partly explains why we do not have the Drugs Squad unit as well. These are decisions which are taken by the RGP.

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Hon. J Ladislaus: Madam Speaker, can the Hon. Minister clarify what Building 209 is now being used for, given that obviously refurbishments have taken place?

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Hon. N Feetham: Indeed, Madam Speaker, the RGP currently uses Building 209 to house its recruitment, training and performance department, with facilities to train new recruits. They also use the building for the Professional Standards and Anti-Corruption Unit, to allow them to be housed independently from New Mole House. The RGP Firearms Training Team also shares the building with officers, training spaces and other facilities at the location, and will finalise a full move to the building in coming weeks.

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Hon. J Ladislaus: Madam Speaker, my understanding is that the Dogs Section is still in existence, except that it has moved down to kennels situated near the land Frontier. Can the Hon. Minister confirm whether that is correct?

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Hon. N Feetham: Madam Speaker, the RGP currently has no dog unit and no dogs, owing to the previously mentioned strategic demands assessment.

Madam Speaker: The Hon. Leader of the Opposition.

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Hon. Dr K Azopardi: So, Building 209 is used to house a number of things, amongst which I think the hon. Member said the RGP Anti-Corruption Unit. So, according to the RGP, there is more of a corruption problem than there is a drugs problem in Gibraltar?

3975 **Hon. N Feetham:** Madam Speaker, I cannot answer that question. That is a question for the RGP; it is certainly not a question for me to answer. I cannot answer on behalf of the Commissioner unless I put the question to the Commissioner. I am happy to put the question to him.

3980 **Hon. Dr K Azopardi:** Well, it is just that they have disbanded the Drugs Squad but they have not disbanded the Anti-Corruption Unit. It was a very curious analogy, given the explanation the Hon. Minister gave earlier. Perhaps he wants to find out what the rationale is and not refer me to his previous answer, because this is a new question.

3985 **Hon. N Feetham:** Mr Speaker, if the hon. Member gives notice of the question, I will be happy to refer the question to the Commissioner of Police, and I will come to the House with an answer.

Madam Speaker: Next question.

3990 **Hon. J Ladislaus:** Madam Speaker, I have one more.

Madam Speaker: I am going to move on. We have had too many supplementaries on this one.

Q859-60/2024
Income and Company Tax –
Amounts collected in September 2024

Assistant Clerk: Question 859. The Hon. R M Clinton.

3995 **Hon. R M Clinton:** Can the Government advise the amount of Company Tax collected in September 2024??

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

4000 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, I will answer this question together with Question 860.

Assistant Clerk: Question 860. The Hon. R M Clinton.

4005 **Hon. R M Clinton:** Can the Government advise the amount of Income Tax collected in September 2024?

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

4010 **Hon. N Feetham:** Madam Speaker, the amount of Company Tax collected for the month of September 2024 is £80.5 million.

The amount of Income Tax collected for the month of September 2024 is £20.06 million.

Madam Speaker: Next question.

Q861/2024

**Income Tax refunds –
Complaints re use of incorrect bank accounts**

Assistant Clerk: Question 861. The Hon. R M Clinton.

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Hon. R M Clinton: Madam Speaker, can the Government advise if the Income Tax Office has received any complaints in the last six months about tax refunds being sent to the wrong bank accounts?

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

Minister for Justice, Trade and Industry (Hon. N Feetham): Madam Speaker, the Income Tax Office has not received any complaints in the last six months regarding tax refunds being sent to the wrong bank accounts.

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Madam Speaker: Any supplementaries? Next question.

Q862-64/2024

**Travel scheme for eligible elderly resident citizens –
Numbers registered by age group; total setup and administration costs;
costs re reimbursement of medical expenses**

Assistant Clerk: Question 862. The Hon. the Leader of the Opposition.

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Hon. Dr K Azopardi: Madam Speaker, how many persons have registered for or been admitted within the scope of the travel scheme for eligible elderly resident citizens, broken down into the following age groups: (1) 60-70 years; (2) 71-80 years; (3) 81-90 years; (4) over 90 years?

Assistant 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, I will answer this question together with Questions 863 and 864.

Assistant Clerk: Question 863. The Hon. the Leader of the Opposition.

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Hon. Dr K Azopardi: What has been the cost of the travel scheme for eligible elderly resident citizens from its inception to 15th October 2024 in terms of cost of the establishment of the scheme or its administrative or other costs?

Assistant Clerk: Question 864. The Hon. the Leader of the Opposition.

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Hon. N Feetham: Madam Speaker, I will – Sorry, apologies.

Hon. Dr K Azopardi: Not yet.

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Hon. N Feetham: I am on automatic pilot. Apologies, Madam Speaker.

Hon. Dr K Azopardi: What is the overall cost of reimbursement of medical expenses under the travel scheme for eligible elderly resident citizens from inception to 15th October 2024?

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

4055 **Hon. N Feetham:** Madam Speaker, the number of persons registered under the travel scheme for elderly residents citizens are as follows: 60-70 years, 1,126; 71-80 years, 1,358; 81-90 years, 512; over 90 years, 38.

4060 The setup, administrative and other costs of the travel scheme from its inception to 15th October 2024 is £125,000. This includes the initial setup cost of the GoG cell, the cell share capital and the cell insurance premium.

The overall cost of reimbursement of medical expenses under the travel scheme from its inception to 15th October 2024 is £63.82.

4065 Madam Speaker, I am sure the hon. Member opposite will want to take the opportunity to congratulate the GSLP Liberal Government on the success of this scheme. I could not help that.

Madam Speaker: Any supplementaries?

4070 **Hon. R M Clinton:** Madam Speaker, I know I have asked the Hon. Minister this before, as to the rationale for using a cell structure. As ultimately this is a self-insured government scheme, he does not need to go out and incorporate a protected cell or whatever. I understand he told the House that this was to set up some kind of history, but I have just heard him say that the £125,000 cost included something he described as an insurance premium. Can he advise the House what he means by 'insurance premium'? Is he buying reinsurance? Just for clarity.

4075 **Hon. N Feetham:** Madam Speaker, the words 'insurance premium' mean exactly that. If you have a cell captive and you have a policy, an insurance contract, to support the risk which the underwriting vehicle is underwriting, you pay a premium for the underwriter, in this case White Rock Insurance through the GoG cell, underwriting the very policy that I have explained in this
4080 House exists in order to support the scheme. It is a premium which is paid as part of the insurance policy that underwrites the risk through these arrangements.

4085 **Hon. R M Clinton:** Madam Speaker, I may have misunderstood when he first announced the scheme, but I understood this was a scheme that was entirely insured by the Government. Is he telling the House that he actually has got cover for this scheme? The whole idea was that no one would insure this category of individuals, given their age. Is he telling the House that this cell has actually managed to obtain cover, to cover these sorts of individuals? It flies against the rationale in saying, when he first introduced the scheme, that it was effectively the Government that was footing the cost of the travel scheme.

4090 **Hon. N Feetham:** Madam Speaker, the position is as I have explained it in this House. I have explained it through a ministerial statement, we have explained it through press releases –
(*Interjection by Hon. R M Clinton*) But it is very simple. The position has not changed. There is a scheme. The Government has obtained an insurance policy to underwrite the risk which the
4095 Government takes in terms of the scheme which the Government is setting up. The policy is not being issued to any individual. We have stated and restated that position in this House. This is not a policy that underwrites anything other than the Government's own risk under the scheme. Nothing has changed, Madam Speaker.

4100 **Madam Speaker:** Next question.

INWARD INVESTMENT AND THE GIBRALTAR SAVINGS BANK

Q865-66/2024

**Public debt; General Sinking Fund balance –
Figures at 1st September 2024**

Clerk: Questions to the Hon. the Minister for Inward Investment and the Gibraltar Savings Bank. Question 865. The Hon. R M Clinton.

4105 **Hon. R M Clinton:** Madam Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Funds to gross debt, cash reserves and net debt figures for public debt for the following date: 1st September 2024?

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

4110 **Minister for Inward Investment and the Gibraltar Savings Bank (Hon. Sir J J Bossano):** Madam Speaker, I will answer this question with Question 866.

Clerk: Question 866. The Hon. R M Clinton.

4115 **Hon. R M Clinton:** Can the Government advise the balance on the General Sinking Fund on the following date: 1st September 2024?

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

4120 **Hon. Sir J J Bossano:** Madam Speaker, the gross debt, aggregate debt and General Sinking Fund on the date requested were the same as has been previously provided.
The cash reserves net debt for the month requested were £62.7 million cash reserves and net debt of £791.6 million.

4125 **Madam Speaker:** Next question.

Q867-68/2024

**Rooke site residential home –
Ownership and management**

Clerk: Question 867. The Hon. D J Bossino.

4130 **Hon. D J Bossino:** Has the residential home at the Rooke site been sold or is there an agreement in principle to sell and/or manage it; and, if so, to whom?

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

4135 **Minister for Inward Investment and the Gibraltar Savings Bank (Hon. Sir J J Bossano):** Madam Speaker, I will answer this question with Question 868.

Clerk: Question 868. The Hon. D J Bossino.

4140 **Hon. D J Bossino:** Has the company to manage the residential home at the Rooke site been appointed; and, if so, please provide details of the name of the company and the value of the contract.

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

4145 **Hon. Sir J J Bossano:** Madam Speaker, there has been no change in the ownership of the Rooke building, and no decision on the management of the facility has been taken.

4150 **Hon. D J Bossino:** Is the Hon. Minister able to advise this House, in respect of both questions, when he expects the sale and then the management issues to be resolved so that the hon. Member will be in a position to provide information to this House?

Hon. Sir J J Bossano: No, Madam Speaker.

4155 **Hon. D J Bossino:** Some things never change. Why is the answer in the negative? Is he able to provide any further information as to why he cannot provide this information, at least as to when he expects these things will be happening?

Hon. Sir J J Bossano: Because I do not have a crystal ball that permits me to do it, Madam Speaker.

4160 **Hon. D J Bossino:** In a further attempt to try and elucidate some information from the Hon. Minister, is he able to at least say whether he is in negotiations in respect of a sale, and indeed in respect of the identification of a company to manage the site?

4165 **Hon. Sir J J Bossano:** Madam Speaker, the answer is I am not in any negotiation.

Hon. D J Bossino: Does that reply apply to both the sale and the management of the site? I asked questions which impacted on both those aspects.

4170 **Hon. Sir J J Bossano:** Yes, Madam Speaker, it applies to both.

4175 **Hon. D J Bossino:** Has the Minister come to a decision in relation to both these aspects? If the Hon. Minister is not engaged even in negotiations, is it because he has decided that he neither wants to sell nor have the site managed by another entity other than the Government? What are the plans? Is he able to provide information as to what the current plans are in relation to the Rooke site? There does not seem to be much movement as far as this development is concerned.

Hon. Sir J J Bossano: I refer the hon. Member to my original answer.

4180 **Madam Speaker:** The Hon. Mr Clinton had a question.

Hon. R M Clinton: Madam Speaker, I am grateful. Could the Minister just confirm to the House, when he said there is no change in ownership, our understanding that the current owner then would be Community Supplies and Services Ltd?

4185 **Hon. Sir J J Bossano:** I think the property may be in Rooke Holdings, but they are all part of the same entity.

Madam Speaker: One last supplementary.

4190 **Hon. D J Bossino:** It follows on from what my hon. Friend has asked. Can he provide further information? If the hon. Minister does not have the information available, then we may be able to ask a question at the next session. Is he able to provide details as to ...? The hon. Member makes a distinction between the ownership of the building – I think he mentions Rooke Holdings and that it forms part of the same ... I cannot remember which word he used – structure? Can he provide
4195 further information as to which company owns what? Why is a distinction being made in respect of one asset and the other? Is a distinction being made between the land and the building? Is that understanding correct?

Hon. Sir J J Bossano: Madam Speaker, these are not Government companies.

4200 **Madam Speaker:** Next question.

Questions for Written Answer

Clerk: Answers to Written Questions. The Hon. the Minister for Education, the Environment and Climate Change.

4205 **Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes):** Madam Speaker, I have the honour to table the answers to Written Questions W124/2024 to W142/2024 inclusive.

Procedural – Questions 869 and 870 to be asked at the next sitting or answered in writing

Hon. Dr K Azopardi: Madam Speaker, sorry, if I may?

4210 **Madam Speaker:** Yes?

Hon. Dr K Azopardi: There are still two questions on the Order Paper, listed as Questions 869 and 870, that have not been dealt with. I am not sure if the intention is –

4215 **Madam Speaker:** I have not got them before me. Those are questions for the Hon. the Deputy Chief Minister, who is not in the Chamber, so the usual rule applies.

Hon. Dr K Azopardi: That is fine, Madam Speaker, as long as we understand that and we do not miss it. Sometimes when Ministers have not been here, they just have not been listed, so that
4220 is fine, as long as we understand that we will be given the option to roll them over or get them in writing.

Madam Speaker: That is right.

**Forms of address to be used by Members –
Reiteration of earlier ruling**

Adjournment

Minister for Education, the Environment and Climate Change (Hon. Prof. J E Cortes): Madam Speaker, we have been here for approximately six and a half hours – I am sure hours of enjoyment for those watching from home. I believe this is the latest we have sat since the last general election, or at least one of the latest, and I am not sure whether I am expected to apologise for that, but with thanks to you and your staff for your patience in hearing us out tonight, I have the honour to move that this House do now adjourn *sine die*.

Madam Speaker: Before I propose the question, many comments have been made during the course of yesterday's and this sitting on the movement of my pen, with hon. Members speculating that I was recording ... let's call it infractions. I was not just doing that, I was recording other things, but hon. Members are perfectly correct that I was. Just to put things into context, I am going to keep repeating this until we get to a level where I feel that the correct forms of address are being used. By way of illustration, regarding failures to prefix address with 'the Hon.' – I am not looking at anyone in particular yet, but the time may come where I may have to – there were 10 by one Opposition Member. 'You' – and this is a matter which I am going to insist on more particularly than others – was used once by one Government Minister, five times by another Government Minister, and three times by another Government Minister. 'He', 'she', 'him' and 'her' were used inappropriately 11 times by an Opposition Member and 17 times by another Opposition Member. There were numerous references to Government Ministers as hon. Members and not Ministers. I reiterate that I ask all Members to refresh their minds with the ruling that I gave at the beginning of this session. I would rather not have to do it again at the next session, and I would rather not have to interrupt hon. Members specifically, but if it comes to that, I shall need to do so. That is my farewell parting to you all until the next session.

I now propose the question, which is that this House do now 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 9.25 p.m.