



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 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.

55 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
325 company or Government agency has given any loans to Gibdock Ltd, its parent company or 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.

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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.

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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.

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.

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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*)

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Madam Speaker: A question?

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 mind 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.

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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. 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. Minister with responsibility for this particular area had absolutely nothing to do with the complement of factories inspectors.

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Madam Speaker: Next question.

Hon. D J Bossino: Madam Speaker, with the greatest respect, the hon. Minister has not answered the question.

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Madam Speaker: Next question.

Clerk: Question 727.

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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.

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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.

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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.

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2455 **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 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.

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?

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.

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.

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
3130 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.

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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 Wednesdays, the main central area and east side pavement; and again, on Thursdays, the main central area and north side of the square.

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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 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.

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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 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?

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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 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 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.

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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.

3390 **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.

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 it 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.

Hon. J Ladislaus: Yes, I would be happy to roll it over, to be honest, to the next session.

3715 **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.

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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.

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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.

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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?

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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.

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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 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.

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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.

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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 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.

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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

4225 **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*.

4230

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.

4245

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.

4250

This House will now adjourn *sine die*.

The House adjourned at 9.25 p.m.