



# PROCEEDINGS OF THE GIBRALTAR PARLIAMENT

**AFTERNOON SESSION: 3.02 p.m. – 6.55 p.m.**

**Gibraltar, Thursday, 25th January 2024**

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# The Gibraltar Parliament

*The Parliament met at 3.02 p.m.*

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

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

## Questions for Oral Answer

**CHIEF MINISTER**

**Q78-80/2024**

**Government-owned commercial premises –  
Number of lettings and advantages to taxpayer**

**Clerk:** Meeting of Parliament, Thursday, 25th January 2024.

Order of Proceedings: Answers to Oral Questions continued. Questions to the Hon. the Chief Minister.

Question 78. The Hon. C Sacarello.

5

**Hon. C Sacarello:** How many government-owned premises are commercially let to the public?

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

10 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I will answer this question together with Questions 79 and 80.

**Clerk:** Question 79. The Hon. C Sacarello.

15 **Hon. C Sacarello:** How many government-owned commercially let premises have leases allowing the subletting of said premises, and what percentage of the whole does this comprise?

**Clerk:** Question 80. The Hon. C Sacarello.

20 **Hon. C Sacarello:** What advantage does allowing the subletting of government-owned commercial premises bring the taxpayer?

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

25 **Hon. Chief Minister:** Madam Speaker, there are approximately 385 commercial leases being granted directly from the Crown or other government wholly owned companies.

Government-owned commercially let premises do not allow for any subletting. This is only allowed where a tenant has paid a premium for a long-term lease.

30 Allowing subletting on commercial leases gives the leases additional value, resulting in Government being able to command, therefore, a higher premium or rental.

**Hon. C Sacarello:** Madam Speaker, I would like to thank the Hon. Chief Minister for his reply. Would the Chief Minister be able to explain what level of premium the Government is asking, on average, per property, and the terms of the lease when he refers to a long lease?

35 **Hon. Chief Minister:** No, Madam Speaker, because it would be the subject of a question that would have to be specific for me to be able to give the hon. Gentleman the average value of 385 leases – some of which will date back many years – to give him a real average value. We would then have to upgrade the value of money in respect of each of those leases. Then the average  
40 would, of course, be affected by the fact that the value of land in Gibraltar will have changed over that period. Therefore, the average would be meaningless. In any event, I cannot give him the number today. If he were to ask specifically, subject to all of those caveats, it might be possible, but probably beyond that which we would consider to be a meaningful use of government time to go back and calculate the value of each of the 385 leases as at today's money and divide by  
45 385. It would not produce a meaningful statistic. That is why I cannot give him that.

In terms of the terms of the leases, again, these leases will come from different times. The hon. Gentleman knows, or should know, that government leases change. In other words, there is a form of government lease which is in place for a number of years, or a number of decades, and then – for example, when there is litigation which leads to a suggestion that the Government  
50 would better protect the taxpayer's interest by changing the terms of a lease – there is a different form of lease. If the hon. Gentleman is interested in seeing the standard term of lease of the Government – although I am sure that those of his colleagues who are in the legal profession would be able to oblige him; indeed, it is public that such leases are available and there is a register of those leases, and the hon. Gentleman could search one – I am very happy to provide to him the  
55 current standard term of lease that the Government provides to those who enter into these leases with the Government. I do not think it will be materially helpful to him; it will only show him the standard terms of a Government lease.

**Hon. C Sacarello:** Madam Speaker, thank you very much to the Hon. Chief Minister for that  
60 detail. Of course, at no point was I looking to try to ascertain the exact details of 385 leases in this course of Parliament, nor would I wish to indulge myself by getting the Civil Service to waste their time.

My question relates to whether this provides good value for money for the taxpayer. We have heard of cases where people are sitting at home and charging two or three times the amount they  
65 actually pay for the lease, whilst bona fide entrepreneurs cannot find good, competitive prices with which to start their businesses, some of which would be available if these government-run properties were available. And so my question is: would the Government look into cases of this practice being carried out and look at when the leases are being renewed, to remove this particular clause and stop this? It does not make sense for the taxpayer, to have people benefiting  
70 from a salary earned by simply sitting at home and subletting government-owned properties whilst people who are genuinely looking to develop their businesses are unable to do so.

**Hon. Chief Minister:** Madam Speaker, let me start from the beginning of what the hon. Gentleman has said, if I may. The hon. Gentleman said that he was not seeking to find the average  
75 value of the 385 leases that I referred to, and certainly not to indulge himself in seeking that statistic; yet, unless the hon. Gentleman does not know what 'the average' means ... It can only be worked out by dividing the total value of each of those leases by 385. I take it from him, given that he is remonstrating from a sedentary position, that he just did not understand what he was asking when he was suggesting that he wanted an average, or that he does now understand what  
80 he was asking and now resiles from it, which is perfectly acceptable and there is absolutely no

difficulty in him resiling from the question that he put, once he realised that it would not be possible for me to answer the question.

He then goes on to ask me whether we think it is good value for the taxpayer that there are instances where individuals are sitting at home and charging rent. Well, sitting at home and charging rent means being a landlord, in effect. There are many different types of businesses in Gibraltar. The hon. Gentleman appears to be making representations on behalf of the sort of business that he runs, or used to run – I am not sure which is the correct definition – and that is the business of a wholesale retail entrepreneur. That is a legitimate presentation of the arguments of those in that business. It is equally true that there are many who have spent a lot of time, hard work and effort building up a portfolio of property. In some instances that property will, at some stage, have come from them operating a business from government premises where they have worked very hard entrepreneurially – just like those he purports to now represent in the retail and wholesale trade – have paid off their premium to the Government or are still paying a premium or rent to the Government and are subletting because the premium that they paid to, in most instances, if I may say so given the nature of what we are talking about, another administration, not this administration ... They are now acting as a landlord and their business and their income are derived from that. Both are legitimate, and there is no illegitimacy in the context of somebody who has paid a premium and the Government and taxpayer have received a premium which is uprated to permit that possibility of subletting right at the time that it was done. A lease done in the 1960s would not have attracted the premium that will be attracted by a lease done in 2011 to 2023, but it is still being paid for with certain rights.

The hon. Gentleman is saying, ‘When you review, will you commit to undoing those clauses?’ I would venture to suggest that there is a constitutional issue there and that the person who is sitting at home charging rent would defeat the Government in those circumstances in the Supreme Court on the simple basis that they have a right to their property, which they have paid for. A lease is property, as the Supreme Court found some years ago in the context of a case that dealt with similar issues relating to landlords.

So, although in the idealistic world which the hon. Gentleman appears to want to inhabit for the purposes, at least, of putting his question, all of this might sound very good, it might come up against other rights: the Constitution and the reality that those sitting at home and charging rent are actually also people who have paid for a lease and have worked to do so. And so, Madam Speaker, the hon. Gentleman will forgive me for not agreeing with the premise that we should renew those leases and change those clauses, as he suggests.

**Hon. D J Bossino:** Madam Speaker, I am not sure whether the hon. Member was maybe too taxing in terms of volume, or if maybe he has information available to him. He mentioned that the Government in itself rents out properties but also government-owned companies. Is he able to provide a list of which government-owned companies enter into these arrangements?

**Hon. Chief Minister:** Madam Speaker, as I understand it, the list is as follows: Gibraltar Commercial Property Company Ltd.

**Madam Speaker:** Next question.

**Q81/2024**  
**Import Duty –**  
**Amount collected from April to December 2023**

**Clerk:** Question 81. The Hon. R M Clinton.

**Hon. R M Clinton:** Madam Speaker, can the Government advise the amount of Import Duty collected for each month from April 2023 to December 2023 inclusive?

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

**Chief Minister (Hon. F R Picardo):** Yes, Madam Speaker. I will now hand the hon. Gentleman a schedule with the information requested.

**Answer to Question 81/2024**

MONTH (2023)	IMPORT DUTY COLLECTED (£)
APRIL	8,122,243.82
MAY	4,628,515.28
JUNE	13,260,868.54
JULY	6,094,674.64
AUGUST	6,242,028.08
SEPTEMBER	6,453,402.26
OCTOBER	8,780,888.37
NOVEMBER	10,048,075.95
DECEMBER	7,514,342.03

**Madam Speaker:** Would the hon. Member like some time to consider that? We will move on to the next question and then come back to you.

**Q82/2024**  
**Blockchain –**  
**Streamlining of government process**

**Clerk:** Question 82. The Hon. R M Clinton.

**Hon. R M Clinton:** Madam Speaker, can the Government advise if it is still engaged in the use of blockchain technology to streamline government process, as announced on 7th December 2021 in Press Release 912/2021?

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

**Chief Minister (Hon. F R Picardo):** Yes, ma'am.

**Hon. R M Clinton:** Madam Speaker, I am grateful to the Chief Minister for his answer. Can he advise what particular areas the DLT blockchain technology is being used in? And, if I may – I do not know if he has the information with him – did the Government receive the \$½ million bitcoin equivalent donation from Bitso?

**Hon. Chief Minister:** Madam Speaker, I understand this matter deals, in particular, with something called the self-sovereign ID. I would need specific notice of the question that Bitso did, at the time, make the contribution that was announced as being made. If the hon. Gentleman wants to have that on the record and properly confirmed, I would need specific notice of the

155 question, given that that is, in effect, to ask me about what is set out in a government press release.

The Government's view is that blockchain technology can affect all of the processes of the Government positively and is something that can be rolled out in respect of different aspects of what the Government does at different times.

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**Madam Speaker:** Next question.

**Q83/2024**

**Former Social Security building –  
Update**

**Clerk:** Question 83. The Hon. D J Bossino.

165 **Hon. D J Bossino:** Please provide an update as regards the former Social Security building at Governor's Parade.

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

170 **Chief Minister (Hon. F R Picardo):** Madam Speaker, the former Social Security building at Governor's Parade has been vacated, with staff relocated to offices at New Harbours. ITLD and Care Agency staff, who are also based at Governor's Parade, will be relocated to new offices during the course of this year. The Government will make an announcement regarding its plans for the entire site in due course.

175 **Hon. D J Bossino:** Can he expand in relation to the last bit of his answer? When I asked a question in May 2022, we had a very similar reply from the Hon. Sir Joe Bossano. He provided an explanation that no decision had been taken and it was a question of deciding whether the costs of repair versus ... The possibility of putting it out for expressions of interest was being considered, so that a private concern presumably would purchase the building. Is he able to expand any  
180 further as to what the Government's intentions currently are?

**Hon. Chief Minister:** Madam Speaker, if I had any intention of doing so, the last phrase would have been to tell him exactly that. In fact, the last phrase is that the Government will make an announcement regarding its plans for the entire area in due course. I refer the hon. Gentleman to  
185 that answer that I gave a few moments ago.

**Hon. D J Bossino:** He knows what I am trying to do: I am trying to elicit from him what the Government's plans are in relation to the building. Does it have a view? It seems that the reply that I obtained from the Government, in the shape of Sir Joe Bossano, in May 2022 was much  
190 more open and transparent in terms of the answer. I simply wanted to understand what the Government's current intentions are, but if he is not able to do so, and he is basically presenting a brick wall in relation to his answer, so be it.

Can he advise when the civil servants of the two Departments – I think he mentioned ITLD and the Care Agency – are expected to move? Can he be more precise in relation to that?

195

**Hon. Chief Minister:** Madam Speaker, there is absolutely no brick wall at all. The hon. Gentleman had an answer from the Hon. Sir Joe Bossano in answer to Question 166/2022, which is reflected on line 2935 on page 69 of the *Hansard* for 19th May 2022, which said we were making an assessment of whether it would make sense to repair or whether it would make sense to sell.

200 Then he went on, himself, to take that assessment, which he said was transparent ... Of course, the fact that they are now saying that Joe Bossano is transparent and I am the brick wall means nothing to them, having said the complete opposite, some months ago.

He went on, on 13th July 2023, in his contribution during the course of the Budget debate, to say:

This is a Government which is capable of allowing government assets such as the ex-Social Security building at Governor's Parade to lie empty, yet rent government office space from the private sector at places such as the Bassadone building at New Harbours. (*Interjection*) It is an utterly shameful waste of government resources that this should be happening. Why did the Government not foresee the need for office space in the first place?

205 He is absolutely right, in the lengthy preamble to his question, to say that I know exactly what he is trying to do. He is trying to give substance to a premise that he set out during the course of the Budget debate just under a year ago – which substance is absolutely wrong and to which he had a reply from me during the course of my Budget reply and which I will not indulge further –  
210 by simply trying to open a window into our mind's eye of what we might think is the right thing to do with this building once it is completely empty and once we have had the advice from our land property agents as to what would be the best use of this building for the taxpayer.

We will be entirely transparent as to what we do. That is what we are doing: we are making those assessments. We cannot say more at this stage. When we are ready to say more, we will say more. If we were to say more at this stage, it would be to sit here and ruminate with him in  
215 conversation as to what might potentially be the use to which we could best put this building. That is not what Question Time is about, and those are not the sorts of answers that the Government should give. We should give definite answers when we know what we are going to do. Otherwise, we should say we will make an announcement when we are ready.

220 He asked me a second supplementary during the course of that supplementary, too, which was when I thought that ITLD and the Care Agency would be moving. Again, we said during the course of this year and I refer the hon. Gentleman to that part of my answer which I gave a few moments ago.

**Madam Speaker:** Next question.

#### Q84/2024

#### Depositing and removal of construction rubble – Update

225 **Clerk:** Question 84. The Hon. D J Bossino.

**Hon. D J Bossino:** Please provide an update with regard to the arrangements impacting on the depositing and removal of construction rubble.

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

**Chief Minister (Hon. F R Picardo):** Madam Speaker, the situation concerning construction rubble is that we are awaiting the authorisations from the receiving country for rubble to be exported – that is to say to Spain. The Government has also put the following provisions in place.

235 Small accumulations of household rubble can be taken by small contractors to the civic amenity site in Europa Advance Road. I think there was a press release on that.



Large development projects such as Hassan Centenary Terraces, Bob Peliza Mews and Chatham Mews have their rubble being deposited at the Coaling Island site. That is the Government taking its own rubble to its own site.

240 There are three waste exporters which can receive rubble, at a cost, from other construction sites. Those are Metalrock, Monteverde and Medmarine.

**Hon. D J Bossino:** Is the Hon. the Chief Minister able to expand slightly on that, in terms of the current state of play in relation to Spain? The replies that I am sure he will have with him as part  
245 of his preparation, in terms of the anticipated possible supplementaries to this question ... The last exchange, I think, in relation to this matter was when I asked questions of the Hon. Minister Cortes back in May 2023, and he talked about the TFSs. Is he able to provide any further information on whether we have a crystallisation of the position in relation to that?

250 **Hon. Chief Minister:** Madam Speaker, let me be abundantly clear, not for the purposes of the hon. Gentleman but for the purposes of anybody who might be watching: construction rubble is not considered a problem by the Government of Gibraltar, it is considered an asset.

Rubble is something that has to be disposed of by those who need the site for the purposes of doing a development, but in the hands of the Government of Gibraltar it is an opportunity to  
255 create more land, whether it is inside or outside the harbour. The Government is not going to lose one moment's sleep over whether or not rubble can go to Spain, because if rubble does not go to Spain, rubble will be used to create more land for the people of Gibraltar, as Joe Bossano said in his first Budget address in 1988 – the one when the Financial Secretary said, 'I am not going to say much: I will hand over to buana,' and buana got up and said, 'Gibraltar has two key resources, its  
260 land and its people,' and then went on to demonstrate just how its land could expand.

Anyone who thinks that they are causing a problem for the people of Gibraltar by not allowing its rubble to be exported forgets that rubble means land for the future of Gibraltar, inside the harbour or outside.

265 **Hon. D J Bossino:** That is all very well and good, Madam Speaker, and indeed I think that is the reason why Sir Joe Bossano is always very keen to talk about the sectors as opposed to the pillars of our economy, the pillars being our land and our people. I think that was the rationalisation behind that nomenclature.

That was a history lesson, and I think the Hon. Sir Joe Bossano was absolutely correct when he  
270 talked about those being our prime resources given the size of the place and the nature of it, but he has not really answered the question. Aside from the things he has just said, is he able to state, as far as that discrete issue is concerned, about the transfer permits which have been enjoyed in the past, but which, I assume as a result of Brexit, we no longer enjoy ... I was told that there was a possibility, by implication, that that could be resolved outside of the current negotiations with  
275 Spain and the EU. Is he able to expand further in relation to that?

**Hon. Chief Minister:** Madam Speaker, I do not think that it is a matter of me not having answered the question. I think, with respect to the hon. Gentleman, who knows I have great affection for him, it is a question of him not having understood the answer that I gave to the  
280 question.

This is not a history lesson. Simply referring to what Joe Bossano said in 1988 does not mean it is a history lesson. This is about where we are going. This is about potentially, I imagine, somebody clever in one of those departments of state beyond our shores thinking that this could be a wizz that might create a problem for Gibraltarians and the Government of Gibraltar 'because if we do  
285 not allow them to export their rubble, what are they going to do with it? Eat it with potatoes?' as we might say in the vernacular, in the local patois. No. The point is to say that actually, that is to remind us of what an asset rubble is.

Hon. Members might think it is a history lesson to remind them of the fact that also around that time, in 1988, construction rubble was deposited off the east side of Gibraltar. In 1996, during the course of a general election campaign, they referred to that as a rat-infested rubble tip, only to have it referred to in 2006, or thereabouts, as Sovereign Bay when they announced the first East Side project, which, of course, we had hoped to see take off. That is how what to someone might appear to be a problem can be alchemised, even by them, into an asset.

The point I made to him was that this was not a history lesson, that I would not lose one moment's sleep over whether or not another government in another place decided that they wanted to grant a TFS or not, because, as far as we are concerned, rubble is an asset that enables us to strengthen one of the two pillars that Joe Bossano has identified, by creating more land for Gibraltar, either inside or outside the harbour. The hon. Gentleman will understand why I am making that distinction.

Also, Madam Speaker, I would venture to say to the hon. Gentleman that it does appear that he is asking me a question not about what my Government is doing, which is what I am here to answer for, but what somebody else's government is doing, and I am not here to answer for that other government and never would expect to have to answer for them.

**Hon. D J Bossino:** I simply want to understand this a bit further. He says I do not understand. I think I have understood perfectly well what he says expressly and what he says impliedly. *(Interjection)* No.

Is it the Government's position – because it did not seem to be the Government's position when we had this exchange in question and answer sessions in May 2023 ...? There seems to be a keenness to try to resolve the exportation of this rubble to Spain. It was explained to us on this side of the House that those decisions were, pre-Brexit, more agile because they were taken, I think, closer to home, in Seville, and that as a result of those decisions now being taken in Madrid, in the capital of the country opposite, it was taking a lot longer, and that if that was not resolved – all of this was said openly when I asked the question – then we would turn to Coaling Island for stockpiling of this rubble.

I simply want to explore this. If the hon. Member opposite tells me that he does not wish to expand further, because it may ... He has not suggested ... perhaps impliedly he has, I give that to him, but can he say so expressly? Unless he tells me that it will have an impact on the negotiations with Spain/the EU, can he tell me whether it is the Government's policy decision now to say we are not going to bother with this feature of the possible negotiations with Spain or the possible export permits; we are simply going to store the rubble here? Is he confident, therefore, that, now, the storage and the disposal of construction rubble, whether big constructions or small household construction and reformations, is no longer an issue? Is he able to clarify those two points for me?

**Hon. Chief Minister:** Madam Speaker, I am afraid that the hon. Gentleman has gone to the greengrocer and confused his apples, his pears and his oranges. Let me explain why, and I will try to do so in words of as few syllables as possible. *(Interjection)*

The hon. Gentleman is asking us about the applications of private sector entities for permits from another government, and is asking *us* how that is ongoing. The Government of Gibraltar has not applied for a TFS from anyone, ever. The Government of Gibraltar does, with its rubble, what it considers to be appropriate, namely to create a land bank in Gibraltar on the East Side, as we have been doing for 35 years under successive administrations, and now in Coaling Island.

I have told him that there are three waste exporters. We have granted waste exportation licences to three exporters: Metalrock, Monteverdi and Medmarine: it looks like you need to have an M in your name to become a waste exporter. They have applied to another government. The progress of their application with another government is not something that the Government of Gibraltar is able to talk about meaningfully.

340 What the hon. Gentleman was told by the Minister – because we have granted the waste  
exportation licence, and these individuals talk to us – by way of information is that for reasons  
unrelated to Brexit, for reasons unrelated to the negotiation, because of a change of the law in  
Spain – which may or may not be of European consequence; this may have happened in Germany  
and everywhere else because the Commission has told the member states to do so – they changed  
345 from doing permits at the regional level to doing it at the national level. As a result, we understand  
that a lot of entities have had difficulties in obtaining those permits. Indeed, if the hon. Gentleman  
follows Spanish politics as assiduously as the Deputy Chief Minister and I are now condemned to  
do, he would realise that there is, in fact, a huge dispute between Cataluña and Galicia and  
Andalusia and Galicia about taking waste from different regions in Spain to areas where they  
dispose of particular types of waste, and Madrid – Madrid, the autonomous community – is having  
350 a problem in transporting its waste to other autonomous communities in Spain. So it has nothing  
to do with the negotiation. It has nothing to do with Brexit.

The point I am making to him is if anybody has made the mistake that he has made of thinking  
that this is potentially a problem for the Government of Gibraltar – and I only suggest it is a mistake  
because of the tenor of his questions: he may wish to suggest that that is not the case – by thinking  
355 that actually, if there was a way of influencing this in a way that stopped the TFSs from being  
granted now, or somehow linking it to the Brexit negotiation, which I assume no one has done,  
but if somebody were that foolish, they should realise that they should think of another ruse,  
because this rubble is an asset in our hands. Indeed, the hon. Gentleman will know that we have  
disclosed in the past, in public, also, that we sold part of the East Side plot, which is, in effect,  
360 rubble dumped into the sea, not just for the £90 million consideration, but that part of that  
consideration was the rubble mountain still on top of the plot, the accumulation of rubble beyond  
what would be the flat part, which also has a value in the hands of a developer. And so, although  
it may look to them, as they described it in 1996, as a rat-infested pile of rubble, when you see a  
pile of rubble in Gibraltar there will be gold in that rat-infestation, boy.

365 Thank you.

**Madam Speaker:** Next question.

**Clerk:** We continue with –

370

**Madam Speaker:** Have we finished? We have one more question. The Hon. Mr Clinton? No,  
you have nothing? All right.

### Procedural

**Clerk:** We continue with questions on Health, Care and Business.

375 **Madam Speaker:** Before we table the next question to the Hon. the Minister for Health, Care  
and Business, I understand that the Minister has some answers to give the other side of the House,  
which she was not able to give yesterday in respect of some of the questions that were asked. I  
will allow her to do that first, before the next set of questions is put to her.

380 **Hon. D J Bossino:** Madam Speaker, the next question is Question 46, which is where we would  
start, in terms of the Order Paper.

**Hon. Chief Minister:** Madam Speaker, if I can crave your indulgence for a moment: once we  
have dealt with those bits of information that the Hon. Minister for Health is going to provide to  
385 Members across the floor of the House in order to try to be helpful, I wonder whether it might be

possible to move on to questions to the Deputy Chief Minister. I think there are only one or two, but the Deputy Chief Minister has an appointment outside of the House, and that would be helpful to the Government side.

390 **Madam Speaker:** If he is pressed, we can take those questions now, if you prefer. Yes? All right, we will take the questions to the Hon. Deputy Chief Minister.

**DEPUTY CHIEF MINISTER**

**Q73/2024**

**Northern Defences –  
Plans and timeline**

**Clerk:** Questions to the Hon. the Deputy Chief Minister.  
Question 73. The Hon. G Origo.

395 **Hon. G Origo:** Madam Speaker, can the Government disclose details of its plans for the Northern Defences, providing a timeline for when they expect to complete the works?

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

400 **Deputy Chief Minister (Hon. Dr J J Garcia):** Madam Speaker, the Government's plans for the Northern Defences were set out in the Strategic Master Plan, which was approved by the Development and Planning Commission in March 2022. This is a public document. The Government has not set a deadline for the ongoing works, which are expected to continue with a gradual and phased approach given the scale of the task and the dimensions of the site.

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**Hon. G Origo:** I am grateful for that answer. Madam Speaker, may I ask, in relation to the answer provided by the hon. Member opposite ...? I refer to a government press release dated 11th December 2023 concerning a drone survey that is to be carried out at the Northern Defences site. The drone survey was issued three days before an expression of interest which was produced on 14th December 2023. The purpose of the drone survey was to record existing topography and identify manmade structures concealed under the vegetation at the site. Surely the drone survey should have been carried out before taking these expressions of interest, or indeed having filed any master plans, given the propensity for the results of such a survey to identify potential structures which may then impact the plan itself.

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415 My question to the hon. Member opposite is: can the Government confirm whether the drone survey related to the Northern Defences project has been undertaken; and, if not, when will it be carried out?

**Hon. Deputy Chief Minister:** Madam Speaker, I thank the hon. Member for his interest in this subject. The drone survey has zero impact on the expression of interest. The expression of interest the Government has issued is for the activities to be provided on the site. The drone survey was, as he has rightly said, to identify manmade structures which could be hidden in vegetation.

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This is an ongoing project. Structures have been unearthed over the years, as he will have seen, and there are probably more concealed structures to emerge. However, that has no impact on the plans for opening up the site to the general public, with guided tours and activities on the sites.

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**Hon. G Origo:** I am grateful for that answer. Madam Speaker, can I ask for clarification from the hon. Member opposite? Is he stating that if the result of the drone survey is that they find structures or tunnels which may be under the vegetation of the site of the Northern Defences, it will not, in any way whatsoever, impact the expressions of interest for the activities which are to take place on the same site?

**Madam Speaker:** I would caution the hon. Member against asking a hypothetical question.

**Hon. Deputy Chief Minister:** Madam Speaker, thank you. Yes, it is, as you have quite rightly said, a hypothetical question, and it is impossible to determine until we know what the results of the survey are going to be. However, bearing in mind the nature of the activities that are planned – for example, historical tours of the site – if something is uncovered, it would be of value to the historical tour, so I do not necessarily agree that one thing will conflict with the other.

**Madam Speaker:** Next question.

**Q74/2024**

**Rooke site –**

**Clarification re assignment to Carlton Properties Ltd**

**Clerk:** Question 74. The Hon. R M Clinton.

**Hon. R M Clinton:** Madam Speaker, can the Government confirm whether it is aware and/or has given consent to the assignment of the Rooke site project awarded to Carlton Properties Ltd to another party, whether there has been a change of ultimate beneficial ownership in Carlton Properties Ltd, or whether a third party has entered into an agreement with Carlton Properties Ltd or its beneficial owners to purchase an interest in the Rooke development; if so, when and who, and at what consideration?

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

**Hon. Deputy Chief Minister:** Madam Speaker, the Government was aware that Carlton Properties Ltd was in negotiations with a number of different parties seeking additional investors in the Rooke development, and has been kept fully apprised about the identity of those different investors. This was so, even though technically there has been no assignment to a third party and therefore no formal consent was required. However, the Government is not aware of the detail of that internal discussion or of the final agreement between the parties, given that this has had no impact on the project or on the cash premium.

As hon. Members know, Carlton Properties Ltd had already entered into an agreement with the Government in respect of the Rooke site. A premium of £20 million has been paid and a further £10,025,000 is due to be paid within 14 days of receipt of the full planning permit for the development.

The ultimate beneficial owner of Carlton Properties Ltd is the Parasol Group.

**Madam Speaker:** Any supplementaries?  
Next question.

**Q75/2024**  
**Gibraltar National Archives –**  
**Relocation**

**Clerk:** Question 75. The Hon. D J Bossino.

**Hon. D J Bossino:** Does the Government intend to relocate the Gibraltar National Archives?

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

**Deputy Chief Minister (Hon. Dr J J Garcia):** Madam Speaker, the policy of the Government remains the relocation of the Gibraltar National Archives to Duke of Kent House.

**Hon. D J Bossino:** I must say I did not appreciate that there was a venue identified. I am not sure whether that is a matter which has been stated publicly. Is the Hon. the Deputy Chief Minister able to state when that is likely to happen? This is, I think, a commitment that the Government has had for a considerable number of years now, and it does not seem to be happening any time soon. That is why, on this occasion, I will be pressing him as to the timing of the expected move.

**Hon. Deputy Chief Minister:** Madam Speaker, it is impossible to give a timeline for the project at this particular juncture. What I can say is that preliminary studies have been prepared and costings are also being prepared. That, obviously, is a question of prioritising with the other projects that the Government has, but the intention of the Government is to relocate the Archives to Duke of Kent House. However, I cannot give him a specific timeline as to when that is going to happen.

**Hon. D J Bossino:** Madam Speaker, given the addition of the word 'specific', is he able to provide any form of timeline within which, in consideration of all the points that he has just made and within reason, he expects that the move will happen?

He also refers to costs and I would like to press him in relation to that, if I may: what is the cost implication of this move and the setting up of the National Archives at Duke of Kent House likely to be?

**Hon. Deputy Chief Minister:** Madam Speaker, 'the detailed costings are being prepared' is what I said in my answer. Once we have the detailed costings, we will know exactly what that is going to be.

I cannot give him more information on the timing, I am afraid, at this particular juncture.

**Hon. D J Bossino:** Within the cost analysis which is being made, is consideration being given as to designs? Because we are dealing with the National Archives, as I understand it there is a portion of them which needs to be stored in a special way. I assume that everything – in other words, all the storage, everything which is currently within the precincts of the Governor's Residence – will be moved to Duke of Kent House. Or is that assumption incorrect – in other words, there will be certain facilities which will remain in the Governor's Residence?

**Hon. Deputy Chief Minister:** Madam Speaker, the plan at this preliminary stage is to keep the storage of a proportion of the material where it is and to provide reading rooms and some storage also in the new venue at Duke of Kent House. In addition to that, the digitising of the archives, which continues to proceed at pace, also allows that kind of access, which means people do not need physical access to files. So in answer to his question, the intention is to keep the old premises and add the new one.

**Hon. D J Bossino:** Madam Speaker, given the duality in terms of location of this particular Government service, is he able to say whether it is expected – I anticipate that the answer will be no; I do not have knowledge or sight as to the size of the premises – that the National Archives’ footprint in the Duke of Kent House will be large enough to occupy the entire building? Perhaps I am stretching it a bit, in terms of the supplementaries: I see there is a reaction already from the Chair. What are the Government’s intentions in relation to the rest of the building, if that analysis is correct that it is unlikely that the National Archives are going to be occupying the entire space within the Duke of Kent House?

**Hon. Deputy Chief Minister:** Madam Speaker, Duke of Kent House is the part of the building which faces the Holy Trinity Cathedral. The rest of the building is the Government Secretariat, which is a separate building. My information is that the archives will, in fact, occupy the entirety of Duke of Kent House. Remember, the plan was also to use that to stage exhibitions on Gibraltarian identity, culture and history at the same time, so there will be exhibition rooms in addition to storage and reading rooms.

**Madam Speaker:** Next question.

**Q76/2024**  
**Old St Bernard’s First School building –**  
**Plans to maintain condition**

**Clerk:** Question 76. The Hon. D J Bossino.

**Hon. D J Bossino:** Does the Government have any plans to ensure that the old St Bernard’s First School building does not go to ruin?

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

**Deputy Chief Minister (Hon. Dr J J Garcia):** Madam Speaker, the old St Bernard’s School is privately owned. It is no longer a government building, following a tender process which concluded in a sale to the highest bidder for the construction of an elderly care home. The Government made it a condition that works must be completed by 2025.

**Hon. D J Bossino:** I was aware of that, Madam Speaker. Whilst I appreciate that the Government currently, short of deploying, I assume, its ability to introduce statutory measures to take certain governmental state action in relation to that ... This is an old building. It has been brought to my attention as one which is, as I say in my question, being subject to dilapidation. It is a pity that it has not been kept.

Do I detect from the Hon. the Deputy Chief Minister a desire that should the condition, which I think has been rightly negotiated by the Government in relation to the private developer, not be complied with – I think he said that basically they need to move by 2025 – action will be taken? And if that understanding is correct, is he able to provide information to this House now as to what that intended action is likely to be?

**Madam Speaker:** Again, we are venturing into the hypothetical. ‘If something happens, what would you do?’ is a hypothetical situation. I simply flag it. If the Hon. Minister wants to reply, he may, but I flag it as encroaching on the rules against hypothetical questions.

**Hon. Deputy Chief Minister:** Thank you, Madam Speaker – only to say the Government will fully reserve its rights in this matter.

565 **Hon. D J Bossino:** May I ask him whether the Hon. the Deputy Chief Minister shares exactly the same concerns as I have expressed to him in the course of my previous supplementary, that he is as concerned as we are on this side of the House as to maintaining the historical nature of the building, and that it is upkept and brought to its former glory, if at all possible?

570 **Hon. Deputy Chief Minister:** Madam Speaker, the Government would like to see the project completed along the lines and conditions set out in the tender.

**Madam Speaker:** Next question.

**Q77/2024**  
**Leasehold property –**  
**Government policy and law reform**

**Clerk:** Question 77. The Hon. D J Bossino.

575 **Hon. D J Bossino:** What is the Government's policy in respect of leasehold properties, and is it considering reforming the law in this area, as is happening in England?

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

580 **Deputy Chief Minister (Hon. Dr J J Garcia):** Madam Speaker, the Government is committed to examining the matter but has not taken a policy decision to reform the law, as is happening in England.

585 **Hon. D J Bossino:** Can I ask what the reasoning behind that is? Whilst I appreciate that the Government may not want to ... as he says at the tail end of his reply, 'as is happening in England'. I understand why he said that, because my question was premised on that basis, and I fully understand that we are not going to do a carbon copy of what is happening in England. In fact, I think Michael Gove's reforms have, themselves, been the subject of reform during the course of their parliamentary process in the House of Commons in the UK. Can he state what the  
590 Government's current view is? May I press him as to whether he would agree that this is something that ought to be looked at and reformed in order to ensure greater fairness, particularly by leaseholders?

595 **Hon. Deputy Chief Minister:** Madam Speaker, I have already indicated that the Government intends to look at it and is looking at it. What I cannot commit to is whether we will actually carry out the reform, or not. That depends on the result of the examination of the issue.

600 **Hon. D J Bossino:** And may I ask what form that examination is taking? In other words, is he in consultation with – I hate the word 'relevant' but I cannot think of another one at the moment – relevant stakeholders and interested parties? Is he discussing this with property owners and all the rest of it? May I press him in relation to that? In other words, what form is that examination taking? How is it taking place?

605 **Hon. Deputy Chief Minister:** Madam Speaker, a group of property owners did come to see me; I do not know whether the same group also went to see him. Essentially the first action in relation



to that meeting is that Land Property Services is considering the matter and will advise the Government accordingly. The Government will then take a policy decision as to whether to proceed with the issue, or not.

610 **Hon. D J Bossino:** May I, finally, press him on the timings of that? Does he have an idea of when he expects that LPS is going to be reverting to him? I imagine that that will be the first step along the way. In other words, once LPS, as I have understood him, get back to him, that will be the catalyst for the Hon. the Deputy Chief Minister to come to a decision, and the Government more widely, in relation to this issue by way of policy? Or is he simply allowing himself the entirety of  
615 the lifetime of this Parliament?

**Hon. Deputy Chief Minister:** Madam Speaker, this is not a policy of the Government. This is something we are looking into, to see whether it becomes our policy. So it does not have the urgency that a policy and a manifesto would have. It is something we are looking at, but we cannot  
620 commit to any timeline.

**Madam Speaker:** Next question.

#### HEALTH, CARE AND BUSINESS

##### Q32 and Q37/2024

##### GHA ambulance fleet –

##### Answers to supplementary questions

**Clerk:** We continue with questions on Health, Care and Business.

625 **Madam Speaker:** Yes, we will take the answers to yesterday's questions.

**Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, thank you very much. Because of the overnight break, I was able to confirm several issues which arose yesterday.

630 In response to Question 32 on costs incurred for mechanical works for the ambulance, the questions which arose were could I confirm which local entity undertakes those mechanical works, and is Bassadone Rock Motors? Other suppliers are used, depending on the issues that arise.

In relation to Question 37 on the breakdown of the costs and arrangements with Helicopteros Sanitarios, a question arose as to other companies that we use in Spain. I can confirm that we use  
635 two other companies: Ambulancias Andalucia and Soccorismo y Servicios SL. The dates of those contracts are 1st September 2023 and for the second one, Soccorismo Andalucia, it is 7th December 2023.

Thank you.

640 **Madam Speaker:** Do any supplementaries arise from that?

**Hon. G Arias-Vasquez:** I am grateful, no supplementaries.

**Madam Speaker:** Thank you. Next question.

**Q46/2024**  
**GHA ambulance fleet –**  
**Answers to supplementary questions**

645 **Clerk:** Question 46. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, what possibilities are there for enrolled nurses to become registered nurses?

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

**Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, enrolled nurses wishing to upgrade to registered nurses need to register this interest with GHA Nurse Management, as they would be upgrading into another position or vacancy. Should this request be approved by GHA Nurse Management, they will then require references, and a submission for application would have to be ratified by the University of Gibraltar. Subsequent interviews and assessments for suitability by the University would then follow.

655 Once the request is approved and the enrolled nurses have commenced the relevant training programmes, these enrolled nurse positions would become supernumerary, i.e. they would not form part of the GHA complement during their years of training.

**Madam Speaker:** Any supplementaries?

665 **Hon. J Ladislaus:** Madam Speaker, is the hon. Member aware of how many enrolled nurses are currently employed within the GHA?

**Hon. G Arias-Vasquez:** Madam Speaker, again, this would be a question which I would have to prepare an answer for; so, if they could provide these questions in advance, I would be grateful.

670 **Madam Speaker:** Next question.

**Q47/2024**  
**Specialist nurse posts –**  
**Incentives to make more attractive**

**Clerk:** Question 47. The Hon. J Ladislaus.

675 **Hon. J Ladislaus:** Madam Speaker, what incentives are the GHA willing to consider in order to make attaining the posts of specialist nurses more attractive?

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

680 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the GHA is working closely with the University of Gibraltar to provide higher education opportunities to develop the workforce in line with organisational needs. Additionally, the GHA is consulting on a draft Workforce and People Strategy which identifies challenges, both locally and internationally, together with innovative and strategic solutions reinforcing the organisation's resilience today and for the future. Formal detailed announcements will be made in due course.

685 **Hon. J Ladislaus:** I am grateful to the Hon. Minister for that answer, but I do wish to highlight that there have been reports that qualifying as a specialist nurse, as it stands, results in financial loss given the loss, for example, of shift disturbance and other such allowances. Has this, therefore, led to a shortage, would the Hon. Minister say, in the number of specialist nurses employed by the GHA?

690 **Hon. G Arias-Vasquez:** Madam Speaker, that issue has not been raised with us by the relevant union.

695 **Hon. J Ladislaus:** Can the Hon. Minister comment as to what has been considered in order to mitigate those losses that specialist nursing would incur – in comparison with nursing on a ward, for example – in order to make it more attractive for people to become specialist nurses?

700 **Hon. G Arias-Vasquez:** Madam Speaker, no, because that issue has not been raised with us by the union. Additionally, the question of enrolled nurses is public information which is contained in the Estimates Book.

**Madam Speaker:** Next question.

**Q48/2024**  
**Nurses in acting roles –**  
**Number in pay grade lower than acting role**

**Clerk:** Question 48. The Hon. J Ladislaus.

705 **Hon. J Ladislaus:** Madam Speaker, can the Government provide a breakdown as to how many nurses within the GHA are currently in acting roles but are being paid at a reduced pay grade rather than at the grade within which they are acting?

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

710 **Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the GHA is not aware of any such situations.

715 **Hon. J Ladislaus:** Madam Speaker, we have been made aware of such situations. Could we, therefore, have confirmation that the Hon. Minister will be looking into this issue?

**Hon. G Arias-Vasquez:** Madam Speaker, this question was put to the workforce manager, and it has been confirmed to us that there are no such issues. There are some instances in which the substitution forms are not submitted, but that is not to say that the acting grades are not being paid for.

720 **Madam Speaker:** Next question.

**Q49/2024**  
**Agency nurses –**  
**Rates of remuneration**

**Clerk:** Question 49. The Hon. J Ladislaus.

725 **Hon. J Ladislaus:** Madam Speaker, can the Government confirm whether nurses employed at the GHA through certain agencies are paid at a higher hourly rate for undertaking the same duties and responsibilities as others who are employed at the GHA via different agencies? If so, what is the reason for this?

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

**Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the GHA engages the services of agencies locally and internationally. I am, therefore, unable to provide an answer to this question, due to the commercially sensitive nature and potential consequences. I am happy to discuss the question with the hon. Member behind the Speaker's Chair.

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

**Madam Speaker:** Next question.

**Q50-51/2024**  
**PALS, Complaints and Clinical Governance Team –**  
**Number of employees, backgrounds and qualifications**

740 **Clerk:** Question 50. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, can the Hon. Minister confirm the professional backgrounds and qualifications of those individuals who are staffing the Patient Advocacy and Liaison Service (PALS) and the number of individuals employed within that service?

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

**Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I will answer this question together with Question 51.

750 **Clerk:** Question 51. The Hon. J. Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, can the Hon. Minister confirm the professional backgrounds and qualifications of those individuals who are staffing the GHA's Complaints Office, and the number of individuals employed within that office?

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

760 **Hon. G Arias-Vasquez:** Madam Speaker, the Patient Advocacy and Liaison Service at the GHA, known as PALS, is part of the PALS, Complaints and Clinical Governance Team. The PALS team comprises three administrative members of staff, employed as a PALS manager and two PALS officers. The grade composition of the aforementioned team is one GDC Level 3, one AO and one

GDC Level 1. The Complaints Office constitutes a complaints manager and an HEO. All officers are suitably qualified to undertake their roles.

765 **Hon. J Ladislaus:** Madam Speaker, I am grateful for that indication, but perhaps the Hon. Minister could expand on what exactly those qualifications are.

**Hon. G Arias-Vasquez:** Madam Speaker, all these individuals are duly qualified to undertake their roles within the grades available to them. I make no apologies for the fact that we seek particularly empathetic members of staff. They are able to answer complaints and questions of the public. We look for people who seek to be able to solve the public's issues quickly and efficiently.

775 **Hon. J Ladislaus:** Can the hon. Member confirm whether any specific training has been offered or given in respect of these roles?

**Hon. G Arias-Vasquez:** Madam Speaker, there is no training for the empathy required, so I do not believe that they have specific qualifications.

780 **Hon. D J Bossino:** Madam Speaker, the question is very clear. Question 51 specifically asks for the professional backgrounds and qualifications, but I do not think the hon. Member has answered that question. She has come, in the reply, with what is a value judgement, presumably by her and the Government, that they are suitably qualified to provide the service that they are expected to provide at the GHA's Complaints Office, but the question put by my learned friend here to my left is what the professional backgrounds and qualifications are. This is a neutral question which should be capable of a neutral, factual answer. She has not answered that question, with the greatest of respect to her.

790 **Hon. G Arias-Vasquez:** Madam Speaker, I have answered that question. The question is what are the requirements: the requirements are the usual qualifications required for a GDC officer, an AO and a GDC Level 1. Those are the sole requirements. Have they gone through any specific training? No. They are particularly empathetic individuals who understand the needs of the job, who understand the needs of the public and get problems resolved quickly.

795 **Hon. D J Bossino:** I am reading the question and it does not talk about the requirements. It asks for confirmation as to professional backgrounds and qualifications. She may have a view of the service that they are providing and she makes a value judgement that they are suitably qualified. That is not the question. The question is very simple: what are their backgrounds and – particularly, I would say – what are their qualifications? With the greatest respect to the hon. Member, she has failed to answer the question, so we give her a further opportunity to, please, answer the question which is on the Order Paper. It is very simple.

805 **Hon. G Arias-Vasquez:** Madam Speaker, again, I have answered the question directly. Unfortunately, the answer does not seem to be understood. The requirements for the job are a GDC Level 1, an AO and a GDC Level 3. Those are the requirements; so whatever the requirements are for those posts, these individuals have fulfilled them. There is no specific qualification required of these individuals for that job.

**Madam Speaker:** Next question.

**Q52-54/2024**

**Children's dental services –  
Outsourcing to private clinics; payments to private clinics for GHA work;  
actions to reduce waiting lists**

810 **Clerk:** Question 52. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, for what reason are dental appointments for children being outsourced to private clinics, rather than being kept within the GHA?

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

**Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I will answer this question together with Questions 53 and 54.

820 **Clerk:** Question 53. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, can the Hon. Minister confirm that there have been issues with children being seen by private dental clinics when they have attended appointments scheduled by the GHA because the clinics have not received up-to-date payments from Government for the work carried out? What is being done to resolve this issue?

825 **Clerk:** Question 54. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, can the Hon. Minister confirm what is being done to address the continued issue of lengthy waiting lists for children to be seen by a GHA dentist?

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

**Hon. G Arias-Vasquez:** Madam Speaker, in answer to Question 52, the reason dental appointments for children are being outsourced to private dental clinics is to increase the number of children being reviewed, as part of the waiting list initiative.

In answer to Question 53, the GHA is not aware of any issues with payments to the private dental clinics. All private work is invoiced. Once the invoice is received, the GHA processes all the payments in line with internal accounting processes, and to date there have been no issues with the processing of payments to private dental clinics.

840 In answer to Question 54, the GHA dental department is carrying out extra clinical sessions to reduce the waiting lists. An extra dental officer and an orthodontist have been engaged, based on an analysis of the waiting list. Furthermore, as mentioned earlier, the GHA has contracted the services of private dental clinics in order to refer children on the waiting list. All of this will allow the Community Dental Service to become more efficient and effective, focusing on the dental needs of our children, special needs patients and the vulnerable in the community.

845 **Hon. J Ladislaus:** I am grateful for those indications. Can the Hon. Minister confirm whether it is still the case, as indicated to me when I asked the question in November, that all children on the waiting list will be seen by the end of March this year?

**Hon. G Arias-Vasquez:** It is.

**Madam Speaker:** Next question.

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**Hon. D J Bossino:** Excuse me – if I may?

**Madam Speaker:** If I flag the next question and I have not seen you, then you should ask for permission to ask the question, rather than assume. Assumptions are dangerous. Off you go.

860 **Hon. D J Bossino:** Is she able to provide any statistical information in her reply to Question 52, when she says that the reason for basically farming out this service is to increase the number of children being reviewed on a private basis? Is she able to provide any statistical information as to how many children? I appreciate that it may be an unfair question, but she may have it there by way of preparation in her supplementary reply, so if she can provide any statistical information ...  
865 I have not set out a period of time, but she may be able to offer that by way of further statistical evidence.

**Hon. G Arias-Vasquez:** Madam Speaker, I am not. Question 52 relates to the reason the dental appointments are given: if that question is put to me, I will answer it in the next session.

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**Madam Speaker:** Next question.

**Q55-56/2024**

**Ghost companies –**

**Use of clubs' or associations' premises to sell food to the general public**

**Clerk:** Question 55. The Hon. C Sacarello.

**Hon. C Sacarello:** How will Government look to curb the practice of ghost companies – in other words, companies using clubs' and associations' premises as their business address – using clubs' or associations' premises to market and sell food to the general public and not just the relevant members, as intended?  
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**Clerk:** Answer, the Hon. the Minister for Health, Care and Business.  
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**Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I will answer this question together with Question 56.

**Clerk:** Question 56. The Hon. C Sacarello.  
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**Hon. C Sacarello:** By when will any intended legislation curbing the practice of ghost companies using clubs' or associations' premises to sell food to the general public be passed?

**Clerk:** Answer, the Hon. the Minister for Health, Care and Business.  
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**Hon. G Arias-Vasquez:** Madam Speaker, I am not entirely sure what the term 'ghost companies' refers to. There are private companies which enter into arrangements with clubs in order to provide restaurant services from within the club. Section 32 of the Office of Fair Trading Act already deals with clubs and confirms that they shall only sell food to members of that club.  
895 His Majesty's Government of Gibraltar has, as confirmed to the Catering Association, commenced the drafting of the Clubs Act to deal precisely with this issue. I am unable to confirm the timeline for the legislation to be passed.

**Hon. C Sacarello:** Madam Speaker, I would like to thank the hon. Member for that answer and for the Government's intention to proceed with this, because it is a serious case for people who run a business in the hospitality sector, where they are faced with an unlevel playing field. I  
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suspect this is what the hon. Member across the floor has detected. If she cannot provide a timeline, would she at least confirm that it is the Government's position that this is, indeed, an unlevel playing field and that that is what they are looking to address?

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**Hon. G Arias-Vasquez:** Madam Speaker, in our deliberations with the Small Business Board and with the recently reconstituted Main Street Retailers Association, these are precisely the discussions that we have had, and we have confirmed to them directly that we are intending to do this.

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**Hon. D J Bossino:** If I may ask the hon. Member ... I think she described it as the Clubs Act. It will be, presumably, a Bill at some point in the future. She was unable to state what the timeline was. Is the hon. Member able to state what issue that piece of legislation is going to be expected to address? I think, if I understood her answer correctly, that the issue which my friend here to my right has raised ... has already addressed legislatively with the operation of the section in the ... I cannot remember the name of the Act: the Fair Trading Act, I think it is. So what is the point of the Clubs Act – if she could expand on that?

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**Hon. G Arias-Vasquez:** Of course. Madam Speaker, section 32 of the Office of Fair Trading Act deals with clubs, and it refers to clubs as defined in the Clubs Act. So the Clubs Act will define what those clubs will look like.

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**Hon. D J Bossino:** Is it the position that there is extant legislation which cross refers to another piece of legislation, which is non-existent? Is that the position? And is it not somewhat alarming, if that is correct – and, I would hasten to add, bad drafting and thought process? There seems to be a gaping hole there.

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**Hon. G Arias-Vasquez:** Madam Speaker, because it was the view that this Act was going to be drafted, this Act is in the process of being drafted to cover that gap in particular.

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**Madam Speaker:** Next question.

#### Q57/2024

#### Pharmacies –

#### Business licence renewal issues

**Clerk:** Question 57. The Hon. C Sacarello.

**Hon. C Sacarello:** Can the Government please clarify the position with the business licence renewal issues facing pharmacies following the implementation of the recent Fair Trading Act, which caused some pharmacies problems with Customs holding up their goods as a result?

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

**Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, apologies. In relation to the previous question, the Clubs Act is in existence: it is a 2007 piece of legislation. To go to – Sorry, Madam Speaker.

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**Madam Speaker:** All right, just a minute. If we are revisiting the answer to the last question, I did not catch what you said.

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**Hon. G Arias-Vasquez:** Apologies. There is a Clubs Act in force at the moment we are revisiting it...

950 **Hon. D J Bossino:** Oh, I see.

**Madam Speaker:** I will allow a supplementary on that.

955 **Hon. D J Bossino:** I think that is a very important point. I think that the Government's position, by way of clarification, is ... In fact, I think the Clubs Act is quite old.

**Hon. G Arias-Vasquez:** 2007.

960 **Hon. D J Bossino:** There is another provision, which certainly I used many years ago in the magistrates courts, to deal with this issue.

**Chief Minister (Hon. F R Picardo):** 1924, updated.

965 **Hon. D J Bossino:** That is right, but the position is, therefore – I could not recall what the legislation was called – that there is such a thing as a Clubs Act existing. Therefore, I would need to withdraw the comment I made earlier that it is a question of bad drafting, because the Office of Fair Trading Act, or whatever it is called, does correctly cross-refer to an existing piece of legislation.

970 However, the initial answer that the Hon. Minister gave was wrong – in other words, that what she is seeking to do is to amend existing legislation, which is called the Clubs Act, in order to reinforce its position. The Hon. Chief Minister is shaking his head and I think we are going to have – I hope – further elucidation from the Minister.

975 **Hon. G Arias-Vasquez:** Madam Speaker, we are looking to repeal that Clubs Act and enact an entirely new Clubs Act.

980 **Hon. D J Bossino:** Is she, therefore, able to confirm that her initial reply was incorrect – in other words, that she is not seeking to introduce ...? She, herself, describes it as a Clubs Act, but this is, as I understand it, simply a repealing of the current piece of legislation and replacing it with something else which she perhaps loosely has described as a Clubs Act. It is going to be, basically, a new Clubs Act: is that the correct position?

985 **Hon. G Arias-Vasquez:** Madam Speaker, as I have just confirmed, we are repealing the current Clubs Act to deal with any lacuna in the legislation, and we are drafting a new Clubs Act to deal with any lacuna in the legislation.

**Madam Speaker:** Next question. We had a question put. There was an answer that the hon. Member is waiting for. The hon. Member is waiting for an answer to Question 57.

990 **Hon. G Arias-Vasquez:** Madam Speaker, it has been confirmed by the OFT that during the period dating 1st October to 31st December 2023, all such licences that were due for renewal and who have paid the renewal fees have now had their respective licences issued.

995 Under section 36(4)(b) of the Fair Trading Act 2023, services to which the Medical and Health Act 1997 apply shall not be licensable by the OFT. The Medical and Health Act applies to the regulation of professionals, not to the businesses or, in this case, the pharmacies. There were, therefore, no issues arising under the new Office of Fair Trading Act 2023.

**Madam Speaker:** Next question.

**Q58/2024**

**Power cuts –**

**Audit and publication of results**

**Clerk:** Question 58. The Hon. C Sacarello.

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**Hon. C Sacarello:** Will the Government conduct an immediate vertical audit of all power cuts in December 2023 and January 2024 – in other words, a snapshot audit of each power cut and the reasons behind it – and will they publish the results?

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

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**Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, we have already sought explanations from the management of the GEA for the power cuts, and explanations have been provided through the media. The power cuts during December 2023 up until 18th January 2024, including reasons for these, are as follows.

On 17th December at around 1820 hrs, there was a cable fault on the high voltage network, which affected the areas of Marina Bay, the World Trade Centre, Glacis Estate and parts of Laguna Estate. Investigations by the Gibraltar Electricity Authority's engineers pinpointed the fault to a high voltage cable gland failure at Hesses substation in the Landport area.

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On 27th December 2023 at around 0724 hrs, a power outage was experienced and subsequent investigations concluded that the malfunction had occurred on generator number 5 at the North Mole power station. A pilot oil injector module failure was the cause of the engine number 5 trip. The other operational generating set at the time was unable to cope with the sudden additional load of approximately 9MW and consequently also powered down to protect itself from overloading, causing a widespread outage. Engine number 5 has now entered its 18,000 hour overhaul and, as part of this maintenance, the faulty injector module will be repaired or replaced.

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On 7th January at around 2350 hrs, a total blackout was experienced. The cause of this blackout was identified as a failure in the outgoing low voltage busbars of transformer number 1 at the North Mole power station. The electrical protection in place isolated the fault, and, as a result of the interruption to the in-house power supply to most power station auxiliaries, such as the pumps and fans, the whole power plant tripped. On the night, the second transformer at the North Mole power station was brought into service and the power plant was restarted. Investigations into the failure of the low voltage busbars attribute the fault to arcing within a section of low voltage busbars, which are sealed at factory level. Consultations are ongoing with the manufacturer and, in the meantime, Gibraltar Electricity Authority engineers have re-energised transformer number 1, albeit to 50% of its capacity, which is sufficient to power up all the power plant auxiliaries whilst operating within its current regime as replacement spares are awaited.

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**Hon. C Sacarello:** Madam Speaker, thank you very much to the hon. Member across the floor for her answer. I think, in terms of the reasons behind the failures, they are clearly determined. In order to prevent wasting the time of the House, and perhaps to avail the public of this information, will the Minister be able to confirm if this information will be made public on perhaps the GEA's website following each individual incident?

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**Hon. G Arias-Vasquez:** Madam Speaker, after every individual incident, a member of management – usually the CEO, if he is available – goes on the media and explains the reason for the power cut. If the reasons are not immediately available, he will subsequently, after two or three days, once the investigation is determined, go on the local press and explain the reasons for the power cut.

1045 **Hon. C Sacarello:** Thank you for that, but the question was not answered. My question was: will it be available on the GEA website and left there, so that people can view it for themselves?

**Chief Minister (Hon. F R Picardo):** Madam Speaker, as a matter of practice, every government press release is available permanently on the government website.

1050

**Hon. D J Bossino:** But I think the information that was provided by the Hon. the Minister referred specifically to the GEA, which I understand is a Statutory Authority, and the Hon. the Chief Minister – I hope he is not playing with words – talks about press releases issued by the Gibraltar Government. He is absolutely right that they are set out on the Gibraltar Government website, and they have been doing that since they got into office, but the reply given by his colleague was on behalf of the GEA. My friend here is asking whether the GEA, not the Gibraltar Government, would provide this information in a static form on the website, so that it can be referred to, rather than having to scroll through either the press releases that they issue, or an interview that they may give to GBC at the relevant time.

1060

**Hon. Chief Minister:** Does the hon. Gentleman mean as they do on their website already? Is that what the hon. Gentleman is asking me about, the publicly available information, which is all of the press releases of the GEA on the GEA website: gibelec.gi? If the hon. Gentleman is asking me to do something which is already done, which is set out on the press release part of the website of the Gibraltar Electricity Authority, I can confirm that that is already done, but I would have thought, given it is publicly available information that they are asking about in the House, they would have checked before asking us to do that which is already done. Or is it that the premise of his question is wrong, Madam Speaker?

1065

1070 **Madam Speaker:** If you are going to –

**Hon. D J Bossino:** I don't have a further question on it.

**Madam Speaker:** And the hesitation is well grounded. If you have not got a further question, we will move on.

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**Hon. D J Bossino:** We will check what he is saying.

**Madam Speaker:** Next question.

**Q59/2024**  
**Gibraltar Port –**  
**Plans for transition to new fuels**

1080 **Clerk:** Question 59. The Hon. D J Bossino.

**Hon. D J Bossino:** What specific plans does the Government have to transition Gibraltar Port to new fuels?

1085 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

**Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, Gibraltar has already taken significant steps in supporting the shipping industry enhancing the sustainability of maritime traders and is actively engaged in the supply of cleaner fuels, being one of the very few

1090 ports that already has supply capabilities for LNG bunkers, as well as bio-fuels. At the same time,  
we continue to be dynamically involved with our stakeholders to ensure that we are ready to  
support the maritime industry as other new fuels start being taken up by the industry, to ensure  
that we are at the leading edge of this transition. A further dimension to this includes the study of  
1095 port fee incentives for cleaner fuel suppliers and vessels calling at our Port to take these cleaner  
fuels. These measures are currently going through a final consideration phase by Government  
prior to implementation.

**Hon. D J Bossino:** The Hon. Minister talks, in the initial part of her answer, about historical  
things that the Government has done; I was more interested in terms of the future. She has been  
1100 kind enough to provide the House with information as to some of the specific things which the  
Government has done, and I have identified, I think, in her answer, a policy and a plan to basically  
recalibrate port dues, to presumably incentivise the use of healthier and more environmentally  
friendly fuels. I am grateful to her for that response.

The reason for this question is whether there is anything else that realistically the Gibraltar  
1105 Government can do. It is born from an interview which the Hon. – I think he is still the Minister  
for the Environment – Prof. Cortes gave to the *Gibraltar Chronicle*, where he talked about long-  
term planning and said that he had already initiated discussions with the Gibraltar Port Authority  
and her, as the Minister for the Port. He specifically said that we will have to be prepared to  
transition to new fuels like ammonia, and possibly hydrogen. Is she able, therefore, to provide –  
1110 because I did not detect that she addressed in her response those two possible energy sources  
which her colleague identified in the interview – more details in relation to those specific fuel  
sources?

**Hon. G Arias-Vasquez:** Madam Speaker, I am not able to provide concrete plans for those two  
1115 particular types of fuels, but I am able to confirm that we are in constant communication with the  
Minister for Tourism and the Minister for the Environment on what sources Gibraltar would need  
to be looking at, in order to continue to be an attractive port destination for cruises, for example.  
We are constantly looking at what we would need to invest in and look at in order to be an  
attractive jurisdiction.

1120  
**Hon. D J Bossino:** It is an interesting reply. I understand why she would be in close discussions  
with the Minister for the Environment, but may I ask her to provide further detail in relation to  
her discussions with the Minister for Tourism in the context of the cruise liner industry and what  
they are looking at in that respect?

1125  
**Hon. G Arias-Vasquez:** Of course, Madam Speaker. We are in very close contact because cruise  
liners are asking for cleaner fuels constantly, and they are also asking us whether Gibraltar is  
looking at things such as onshore power. So we are looking constantly to improve the  
infrastructure in Gibraltar, to see whether it is something that we can provide.

1130  
**Hon. D J Bossino:** In the context of onshore power and in the further context of making the  
provision of this power more environmentally friendly, which is the whole point of this question,  
can I ask her, please, to be more specific as to what type of onshore power she thinks can be  
provided that is both more environmentally friendly than is currently being provided, and  
1135 secondly ... let's not forget the other side of the equation, which is the cost of this? It may be very  
well and good to say that we are all going to be environmentally friendly and all the rest of it, but  
if there is going to be a cost, whether in relation to financial outlay which it is not possible for the  
Gibraltar Government to undergo or because there is going to be a cost in jobs, let's say ... Can  
she be more specific in relation to that? If not, all we are dealing here with is high-falutin words  
1140 which mean absolutely nothing.

1145 **Hon. G Arias-Vasquez:** Madam Speaker, as I confirmed in my answer, we are looking at these possibilities to see whether it is financially viable, so I am unable to go into any detail. What I can confirm is that we are constantly looking at sources to make Gibraltar viable as a port on an ongoing basis to provide cleaner fuels, which I understand was the very reason for his question.

1150 **Hon. D J Bossino:** Is she, please, able to provide this House with what type of sources they are looking at? It is a very simple question. If not – as I said by way of criticism, and I stand by that criticism – they are just words that the Ministers are coming up with so that they make them sound good, and it is really, quite frankly, hyperbolic and nothing else. What specific measures and what specific fuels is the Hon. Minister with responsibility for the Port, who apparently is in discussions with the Minister for Tourism and also with the Minister for the Environment ...? What are they seeking to do in relation to this area, in relation to specifics, please?

1155 **Hon. G Arias-Vasquez:** Madam Speaker, we are looking at two options. One is cold ironing and the other is LNG bunkering. These are two options which, I remind the hon. Member opposite, they were completely against providing themselves.

1160 **Hon. D J Bossino:** I am not sure we were against the first one. What was it? (**A Member:** Cold ironing.) Cold ironing, okay. (*Interjection*) Right.

In relation to LNG bunkering, can she provide the House with specifics as to when that is likely to start? I hear the hon. Members, which I think is right, but I ask the question on the premise of the answer that I have received. They say, whispering to each other, 'Ooh, they've started ...' –

1165 **Madam Speaker:** You have asked the question: now wait for the answer. (*Interjection by Hon. D J Bossino*) No, you have asked the question: let's wait for the answer, and then you can come back if you need to.

1170 **Hon. G Arias-Vasquez:** Madam Speaker, it started months ago and there was a public statement to that effect.

1175 **Hon. D J Bossino:** Then why is she saying she is looking at it? Why isn't the answer from the hon. Member that it has started already? This is why we are not getting clear answers from the hon. Member. Why did she say before, 'We are looking at it as a future source'?

1180 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I do not know that the hon. Gentleman has understood the tense in which the questions are being answered, and, indeed, what his position and the position of his party has been in relation to these issues. I rise because, in fact, the commencement of LNG bunkering was during the lifetime of the previous Parliament, and there was a statement to that effect. That is what we are looking at: further details in respect of how we can further expand Gibraltar's offer in respect of LNG bunkering and how cold ironing can be expanded.

1185 The hon. Gentleman may or may not know – whether he will tell us whether he knew or whether he did not is another matter – that cold ironing has been happening for many years also, but it is not as extensive as we believe it should be, and cold ironing fuelled by diesel generators is frankly as bad as providing diesel into the engine of the ship. So cold ironing fuelled by an LNG power station or other alternative sources of energy, or additionally LNG bunkering to ships, all of which is what they were manifestly against, is what we are continuing to pursue the expansion of, as we committed to do specifically in 2015. I still recall, during what I call 'The Great Lie Election of 2015', when Joe Bossano specifically set out that this was one of the strands that we saw further development for, how vehemently against it Members opposite were –

1190

**Hon. Sir J J Bossano:** We were going to blow up Gibraltar.

1195 **Hon. Chief Minister:** – and they could not believe that Joe Bossano and Fabian Picardo were going to blow up Gibraltar. We continue to pursue that as an option which we believe should be further expanded because of the benefits it will bring to the Ministry of Tourism through the attraction of more cruise ships, the benefits it brings to Gibraltar’s environment and the air that we breathe, and the benefits it brings to shipping operators to be able to offer Gibraltar with those alternative sources of fuel.

1200 This is now a debate that has been going on in – my goodness, Madam Speaker, I was going to say three – four Parliaments, with this one. We started with the debates that we had in the first GSLP Liberal Government after the glorious new dawn of 9th December 2011, when we stopped the grimy, smelly, diesel power station that they were going to set up in the green area at Lathbury. We were told that that was not a good thing. In the Parliament of 2015 we had a  
1205 mandate from the people to pursue it. We were told by hon. Members –

**Hon. D J Bossino:** Point of order.

1210 **Hon. Chief Minister:** What is the point of order?

**Hon. D J Bossino:** What relevance –?

**Madam Speaker:** No. What rule is contravened that gives rise to a point of order?

1215 **Hon. D J Bossino:** If the expectation is that I now need to refer to the specific rule –

**Madam Speaker:** I am not asking you to refer to a specific rule – (*Interjections*) Just a minute, one at a time. If I am expected to rule on a point of order, I need to know – loosely speaking; I do not need to know by reference to paragraph number, although I will check that that is there –  
1220 what rule you are saying is being contravened which gives rise to a point of order. It is as simple as that.

**Hon. D J Bossino:** Madam Speaker, the rule is relevance. I have asked specifically which new sources of energy the Government is looking at. I have asked specifically in relation to that, and  
1225 the Hon. –

**Madam Speaker:** I am going to stop you for a minute. I have the Rules in front of me. I have to ask you to be specific, because I cannot see any rule which says that an answer ... One would suppose that an answer has to be relevant. That should go without saying. There is not a specific  
1230 rule that says that the answer has to be relevant. I presume the Hon. the Chief Minister would argue that his answer is relevant. His answer may be more verbose than you would like, and I would, in that respect, ask the Hon. the Chief Minister to perhaps be more succinct in his answer, but without you referring me to the specific rule, I cannot give rise to this. We should move on.

1235 **Hon. D J Bossino:** Madam Speaker, with the greatest of respect, it is almost impossible for us to memorise. I know they are not particularly long Rules, but one could do a dissertation on this.

**Madam Speaker:** I am not asking you to memorise; I am simply saying that if the point you raise is not provided for in the Rules, then it is not provided for in the Rules. I have the Rules in  
1240 front of me. If you give me a moment, I will quickly skim through them and see if I can assist you. If it is there, I will take your point of order; if it is not, I will not. Give me one minute.

**Hon. Chief Minister:** Madam Speaker, if I can be of assistance, my recollection, if it is helpful, is that the Rules provide for questions but not for answers, and that the answers should simply  
1245 address the question. That is not, therefore, one of the rules that can be prayed in aid in order to

make a point of order, as the hon. Gentleman is trying to do. Getting up to make a point of order on the basis that he does not like the answer is not a point of order.

1250 If I may also be of assistance by saying that in the United Kingdom, in the Mother of all Parliaments, whose procedure we emulate here, every Member is required by the Speaker to quote the section that he is referring to when he calls a point of order, on the trot.

1255 Thirdly, the hon. Gentleman asked me about new fuels: LNG is considered to be a new fuel, and I was talking to him about the additional, other fuels that might be used in support of cold ironing. So I would argue that I was addressing directly to him exactly the point that he raised in respect of new fuels. If he meant something else by 'new fuels', that is to say a fuel not presently in use in Gibraltar, I can address just that, if he wishes.

I hope that is of assistance, Madam Speaker.

1260 **Hon. D J Bossino:** It is. I am not sure that the 650-odd Members of the House of Commons, with their varying abilities and all the rest of it, are expected to quote, as the hon. Member says, the precise rule on which they stand on a point of order.

1265 **Madam Speaker:** In any event, I have not asked you to quote the precise rule; I have simply asked you to identify a provision. I have looked and there is not one. If your complaint is that the answer was not relevant, that may or may not be a complaint that you can level, but it is not something that can provide a basis for a point of order. So, on this point, I am going to ask the Hon. the Chief Minister whether he has finished his reply. He has not.

**Hon. D J Bossino:** You have already provided the relevant answer: LNG.

1270 **Madam Speaker:** I would ask the Hon. Mr Bossino, if he has to speak, to stand and address himself correctly to the other side.

In any event, I am going to ask the Hon. the Chief Minister: has the Chief Minister finished his reply?

1275 **Hon. Chief Minister:** Yes, Madam Speaker, but I would –

**Madam Speaker:** Will you do so as succinctly as you are able, please?

1280 **Hon. Chief Minister:** I shall do so, Madam Speaker. Thank you very much.  
If I can be of assistance before I continue with my reply: in the old days, when I was in opposition, I learnt the hard way that the Standing Orders – in other words, the rules that allow us to make points of order, as the hon. Gentleman has purported to do – only deal with questions and answers. I have an extract, which I am very happy to share with him, from the old Erskine May – he can find it in the new Erskine May – which is the only paragraph about questions and  
1285 which I am very happy to circulate to him to be of assistance, given that we have known each other for many years and we have a lot of affection for each other and the Rules are the Rules and they are there for all of us to consult.

1290 **Madam Speaker,** moving on to the substance of the question, what I was doing was showing him why those new fuels are the new fuels that we have been pursuing the introduction of for the past four Parliaments in the teeth of their opposition, and additionally, as the Hon. the Minister for the Environment said only yesterday, we are further pursuing wind and tidal power, all of which would contribute to the cold ironing in addition to LNG and solar, which already contribute to the cold ironing because they are coming into the grid. That is as succinctly as I can put it.

1295 **Madam Speaker:** Any supplementaries on that by way of question? Is the hon. Member having difficulty in formulating a question?

**Hon. D J Bossino:** No, not at all. I –

1300 **Madam Speaker:** It was a rhetorical question: no answer is required. Does the hon. Member have a supplementary?

1305 **Hon. D J Bossino:** Yes, I do have a question. The reason why I am reacting the way I am is because I hear the hon. Gentleman and I could say so many things, but I cannot because of the strictures of the Rules and this place. And so be it.

Can I ask them to clarify one thing? Can I ask them to state when it is that LNG bunkering started to be provided in Gibraltar? I think that is the way that I have understood their answer. We have had one answer from the Hon. the Minister saying that it started last month – is that incorrect? – and then we have had an answer, by way of further contribution from the Hon. the  
1310 Chief Minister, saying that it started during the lifetime of the previous Parliament, just gone. I simply want clarification in relation to that, and I expect to receive a relevant reply.

**Hon. Chief Minister:** Of course the hon. Gentleman will receive a relevant reply, as he always does. Whether he likes the reply or not, Madam Speaker, is a matter for him, as you have rightly  
1315 indicated.

First of all, just dealing with the point of the strictures of this place, the strictures of this place have been in place for all of us since I was elected in 2003, since the Deputy Chief Minister was elected in 1999, and since Jo Bossano was –

1320 **Madam Speaker:** Can I ask the Hon. the Chief Minister to move on to answer the question, so that we can move on to the next question? *(Interjection by Hon. D J Bossino)*

**Hon. Chief Minister:** Absolutely, Madam Speaker, but with the very greatest of respect, he was not asked to move on when he made the point that what he would like to do is have a chat about these things rather than ask questions in keeping with the Rules of the House, and have answers in keeping with the Rules of the House.  
1325

Second, Madam Speaker – *(Interjection by Hon. D J Bossino)*

**Madam Speaker:** I am just asking the Hon. Mr Bossino not to interrupt from a sedentary position. *(Interjection by Hon. D J Bossino)* Well, it is your words, not mine, but I give the floor to the Hon. the Chief Minister.  
1330

**Hon. Chief Minister:** The equivalent of ‘Calm down, dear,’ but from the Chair.

Madam Speaker, there was no reference, by the Hon. Minister or by me, to anything having happened last month. What we talked about was last year, and I then said ‘in the lifetime of the last Parliament’ – that is to say not something for which the Hon. the current Minister is answerable for.  
1335

He will see that there is a public statement on 10th October last year, so if I may say so, with respect, the hon. Gentleman’s question also falls at the hurdle of asking about something that is publicly available information, whether he is aware of it or not. A simple Google search –  
1340 *(Interjection by Hon. D J Bossino)* The hon. Gentleman says, from a sedentary position, that he is aware of it. That doubly offends the rule, Madam Speaker, with respect, because he is asking for something which is publicly available information, which he knows, he now says, is publicly available information. But so be it. That is why, Madam Speaker – *(Interjection by Hon. D J Bossino)*  
1345

**Madam Speaker:** I am not going to allow the hon. Member to comment from a sedentary position. I will allow you to ask a further supplemental after this, if you need to, but not from a sedentary position.



1350 **Hon. Chief Minister:** Madam Speaker, these strictures that have applied to all of us are really terrible, aren't they? A very clear answer to the question that he put, not last month but last year, during the lifetime of the last Parliament, on 10th October 2023, something which he has now told us, from a sedentary position, he already knew.

1355 **Madam Speaker:** Is there a supplementary – not a comment – on that? A further question, and the last one because otherwise this is becoming a debate.

1360 **Hon. D J Bossino:** Can I ask the Hon. the Minister to correct the position? The recollection, certainly that we have on this side of the House, and it will be checked in *Hansard* once it is produced, is that in her initial reply, Madam Speaker, she said that this had started last month, not in October and not in the lifetime of the last Parliament, so can I ask her, by way of a question, that she, please, correct the record of this House?

1365 **Hon. Chief Minister:** Madam Speaker, he can ask her or me, or whoever he likes, but we decide who answers on behalf of the Government.

The hon. Gentleman has said, pointing his finger as if he were a teacher admonishing a naughty boy, that he will check the *Hansard* as to what the Minister said in her first answer. He does not need to check the *Hansard*: we will give him a copy of the first answer. It does not say anything about last month.

1370 **Hon. D J Bossino:** The premise of the answer that the Hon. Chief Minister has just given is wrong. It was in response to a supplementary that the hon. Lady said, 'We started LNG last month'. So there is nothing there that he will have in writing, unless it has been prepared by her officials by way of answer to a potential supplementary which will assist him.

1375 **Madam Speaker:** The question is clear.

1380 **Hon. Chief Minister:** Madam Speaker, the hon. Gentleman, in his question a moment ago, said 'in her first answer'. This is her first answer. He has now changed the premise of his supplementary to 'in her first supplementary'. Well, her first supplementary, as far as we are concerned on this side of the House, was premised on the basis that this happened last year, not last month. Given that last year was last month, I wonder whether hon. Members, when they heard 'last year', assumed it was last month.

1385 We should not stand here having an argument about something which empirically can be checked. If any of us misspoke, which I doubt, because I heard 'last year' ... because the hon. Lady was not a Member of this Parliament when it happened, and therefore I had the recollection and informed her ... knew full well that it was likely September or October, which is not last month.

I hope that is sufficient for the hon. Gentleman now to move on to something else.

1390 **Madam Speaker:** We are going to move on to the next question.

#### Q60/2024

#### Street advertising placards – Policy re town centre

**Clerk:** Question 60. The Hon. D J Bossino.

**Hon. D J Bossino:** What is the Government's policy in relation to street advertising placards in the town centre?

1395 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

**Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, the government policy in relation to street advertising placards or sandwich boards is contained in the Gibraltar Development Plan, which states:

POLICY OTR9 — SANDWICH BOARDS

APPLICATIONS FOR SANDWICH BOARDS TO BE LOCATED ON MAIN STREET WILL ONLY BE GIVEN FAVOURABLE CONSIDERATION WHERE THE FOLLOWING ARE SATISFIED:

A) THE SANDWICH BOARD IS FOR A BAR, RESTAURANT OR CAFE;

B) THE PREMISES CONCERNED ARE LOCATED ON A SIDE STREET AND WITHIN 20 METRES OF THE JUNCTION WITH MAIN STREET;

C) THE PROPOSAL WILL NOT RESULT IN MORE THAN ONE SANDWICH BOARD BEING LOCATED AT THE JUNCTION WITH MAIN STREET;

D) WHERE THERE IS ALREADY AN EXISTING SANDWICH BOARD AT THE PROPOSED LOCATION THE APPLICANT WILL NEED TO SHARE THE SAME BOARD AS THAT ALREADY EXISTING;

E) THE DESIGN AND SIZE OF THE PROPOSED BOARD IS NOT INAPPROPRIATE.

ELSEWHERE, WITHIN THE OLD TOWN PERMISSION SHALL NOT BE GRANTED FOR SANDWICH BOARDS.

1400 The criteria are normally also applied to applications outside the Old Town.

**Hon. D J Bossino:** The reason why I ask the Government this question is because of what I have seen, particularly in Main Street, if that assists the Hon. the Minister, where you see ... I think she referred to the Development Plan. It is a publicly available document and so it is something that one can easily check, but I think it is the third final –

**Madam Speaker:** Can I ask you for a question?

1410 **Hon. D J Bossino:** Yes, Madam Speaker, the third point – which I did not quite catch because she went through it really quickly – about the setting up of placards with an adjoining side street, presumably adjoining to Main Street is the policy position, but they are unsightly. I have seen a few of them. One –

**Madam Speaker:** A question, or I am going to ask you to sit down.

1415 **Hon. D J Bossino:** The question, Madam Speaker, is: will the Government consider changing its policy? I know that they are in the throes of drafting a new Development Plan, but can I ask, at this stage, now, before that document is fully made available and published, is she able to say what her, and the Government's, thinking in relation to this is, whether it is going to change the policy and develop it, as currently stated in the Development Plan?

1420 **Hon. G Arias-Vasquez:** Madam Speaker, it is correct that we are looking at the Development Plan. We are also looking at this in terms of the new Entertainment Act which is being drafted and there are policy papers being considered, but it is a tightening of the current policy which is in existence already.

1430 **Hon. D J Bossino:** I see, so it is the conduit, and the expression of the Government's thinking in relation to this will be expressed in the Development Plan, as I understand it, and also in this new piece of legislation which is being considered. Can she give an indication as to what the direction of travel is likely to be in relation to that? Is she able to say that now? For example, would she be considering a complete ban of these placards in Gibraltar generally, or in specific areas? Can she elucidate in relation to that?

1435 **Hon. G Arias-Vasquez:** Madam Speaker, as I stated, it is a tightening of the policy which is currently in place, so it is pretty much along the lines of what is in existence, just a tightening of that policy.

1440 **Hon. D J Bossino:** But what does 'tightening' mean? Tightening can go all the way through to prohibition. That is possible within the tightening, so I am just asking her ... I think she can provide us with further and better particulars in relation to this, but if she cannot, she cannot. However, can she, please, say what she means by further tightening? Tightening suggests that she is going down the route of further restriction. It is possible that the answer could have been the other way to make it more liberal, but at least she is indicating that it is making it more restrictive. To what extent and by how far? I think that is a fair question.

1445 **Hon. G Arias-Vasquez:** Madam Speaker, the policy will soon be published, so the hon. Member will be able to see it then.

**Madam Speaker:** Next question. (**Hon. D J Bossino:** But – ) Next question.

**Q61-62/2024**

**Anti-psychotic and anti-depression medication –  
Number of persons prescribed by GHA practitioners**

1450 **Clerk:** Question 61. The Hon. the Leader of the Opposition.

**Hon. Dr K Azopardi:** Madam Speaker, how many persons have been prescribed anti-psychotic medication by GHA practitioners in the calendar year to 31st December 2023?

1455 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

**Minister for Health, Care and Business (Hon. G Arias-Vasquez):** Madam Speaker, I will answer this question together with Question 62.

1460 **Clerk:** Question 62, the Hon. the Leader of the Opposition.

**Hon. Dr K Azopardi:** How many persons have been prescribed anti-depression medication by GHA practitioners in the calendar year to 31st December 2023?

1465 **Clerk:** Answer, the Hon. the Minister for Health, Care and Business.

**Hon. G Arias-Vasquez:** Madam Speaker, in answer to Question 61, a total of 1,183 persons have been prescribed anti-psychotic medication by the GHA in the calendar year 2023.

1470 In answer to Question 62, a total of 4,122 persons have been prescribed anti-depressant medication by the GHA in the calendar year 2023.

1475 **Hon. Dr K Azopardi:** I am grateful for that. I have been tracking this information over the last few years. The Hon. Minister may not be aware of this, as she was not in this House, but I have been asking her predecessors about these statistics. In terms of anti-depression medication, the figure of in excess of 4,000 people has been given before, and it accords with that, so my question there, as I have put to her predecessors, is: has she discussed with officials whether measures can be taken which might result in people having other routes available to them rather than medication?

I will explain the point, in case it is not obvious from my question. A lot of the anti-depressive medication from people who come to see me sometimes gets prescribed ... They are on anti-depressive medication, but a lot of people complain to me about the difficulty that they have in terms of lack of follow up once they get the initial diagnosis and then the difficulty of access to clinical psychology unless they pay for it. Some people cannot afford it, and people then get put on a cycle of continuing repeat prescriptions of medication. To the extent that there may be people who need it, obviously everyone who has been prescribed it needs it, but some people might not need it for as long as they are being prescribed if there were more resources for clinical psychologists. So my question really is: I appreciate it is early days for her, but has she discussed with her officials, in light of this number, the backdrop that there is in this community on this issue?

**Hon. G Arias-Vasquez:** Madam Speaker, the total in Gibraltar that I have just given is 4,122. This is just under 13% of the Gibraltar population as at 2021. If we contrast and compare this figure with the figure in the UK, for example, in the UK the figure on anti-depressants is 17% of the adult population. Whilst I would agree with the hon. Member that it is entirely desirable to have a much lower number of adults in Gibraltar on anti-depressants, as indeed I think the hon. Member indicated to him on 23rd November 2022, which was the previous session that the hon. Member alluded to, I think the desire would be always to have fewer members of the adult population on anti-depressants, and we are looking at alternatives such as psychologists, counsellors etc., as part of the overall Mental Health Strategy. If the question is 'Is this an alarming number of adults?' it is fewer than the number of adults on anti-depressants in the UK, according to the NHS statistics.

**Hon. Dr K Azopardi:** I do not know if she knows – she might know – the figure she has just given, 70% – is that like for like? Is that a figure for the UK population at large, or is it for the UK population prescribed under the NHS? For example, the figure of 13% does not take account of anyone on private prescriptions in Gibraltar.

**Hon. G Arias-Vasquez:** Madam Speaker, the figure of 17% comes from the NHS website.

**Hon. Dr K Azopardi:** I appreciate that; I am not sure that is the answer. It may be on the NHS website, but is it collected on the same basis? Does it answer the question of whether it is only people who are prescribed under the NHS, or is it on the NHS website but in relation to the UK population because they collate statistics in a different way and have access to private prescription statistics?

**Hon. G Arias-Vasquez:** I am unable to answer that question.

**Hon. Dr K Azopardi:** I am grateful and I will do my own investigation, if necessary, on that issue. On Question 61, on the anti-psychotic medication, my recollection of previous answers is that that figure is different, and I just wonder how that has been collated. It is either a collation issue or something has happened in that field where that number would be lower. I just give her an opportunity, in case she has additional information provided by officials which would answer why that number seems lower than in previous years when I have asked.

**Hon. G Arias-Vasquez:** Madam Speaker, if I turn to the *Hansard* from 23rd November 2022, which is when my predecessor answered this question, the answer was in relation to anti-depressants and anti-psychotics together. In this instance, we have separated the numbers, so the number of 1,183 persons is 1,183 persons who are prescribed anti-psychotic medication, and 4,122 persons have been prescribed anti-depressant medication. That is the difference between the previous answer on this.

CHIEF MINISTER

Q85/2024

Import duty discount on fuel –  
Discussions with local suppliers re pricing to consumer

**Madam Speaker:** All right. We paused the Hon. the Chief Minister's questions to give the Hon. the Leader of the Opposition time to join us, so I propose that we finish dealing with the Chief Minister's questions from the Hon. the Leader of the Opposition, and then we can resume.

1535 **Clerk:** Question 85. The Hon. the Leader of the Opposition.

**Hon. Dr K Azopardi:** Is the Government in discussions with local fuel suppliers as to the impact of the removal of the import duty discount on pricing to the consumer?

1540 **Clerk:** Answer, the Hon. the Chief Minister.

**Chief Minister (Hon. F R Picardo):** Thank you, Madam Speaker. Yes, His Majesty's Government continues to monitor the impact of the removal of the import duty discount. We expect to make an announcement in coming days and weeks in respect of the duty discount.

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**Hon. Dr K Azopardi:** Will the announcement come soon? When he says 'in coming weeks', does he mean he intends something before the Budget?

The Chief Minister will have seen that there is commentary on the effect of the removal of the discount at, I suppose, two levels: one is the impact on the consumer going down, although of course we understand the revenue point for Government; and then the issue that I have also seen is the fact that the removal of the discount is now leading to similar pricing on this side of the border and that side of the border. What is the nature of the discussions he is having with local fuel suppliers, and is the announcement that he mentioned in his original answer intended to be made ahead of the Budget?

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**Hon. Chief Minister:** Madam Speaker, the intention of the Government, as I have said, is to make an announcement in coming days and weeks, and the Budget is not for months. The issue is about exactly that point: the issue of pricing. The hon. Member may know that in Spain the duty discount was removed in January 2023 – that is to say a whole year ago. We did not remove the duty discount which we had introduced in April 2022, which was designed to deal with post-COVID ... and, indeed, at that time, I believe – the hon. Gentleman will correct me if I am wrong – issues relating to spikes in the cost of fuel. We did not remove that until January 2024 – that is to say this year, a year after it had been removed in Spain.

The issue relates to price competition rather than duty discounts. There are different prices available in Spain from what one might call mainstream suppliers and white label suppliers, and those white label suppliers are affecting pricing in the main suppliers and are affecting, therefore, also, issues with the price in Gibraltar for what we might call our established main suppliers. That is everything that I am being advised on by the Collector of Customs and the Financial Secretary and on which we are in consultation with Gibraltar suppliers.

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**Hon. Dr K Azopardi:** Is one of the issues that the Government is considering, in removing the discount, the impact it might have on the exchequer because it may not be attractive anymore to come here? Is that one of the things that is being considered?

**Hon. Chief Minister:** Madam Speaker, whenever one introduces a budget for import duties or discounts of import duties, that is one of the issues that is looked at, but it is not the only issue

that is looked at. In the context of this particular duty, I would say that there were three competing imperatives: the issue of the exchequer; the issue of the competitiveness of Gibraltar in a particular commodity, in this case a fossil fuel; and that leads us to the third consideration, which is the environmental concern. All of those competing factors will be taken into consideration.

**Madam Speaker:** Next question.

**Q86-87/2024**

**ID and civilian registration cards –  
Numbers held; number of applications by colour at end of 2023**

**Clerk:** Question 86. The Hon. the Leader of the Opposition.

**Hon. Dr K Azopardi:** How many persons held the following colour of ID/civilian registration card at 31st December 2023: (1) red; (2) blue; (3) magenta; and (4) green?

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

**Chief Minister (Hon. F R Picardo):** Madam Speaker. I will answer with Question 87.

**Clerk:** Question 87. The Hon. the Leader of the Opposition.

**Hon. Dr K Azopardi:** How many applications for the following colours of ID/civilian registration cards were pending at 31st December 2023: (1) red; (2) blue; (3) magenta; and (4) green?

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

**Hon. Chief Minister:** Madam Speaker, the number of persons holding an ID or civilian registration card as at 31st December 2023 was as follows: red, 35,434; blue, 4,306; magenta, 9,051; green, 1,513.

The number of applications for ID or civilian registration cards which were pending as at 22nd December 2023, which was the last working half day before the Christmas break, was as follows: red, six; blue, one; magenta, one; green, one. The hon. Gentleman should, however, note that these applications were received by the CSRO on the actual day of closure – that is to say on the morning of 22nd December – and so they could not be processed and printed within the working day. These were all processed, printed and ready for collection on 2nd January 2024 – that is to say the next working day. I can confirm that the CSRO was completely up to date, with no cards pending, as at 21st December 2023, the last full working day before the Christmas break. I warmly congratulate the staff of the CSRO, now so ably led by Karl Triay, for their work in respect of Civilian Registration Cards and all their other responsibilities.

**Hon. Dr K Azopardi:** I am grateful for the statistics. In the answer to Question 87, when the Chief Minister says that they are completely up to date – which was slightly surprising, but obviously I take it at face value – previously we have understood that there is a period of time, which is understandable for the processing of application cards which may take a few weeks and so on and so forth. From time to time, we have been approached by blue ID cardholders who, for other reasons which we have asked in this House before, have had applications for blue ID cards pending – because of issues that the Chief Minister may recall he has answered in this House before – which were pending policy decisions. Given the answer he has given to Question 87, that

they are completely up to date, does that mean that the policy decisions that were holding up the processing of certain ID cards have been dealt with?

**Hon. Chief Minister:** Madam Speaker, I can tell the hon. Gentleman that as at the end of the year – 22nd December, which was the last working day, but therefore correct to 31st December, which is the date that I think he used in his question because he wanted to know at the end of the year – what we had were 89 applications for red ID cards, 21 applications for blue ID cards, and nine applications for green ID cards that were pending user action – that is to say where we were waiting for the applicant to provide further information. There is now no outstanding policy decision due from the Government for CSRO to implement, but in some instances there are bits of information, bits of paper, that are required by CSRO in order to be able to apply the policies in order to be able to make the determination of entitlement to civilian registration in each of those categories. There is nothing else outstanding and there is nothing outstanding from the Government or CSRO's side in respect of those applicants, as far as I have been informed.

**Hon. Dr K Azopardi:** I see, and given that those policy decisions have been taken – and I appreciate that on previous occasions when I have asked, the Chief Minister has indicated an element of sensitivity in communicating some of the policy decisions because of the impact they might have on other matters – can he let us know how those issues have been clarified? If the sensitivities still arise, is he willing to perhaps brief me privately on the issue of how those policy decisions have been taken, how they have landed and what policy decisions have been reached?

**Hon. Chief Minister:** Madam Speaker, I do not think it is in the common interest that I should ventilate across the floor of the House what those issues have been, but I have absolutely no difficulty in briefing the hon. Gentleman formally if he comes to No. 6 for a discussion, or informally when we break so that we can have a chat over the past-sell-by-date coffee that the House offers us when we break for 15 minutes.

**Madam Speaker:** Next question.

**Q88-90/2024  
Civil Service –  
AA and AO roles**

**Clerk:** Question 88. The Hon. the Leader of the Opposition.

**Hon. Dr K Azopardi:** Madam Speaker, how many AAs were in post in the Civil Service on 31st December 2011 and 16th January 2024?

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

**Chief Minister (Hon. F R Picardo):** Madam Speaker, I will answer with Questions 89 and 90.

**Clerk:** Question 89. The Hon. the Leader of the Opposition.

**Hon. Dr K Azopardi:** How many AO vacancies were there in the Civil Service at 16th January 2023?

**Clerk:** Question 90. The Hon. the Leader of the Opposition.

1665 **Hon. Dr K Azopardi:** Does the Government accept that persons recruited as AAs in the Civil Service are conducting de facto tasks of an AO, or do they view the roles as different; and, if so, how?

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

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**Hon. Chief Minister:** Madam Speaker, as at 31st December 2011, there was one AA in post. As at 16th January 2024, there were 62 AAs in post.

As at 16th January 2023, there were 19 AO vacancies.

1675 The grades of AA and AO have varying – that is to say different – job and person specifications, which indicates that both roles differ in duties and responsibilities. The Government recruits at the level of AA taking into consideration the number of vacancies within the approved complements at this level only. Newly recruited individuals are not mapped against AO vacancies, and therefore the work that is carried out within the respective Departments should be commensurate with the appropriate grading. Heads of Department are responsible for ensuring that work undertaken by AAs is in keeping with their respective job and person specifications.

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**Hon. Dr K Azopardi:** The Hon. Chief Minister will have seen, no doubt, the comments made by the union leader of the GGCA in relation to this subject, and indeed the view communicated by the Civil Service Union that people are being recruited at that level but in fact the tasks of AA that they have been conducting are, in practice, in their view, on the ground, the same as people who hold the post of AO in the Department. Do I take it from the answer he has just given that he does not share that view?

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**Hon. Chief Minister:** No, Madam Speaker, it is not that I do not share that view. It is that there is AO work and there is AA work: AAs must be given AA work and AOs must be given AO work. If there is a problem with the number of AAs or AOs in a particular Department, it has to be addressed by the Head of Department with the Chief Secretary and the Head of Human Resources, so that AAs do AA work and AOs do AO work. If one particular role needs to be regraded to AO or regraded to AA, that is a matter that needs to be dealt with and addressed by the Chief Secretary, and then the political Government needs to be advised of that at the time when we are preparing the Estimates Book, so that we can come to the House and change the complement in respect of each particular Department.

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He will have seen, like I have seen, the comments which he refers to by the GGCA. There is a legal opinion from the GGCA. There is a legal opinion from Government lawyers, also. We do not accept the premise of the GGCA legal opinion and we believe that there is plenty of AA work to be done by the AAs that have been recruited.

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I note, Madam Speaker, that they, during the course of this General Election campaign, also committed themselves to recruit AAs.

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**Madam Speaker:** Next question.

#### Q91-92/2024

#### Eastern Beach shooting and smuggling incident – Investigation; whether persons arrested and/or charged

**Clerk:** Question 91. The Hon. the Leader of the Opposition.

**Hon. Dr K Azopardi:** Madam Speaker, has the investigation into the shooting and smuggling incident at Eastern Beach on 2nd February 2023 now concluded; and, if so, has the Government



1710 been informed of the conclusions of such report, or any interim findings if the investigations have not concluded?

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

1715 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I will answer with Question 92.

**Clerk:** Question 92. The Hon. the Leader of the Opposition.

1720 **Hon. Dr K Azopardi:** Have any persons been arrested and/or charged or their arrest sought in relation to the shooting and smuggling incident at Eastern Beach on 2nd February 2023; and, if so, how many persons?

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

1725 **Hon. Chief Minister:** Madam Speaker, this question relates to an existing investigation and I must therefore be circumspect in what I say.

There were two strands to the investigation in question, the first involving those illegally exporting tobacco and who assaulted Spanish law enforcement officers, and the second to identify those who discharged firearms. Witness testimony and video evidence gathered at the time failed to identify any of the individuals concerned in either strand of the incident.

1730 Co-operation and exchange of information with Spanish law enforcement agencies led to six individuals being arrested in Spain by the Spanish police for assaulting the Spanish law enforcement officers. The investigation will continue to be periodically reviewed, and should new evidence be available the relevant lines of inquiry will be pursued.

1735 Madam Speaker, the House should be aware that this information has been provided by the Royal Gibraltar Police in response to the question posed.

**Hon. Dr K Azopardi:** I appreciate that answer. Equally, because it is a pending investigation, the Chief Minister, I think, tangentially answers my Question 91, which is that the investigation continues, I assume – it is implicit in his answer. Is it implicit also in his answer that the Government has not received any kind of report on interim findings other than for the preparation of the answer?

1745 **Hon. Chief Minister:** Madam Speaker, it was not implicit in my answer, if I may say so with respect to the hon. Gentleman; it was explicit in my answer because I said specifically that the investigation will continue to be periodically reviewed and therefore the investigation continues. The updates that I have had in relation to this from the Police date to closer to the time, but I have also had other information which I have received.

1750 **Hon. Dr K Azopardi:** He said that the video evidence – by which I assume he means the Gibraltar video evidence – had failed to identify individuals on both strands. However, six individuals had been arrested in Spain under co-operation between our authorities and the Gibraltar Police. Those individuals are intended to face proceedings here or in Spain – does he know that?

1755 **Hon. Chief Minister:** Madam Speaker, I do not know whether the hon. Gentleman is suggesting that there is a contradiction in what I said: I do not think there is. We can have information which does not enable us to identify an individual, but when we provide the same information to a foreign law enforcement agency, it may enable that foreign law enforcement agency to identify the individuals in question, because they may be foreign nationals who may be known to them, whilst they are not known to us. I think that is what the issue has been.

I believe, from my own reading of news reports – and I will put it no higher than that, and therefore I cannot be held to this reliably – that I have read in the Spanish press, and therefore a massive caveat – I always say do not believe anything you read in the papers; I say it twice when I am talking about the Spanish press – that proceedings have been commenced in Spain against those particular individuals. I would have thought that may enable our Police to now have better identification of those individuals. Indeed, if there is a conviction of any of those individuals in Spain, that would be very useful evidence, for Gibraltar, for those individuals to be prosecuted here, should they ever come within the writ of the jurisdiction of the Supreme Court of Gibraltar and the Royal Gibraltar Police.

**Hon. Dr K Azopardi:** First of all, I assure the hon. Member I was not casting any aspersions. The failure to identify people can be for one of two very logical reasons: either because the video quality is good and you do not know the people, or the video quality is not good and nobody can identify any people. It seems to be the former, as he has explained it. In other words, the video quality was sufficient for there to be identification, not here, but somewhere else where they might know it is certain individuals. If that were the case – in other words, the video quality is okay – why hasn't it been possible to identify the people who did the shooting?

**Hon. Chief Minister:** Madam Speaker, it is very difficult, as the leader of the political Government, to give an answer in respect of the actions of the Royal Gibraltar Police and the standards to which they feel they have to be able to identify someone, and whether indeed, even with the 4K video quality that they might have, having a fantastic picture of an individual might not enable them to identify who that individual is, because he is not on our databases and we do not have access to the databases that would give us that information.

However, if that same individual has been identified by the Spanish police, then through international interfaces – as a layman and entirely in the realms of what my views are, which is not what I am here to do – I would have thought that eventually it will be possible to put a face to a name, and therefore, for the reasons I explained before, likely, should that person ever come within the writ of the jurisdiction of the Supreme Court and therefore the jurisdiction of the Royal Gibraltar Police, that it might lead to a prosecution.

However, as far as I am concerned, these are not matters for us in the context that the hon. Gentleman is asking, which is the identification of the individual. I think the matter for us, as politicians and as Gibraltarians, is that if somebody comes and discharges a weapon in Gibraltar, it is very serious and we want it dealt with. If that person then leaves the jurisdiction *tout suite*, we cannot deal with it, but if we are subsequently able to identify who that individual is, we would all expect that should they ever take a step into the jurisdiction they will be dealt with. I am sure that on that we will all agree.

**Hon. Dr K Azopardi:** Indeed, we will all agree, and of course I was not saying that the RGP should have identified ... By the same token, they would not know who did the shooting, but equally, is it the position then that what he is saying is that the co-operation between the Gibraltar and Spanish law enforcement authorities has been such that it has been impossible to identify either strand in Gibraltar, the video quality has been passed on to Spain, who have identified the people in the illegal exportation of tobacco strand, but the Spanish law enforcement authorities have been unable or unwilling to identify those enforcement authority officials who discharged the weapon on Eastern Beach?

**Hon. Chief Minister:** Madam Speaker, I cannot answer that question, I assume – well, I do not assume, I know – because I have not got the information. The hon. Gentleman will permit me to not speculate too much but to fathom that if you were going to take the step of arresting somebody for that offence – which is frankly, in my view, one of the most heinous incidents we have seen in recent years – you would not want to advertise it in the Parliament of the place where

they discharged the weapon, so that they knew never to come within the jurisdiction again. In other words, you would not necessarily want to say, 'Don't come to Gibraltar, guys: we know who you are.' You would want them to blithely walk into Gibraltar when they least expected it, in order to be dealt with in keeping with the laws of Gibraltar. I do not know whether that makes any sense to the hon. Gentleman, but I would have thought it was the right way to do it, if I were the person investigating this and wanted to ensure that justice was done by the people of Gibraltar.

**Madam Speaker:** Next question.

**Q93/2024**

**Removal of Gibraltar from Spanish blacklist –  
Update**

**Clerk:** Question 93. The Hon. the Leader of the Opposition.

**Hon. Dr K Azopardi:** Can the Government update the House in relation to the promised removal of Gibraltar from the Spanish list of non-co-operative finance centres, its so-called 'blacklist'?

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

**Chief Minister (Hon. F R Picardo):** Yes, Madam Speaker. The Spanish government has recently confirmed to us that they expect to revert with specific details on our removal. The process was delayed by the dissolution of parliament in Spain.

**Hon. Dr K Azopardi:** Sorry, he read that quickly: they expect to revert with specific proposals – is that what he said?

**Hon. Chief Minister:** Madam Speaker, I am sorry if I read that quickly. The Spanish Government, I said, has recently confirmed to us that they expect to revert with specific details on our removal. The process was delayed by the dissolution of parliament in Spain.

**Hon. Dr K Azopardi:** I am grateful. He did not have to read it that slowly. It was a happy medium. They have the advantage of the written answer. This is the problem that we have sometimes: it is way too quick because of what you have in front of you.

This has been going on for a while. 'Delayed by the dissolution of parliament in Spain' is one way of putting it, but of course the delay has been much more significant than that. This treaty was entered into on 4th March 2019. It promised that we would be removed from the Spanish blacklist within two years of implementation. We are now in 2024. On any view of life, it is not just delay of the dissolution of the Spanish parliament.

He has given a statement as to intention of the Spanish government to respond to them, but can he give us a bit more? Or is that the only thing that Spain has said to the Gibraltar Government? If that is the only thing it has said, it is very vague given the very specific commitment that was given in 2019.

**Hon. Chief Minister:** Madam Speaker, I know that he is tired after two whole long days in court which prevented him from joining us at the time when we started. That is why I went slowly, given that he appeared not to be able to follow me.

This, we are informed, requires primary legislation in Spain because the list is contained in primary legislation. That is why the dissolution of the Spanish parliament and the inability to pass legislation is relevant.

1860 The hon. Gentleman says that this is long overdue because the treaty is dated 2019 and they said that we would be removed within two years of implementation. Therein lies one of the rubs. The hon. Gentleman likes to use the date of 2019, but that was not the date when implementation happened, that was the date of signature. Implementation I think happened later in 2020 or 1865 2021 – I think we were delayed in implementation because of COVID – and therefore it is not that four years have passed. And there is a great chunk of that period which is in the absence of a legislative forum in Spain. And so the hon. Gentleman will join me in looking forward to Spain complying with its specific commitments to remove Gibraltar from the blacklist, and will rejoice with me and every other Gibraltarian when it happens.

1870 **Hon. Dr K Azopardi:** Well, we do think that Spain should comply with its international obligations, not because we think the Tax Treaty is a good thing, because we said at the time that it was not, but because they sold it to Gibraltar on the basis that at least they had that commitment, and it has been breached.

What will happen if Spain does not take us off the blacklist within a reasonable period of time?  
1875 They are already on borrowed time beyond the period in which they should have complied with that obligation. Everything that the hon. Member has said sounds like vague verbiage by the Spanish government. Is there a specific commitment? And what will the Government of Gibraltar do if it is not complied with shortly?

1880 **Madam Speaker:** Again, I interject just to caution against ... (**A Member:** Hypothetical.) Thank you – against a hypothetical situation. The Hon. the Chief Minister may, if he chooses, answer that, but the Rules prohibit a hypothetical question being put, so if the Hon. the Chief Minister chooses not to, I shall not insist that the question be answered.

1885 **Hon. Chief Minister:** Madam Speaker, I am very grateful for that timely reminder of the Rules. The hon. Gentleman said, during the course of that supplementary, in his preamble, that they had said that the Tax Treaty was not a good thing. He subsequently also said, in an interview in the *Gibraltar Chronicle*, that he understood why the Tax Treaty had to be done in the context of the Withdrawal Agreement, and the attitude, therefore, that he had expressed in this House, one was 1890 left thinking obviously was different once he had seen the wider picture. So I am left thinking, as I said at the time that he said that in the local press, that at the time that he said he was against the Tax Treaty he had a very narrow view and he accepts now that a wider picture was necessary. I have no doubt that the Spanish government will be quaking in its boots having been told by Keith Azopardi that they are on borrowed time on this issue.

1895 However, Madam Speaker, given that I am reminded by you, rightly, that I should not be required to answer a question that requires a speculative or hypothetical answer or requires me to hypothesise, I will simply repeat that which I have said previously in this House, which is that Gibraltar and the United Kingdom comply with their international legal obligations. If those who enter into counter obligations with us do not comply with their counter international legal 1900 obligations, then the public international legal rules are very clear: if the other side is not complying, you withdraw from the international treaty in question. We do hope that that is not going to happen, and all of the assurances that we have from the Spanish government are quite the contrary, namely that they understand the international legal obligation that they acquired and they are in the process of delivering on it. But frankly, it is the Spanish government.

1905 **Hon. Dr K Azopardi:** Madam Speaker, there is one question that he did not answer, which was not hypothetical and I will ask it again. Have they had a specific commitment as to when Gibraltar

will be removed from the Spanish blacklist? Or at least have they had a specific commitment as to when they will be commenting on this roadmap of timescale to achieve it?

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**Hon. Chief Minister:** Madam Speaker, I am reminded that, in fact, the date of implementation of the Tax Treaty was February 2021, so that two years was February 2023. The Spanish election happened in June. We had been assured, as I told the hon. Gentleman before then, that the process was in train, and then the Spanish Cortes disappeared until December 2023 as a legislative chamber.

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We have been assured that the process is in train – in other words, not that they are going to do it, but that they are doing it – and therefore I hope that they complete doing it very shortly and not *mañana*, and that the hon. Gentleman and I can join 38,000 other Gibraltarians in rejoicing in the great injustice that there has been of having Gibraltar on a blacklist driven by politics and not by any objective assessment of the financial services and taxation services offered in Gibraltar finally being undone. And then, Madam Speaker, he might completely readdress all of the things that he said in 2019 about the Tax Treaty.

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**Madam Speaker:** Time to move on. Next question.

#### Q94/2024

#### Treaty on new relationship for Gibraltar with EU – Update re negotiations

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**Clerk:** Question 94. The Hon. the Leader of the Opposition.

**Hon. Dr K Azopardi:** Are there further rounds of talks in relation to the negotiations seeking to conclude a treaty on a new relationship for Gibraltar with the EU programmed for January 2024?

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Madam Speaker, I asked that question before the press notice on that, but I am sure the Chief Minister will answer.

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

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

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**Hon. Dr K Azopardi:** As I said, I asked that question before it came out that there were technical talks that I believe conclude today. Beyond the technical talks, can the Chief Minister give us a bit more information about the state of play in relation to those ongoing talks for a new relationship?

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**Hon. Chief Minister:** Madam Speaker, I would start by saying that the House knows that the Government respects the convention that once a question has been asked, we would not issue a press statement which addresses an issue set out in a question unless it was necessary to do so. In the context of these talks, there is agreement between the United Kingdom, Gibraltar, the European Union and Spain as to when things are announced. Rounds are fixed and the date of announcement is also fixed. The question came in, and we were not able to not announce it, otherwise it would have been seen that others were announcing it and we were failing to announce it because of the convention.

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I am able to advise the House that the talks between the United Kingdom, including Gibraltar and the European Union, are progressing well. We have been represented at those talks directly in Brussels by the Attorney General, Michael Llamas, and by Daniel D'Amato, the Head of Gibraltar House. The Deputy Chief Minister and I have been very closely involved in every step of the negotiations, of course, including everything that was happening yesterday. Everything is done *ad*

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*referenda* to the Government, as he would expect. The Deputy Chief Minister was, coincidentally, on other matters, in Brussels and able to consult directly with the Attorney General in person and to consult me. The Deputy Chief Minister has already announced that he met the British Ambassador to the European Union, who is the lead negotiator in Brussels for the United Kingdom – Lindsay Appleby – who hon. Members will know has long been involved in Gibraltar matters from the period of the Withdrawal Agreement. I think I had cause to thank him publicly for his work with us in the context of that negotiation.

Nobody should doubt my desire to give chapter and verse to the people of Gibraltar on every step in that negotiation. I do hope that we will be able to finalise the negotiation very soon. We are very close. As ever, in any negotiation, the final details are always the crucial details. The final details are not too dissimilar to the issues that one has been dealing with for many years. Other things tend to fall into place quite easily. When the public see, either immediately upon a treaty or a no treaty, what it is that has enabled us to do a deal or not do a deal, I think they will understand that every Gibraltarian that I know who looks at things logically and reasonably would have defended the interests of Gibraltar in the way that the Deputy Chief Minister, the Attorney General, all of the Cabinet and I have sought to do at every step. And if they do not see it immediately, when they see all the *travaux préparatoires* and all of the details, when relevant papers are published after the relevant period, which hon. Members know in Gibraltar is fixed initially at 10 years, they will be very proud indeed of how each of the officials involved for Gibraltar and the Deputy Chief Minister have acted, and the public will decide whether or not I deserve the same level of recognition or not. It will not be a judgement made by politicians in the heat of the moment. When all is said and done and the dust is settled, Gibraltar is very safe in the hands that are representing it in Brussels today.

**Hon. Dr K Azopardi:** Well, judgements will be made in due course if something emerges, and then of course there will have to be political judgements, although I try always not to judge things in the heat of the moment: I try to have a reflective judgement.

The Chief Minister knows that despite our differences and while we ask these questions because it is in the public interest that we should ask them – because they are important questions and we recognise they are important questions for Gibraltar – I do so in a way that recognises and tries to give the Government as much political space as possible so as to conduct the negotiations without treading on things that might not further Gibraltar's interests, at least in the context of the negotiating process.

Can I ask him this, because obviously it is in the public interest and there is a spotlight on this process going on: if the technical talks are going well and will they conclude today, as has been forecast, or are they being extended further? Is the next step that there should be more technical talks, or is it intended that there would be talks at a different level, at a political level involving the Chief Minister? What is the next step after these technical talks? Or is it that nothing is programmed after the end of these technical talks and people need to take stock and see where we are?

**Hon. Chief Minister:** Madam Speaker, I do not know that I agree with the premise of his question that he is somebody who looks at things not in the heat of the moment. He will allow me to reflect on that because in an interview he gave to the *Gibraltar Chronicle* on 27th September last year he said that he recognised, in relation to the Tax Treaty, which he had been so vehemently against, 'that it may not be possible to undo it if we want to land a safe and beneficial agreement' – talking about the general treaty – 'and I recognise that that may be part of the mix'. So he says that he is vehemently against something which is not good etc., only to subsequently say, 'Ah, now I see and I realise that it may be part of the mix for achieving this wider, more important thing.' So he will forgive me for not agreeing with the premise of his question.

In the context of the actual question, there is a round now. We expect those rounds to continue, but it may be that the parties take the view that we should not continue because we

2005 are not getting closer. I actually believe that that conclusion is possible, but I think the conclusion  
will be that we will continue. As I have said before, Gibraltar has put a huge amount of its resources  
into this negotiation – in particular given how small we are as an administration – led by one of  
our top assets, particularly in relation to EU law, the Attorney General, who is, without a shadow  
2010 of a doubt, the Gibraltarian who knows the most about the workings of the European Union and  
the *corpus juris* of the European Union itself, which is what we are negotiating our interface to,  
and the Head of Gibraltar House in Brussels, who is probably the Gibraltarian who knows at least  
as much or almost just as much as the Attorney General. Additionally, heads of many different  
Departments have been made available because there are many areas of interplay. Environment,  
Social Security and Customs – you name it, every Department of the Government of Gibraltar has  
2015 been involved in providing expertise in the negotiations. If that were not enough – because of  
course it matters to us – every Minister has been involved in relevant parts of the discussion in  
the previous administration, and no doubt in the course of this administration will be involved  
also. But – and this is the point, Madam Speaker – in the United Kingdom, across Whitehall,  
resources have been made available, and in the European Union, across the European Union's  
2020 legal order, different Departments have made expertise available for the purposes of the  
negotiation. Therefore, I believe – but the fact that I believe it from my assessment does not mean  
it is what will happen, because we have not yet assessed how the round has gone; I am giving hon.  
Members my impression as we have gone through the process, but the day has not yet ended  
today, and the negotiation has not yet ended today – that we will go on. However, the opposite  
2025 may happen and we may all decide that we have reached the end and we cannot continue.  
Although that is unlikely, given that the hon. Gentleman is asking me about possibilities, then I  
have to tell him that those possibilities are both open, although I believe the probability is that we  
will continue, and it is in all our interests that we should continue.

2030 **Madam Speaker:** Next question.

## JUSTICE, TRADE AND INDUSTRY

### Q63/2024

#### Treaty on new relationship for Gibraltar with EU – Update re negotiations

**Clerk:** Questions to the Minister for Justice, Trade and Industry.  
Question 63. The Hon. J Ladislaus.

2035 **Hon. J Ladislaus:** Madam Speaker, can the Hon. Minister outline how lists are compiled for  
individuals to be called up for jury service?

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

2040 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, I will answer this  
question together with Question 64.

**Clerk:** Question 64. The Hon. J Ladislaus.

2045 **Hon. J Ladislaus:** Madam Speaker, with what frequency, on average, are the same members of  
the public being called to undertake jury service?

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

2050 **Hon. N Feetham:** Madam Speaker, the compilation of the jury list and the summoning of members of the public to undertake jury service is governed by provisions within the Supreme Court Act. They are matters for the Registrar of the Supreme Court or judges of the Supreme Court, as the case may be. Very properly, given the separation of powers between Parliament, the executive and the judiciary, neither I, as Minister for Justice, nor any other Member of this Government has any involvement in these matters. In any event, I would refer the hon. Member to the statutory provisions of the Act, which are a matter of public record.

2055 **Hon. J Ladislaus:** I am grateful for that information. Could the Hon. Minister, however, confirm whether there is a particular program being used to compile these jury lists, because that is my understanding?

2060 **Hon. N Feetham:** Madam Speaker, in an attempt to be helpful: the court will summon a person who has, within two years, served on a jury or duly attended to serve on a jury pursuant to section 19F of the Supreme Court Act. This is simply a restatement of the relevant section. I understand that persons actually summonsed to serve as potential jurors are, in any event, randomly selected from the jury list. There is, however, no statutory requirement or other reason for the Registrar to compile data on average frequency of when members of the public are called.

**Madam Speaker:** Any supplementary?

2070 **Chief Minister (Hon F R Picardo):** Madam Speaker, I am sorry that I did not rise before questions to the Hon. the Minister for Justice began, but I am conscious that you, in particular, and the Clerk have been in your chairs without being able to leave the Chamber now for almost three hours, and I wondered whether this might be a convenient moment to take a 15- or 20-minute break until either five to six or six, as you might see fit.

2075 **Madam Speaker:** Well, I shall not ever disagree with a comfort break after sitting for a few hours, so yes, we will take a comfort break. We will come back at six o'clock, and if the hon. Member has any supplementaries on this, then we will start with that.

*The House recessed at 5.40 p.m. and resumed at 6.02 p.m.*

#### Q65/2024

#### Royal Gibraltar Police – Actions to boost morale

2080 **Madam Speaker:** May I ask the Hon. Ms Ladislaus whether you have any supplementaries? Any other supplementaries on the last question? Next question.

**Clerk:** Question 65. The Hon. J Ladislaus.

2085 **Hon. J Ladislaus:** Madam Speaker, the Police Federation survey for 2022 reflected that over half of the 177 out of 231 members who took the survey had contemplated leaving the Royal Gibraltar Police in the last 12 months. What is the Government doing to increase retention and boost morale within the RGP?

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



2090 **Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, in reply to Question 584/2023, I said that the Royal Gibraltar Police had employed 16 police officers and that an additional recruitment campaign would take place in January 2024, employing a further 12 police officers. I also stated that the Government had agreed with the Commissioner of Police that the RGP should not fall below the complement level. In reply to Question 747/2023, I said  
2095 that the Government of Gibraltar continues to support the Commissioner of Police with further resources by starting the employment process of recruiting more police officers and recruiting support staff to release police officers into frontline duties. I again reiterate the Government's commitment in supporting the RGP's recruitment drive to ensure staff numbers do not fall below complement level.

2100 I am informed by the Commissioner that the following operational events are either ongoing or scheduled to take place in 2024, which, in his opinion, should also have a positive impact on the RGP: (1) leadership training with an approved and accredited provider; (2) professional counselling services for officers; (3) recruitment of three cohorts of police officers – the first cohort is currently in training, the second is scheduled to commence training in February and the third  
2105 will commence shortly after; (4) discussions regarding the new police headquarters, which are due to take place imminently; and (5) improving the provision of IT services generally.

Shortly after taking office, I made a point of meeting with the Commissioner of Police and the command team at New Mole House Police Station. I continue to meet with the Commissioner regularly to discuss and address issues raised by him.

2110 I take this opportunity before Parliament to convey my gratitude to Commissioner Ullger and Superintendent Romero for accompanying me last week to Glacis Estate to meet with residents and association representatives, where we continue to work together.

**Hon. J Ladislaus:** I am grateful to the Hon. Minister for all that information. Nevertheless, with respect, my question has not been answered. It is clear that the RGP has a problem with morale, given that ... my maths is not great, but over two thirds of the members who took part in that survey had contemplated leaving. The question is about retention, not about recruitment, and the clear crisis that the RGP is suffering in terms of morale at the moment. So I ask again: what, if anything, is the Government doing to ensure that the RGP can retain its officers?  
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**Hon. N Feetham:** Madam Speaker, it is obvious that the RGP is facing a crisis of recruitment and, indeed, a crisis in terms of retention, given the circumstances that we are all aware of. As a Government, all we can do is convey our support to the RGP and ensure that any reasonable requests that are made by the RGP have the support of the Government of Gibraltar.

2125 I have said very clearly that I meet the Commissioner regularly. That must be a means by which to assist with the morale of the Force generally, and therefore I believe that I have answered the question, but I will be obliged if there are any further supplementaries.

**Hon. C Sacarello:** Thank you very much, Madam Speaker. I would just like to further this line of questioning, because there is no point in throwing all the apples on the front of the cart, only for them to fall off the back. Over half of those survey results came back in the negative, saying they had contemplated leaving. So the question I ask is: are the Police following this survey, following up on further investigations as to the reasons behind this, to dig out the root problems? It is all well and good saying that we will carry on recruiting like mad, but of course recruiting and training take time and cost money and, at the end of the day, diminishes the output of the Force because there is no consistency of employment.  
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We have heard of accusations of bullying within the Force. If such accusations or such reasons are there, would it not make sense for the Government, or at least for the Police, to look at why these are happening and not come up with courses or further recruitment as a solution – in other words, go and tackle the root core of the problem?  
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**Hon. N Feetham:** I am obliged, Madam Speaker. The hon. Member has referred to bullying. That is entirely speculative as far as I am concerned, because no allegations of bullying have been brought to my attention. If the hon. Member were to write to me and actually give chapter and verse of what bullying accusations have been made, by whom and in what circumstances, I can assure him that I will raise it with the Commissioner and have them thoroughly investigated.

**Madam Speaker:** Any others? Yes.

**Hon. C Sacarello:** And as to encouraging the investigation of core root of the problems? Forget bullying – put that to one side, but all the other issues. You mentioned some reasons like leadership training etc., but if you do not get to the issues of what is behind the survey results of over 50%, then it is not taking us any further forward.

**Hon. N Feetham:** Madam Speaker, in my discussions with the Commissioner of Police, in trying to address the very core issues which the hon. Member has raised, he has listed exactly the response to me raising these issues with me in the same way as I have raised it in this House. So all I can do is restate the position as I understand it, and, indeed, as has been conveyed to me by the Police Force.

**Hon. J Ladislaus:** Madam Speaker, we have just heard the hon. Member comment, in response to the comments that there is bullying within the force, that he has not been made aware of this. There is an article on GBC, on 26th May 2022, which refers to the same survey that I just referred the hon. Member to, and it states that 44% said they had been a victim of bullying or victimisation, 41% of those in the last year. Is the hon. Member aware of that survey, and has he read its contents?

**Madam Speaker:** I will allow that question – it is a proper question – but again, according to the Rules, the hon. Member does not need to comment as to whether that press statement is accurate or not. I will allow the question in the terms it was phrased.

**Hon. N Feetham:** Madam Speaker, I was not a Minister in May 2022.

**Hon. J Ladislaus:** I am grateful. I can appreciate that the hon. Member was not a Minister at the time – I did not hold a seat in this House either, at the time – but was he aware of the survey? Certainly I have become aware of the survey since.

**Chief Minister (Hon. F R Picardo):** The hon. Lady might also have become aware of the fact that that issue was debated in this House around that time.

**Hon. J Ladislaus:** I am grateful for that indication by the Hon. Chief Minister, but it still does not answer my question as to whether the hon. Member has been made aware of or has read the contents of that survey.

**Hon. Chief Minister:** Madam Speaker, surely the hon. Lady does not want to know whether the hon. Member has read something. What is the accountability that we are getting to in respect of the Government about whether or not the Minister for Justice in 2024 has read a survey of 2022? What is it that the hon. Lady wants to know which is relevant to the lifetime of this Parliament? If we are going to spend our time being asked whether I read, for example, the Spark Report of Lloyd's List of 2015 in relation to LNG bunkering, then we are not going to progress things. Surely the issue is what is happening in the Royal Gibraltar Police today, not what was happening in the Royal Gibraltar Police in 2022. Therefore, Madam Speaker, with the best will in the world, I would ask the hon. Lady to ask us questions about what is happening today and not

ask us whether a Minister elected in 2023 has read a report that was referred to in an article of May 2022, because I do not think it helps us to advance the accountability that they are here to seek and we are here to give in the Parliament which was elected in October 2023.

**Hon. Dr K Azopardi:** Madam Speaker, I would have thought it is obvious, the relevance of the question, because the Hon. Minister has made statements in relation to bullying and the state of the Force and so on, and what my hon. colleague has asked is simply ... In the preceding year that he was elected, there was a survey. It made certain conclusions on precisely the same issue on which she has asked questions. The hon. Member, of course, was not a Member of this House, but given that he is the Minister for Justice, is it not a good idea for the hon. Member to have read that report, and is he making the remarks that he is making today in the context of having done so? Those issues probably do not disappear in 12 months, so I would have thought that the question phrased in those terms is obvious.

We repeat the question: is the Hon. Minister making the statements that he is today in the context of having considered that previous report of the preceding year? The Police Federation issues are, according to the Chairman of the Police Federation, repeated in the survey year upon year, so is he making those statements in that context?

**Hon. Chief Minister:** Well, Madam Speaker, therein lies the rub. That is a completely different question to the question that the hon. Lady asked. The hon. Lady asked the question: have you read the 2002 survey? How is that relevant? I can tell hon. Members that the Minister and I have the 2002 survey – it has been provided to us in the context of preparing for today – but whether a Minister has read something or not does not seem, to me, to be a relevant supplementary that informs the debate today.

The hon. Gentleman's supplementary is completely different and I think, frankly, it is the sort of supplementary one would expect. I can give him the assurance that the Hon. Minister and I have read the survey. I had read it at the time; I have refreshed my memory on it. The Hon. Minister has read it already, and indeed I understand there is another survey, which has not yet been published. However, the hon. Gentleman answered a question which related to whether or not allegations of bullying had been brought to *his* attention. That is to say whether somebody had said to him, 'I am being bullied in the RGP,' or the RGP senior management team has said to me, 'We have got allegations of bullying that we are dealing with.' That was the issue which then led to the question which, frankly, in my view, did not help to advance matters at all.

**Madam Speaker:** Next question.

#### Q66/2024

#### Burglary –

#### Reasons for sharp increase and actions to address

**Clerk:** Question 66. The Hon. J Ladislaus.

**Hon. J Ladislaus:** Madam Speaker, according to the Policing Plan 2022-23, there was a 76% increase from 2021-22 in reports of burglary. What is being done to ascertain the reasons behind this sharp increase and to address the issue?

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

**Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, the data alluded to in the Annual Policing Plan 2022-23 corresponds to a statistical graphic on page 8 of that report

stating that there had been 141 burglary reports in 2021-22, which corresponded to a 76% increase from the previous year. This data graphic has been identified as an error and should read 43%. The preceding reporting period in question coincided with COVID-19 restrictions that witnessed changes across crime patterns as more individuals remained at home for longer periods and numerous businesses were closed.

The Gibraltar Police Authority's Annual Policing Priority (APP) 2022-23 includes the reduction in financial crime, including domestic burglaries, as one of its priorities. The APP priority relating to burglary seeks to combat crime with a focus on targeting those responsible for committing domestic burglaries and continuing to provide support for victims of burglary, particularly those who are vulnerable, to prevent them being retargeted and becoming repeat victims. The RGP continues to offer crime prevention advice aimed at reducing the number of occurrences by recommending protective security measures and undertaking public information campaigns throughout traditional and social media.

**Q67/2024**

**Tax Office fees –**

**Policy re companies requesting updated statements**

**Clerk:** Question 67. The Hon. C Sacarello.

**Hon. C Sacarello:** Can the Minister please detail the Government's policy regarding fees levied on companies requesting an updated statement from the Tax Office?

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

**Minister for Justice, Trade and Industry (Hon. N Feetham):** Madam Speaker, I understand that the hon. Member opposite is referring to the initiative announced by the Chief Minister in the 2022 Budget. This referred to a new initiative under which the Income Tax Office intended to introduce fees for a range of administrative service requests available to the public. One of the services available was the facility for taxpayers, including companies, to request a statement of account comprising a listing setting out a detailed record of all transactions carried out. The rationale for charging fees for these services was justified in that although the Income Tax Office efficiently handled such requests from the public, a high volume during critically important periods created a significant administrative burden and cost, which was absorbed as part of continuing operations. The notable lower volume has enabled an improved service to the public.

The Licensing (Fees) Rules 1991 were amended on 12th January 2023 for inclusion of these administrative service requests with effect from 1st February 2023.

**Hon. C Sacarello:** Madam Speaker, I would like to thank the hon. Member for his reply. Yes, indeed, I was referring to these transaction listings, and we have had feedback from companies, those I am talking about specifically, who need to request an updated statement of their affairs and find that sometimes the request has to go in two or three times until they get the right type of information. They are levied a fee each time.

What I am getting at, really, is that this was probably set up, like the Hon. Minister said, to try to reduce the volume and to try to at least compensate the time spent by the Tax Office in doing so, at least financially. However, it is reflective of a policy of treating the symptom and not the root of the problem. I ask the Hon. Minister to look at an e-gov solution, where there is a database accessible, where the client is password protected and can access their data, and their data only, and that this provision is given at least to companies, and perhaps beyond, so that the frustrations

felt all round, both by companies and by people in the Tax Office who still have to produce this data, is completely removed. It seems like the logical solution.

2285 **Hon. N Feetham:** Much obliged, Madam Speaker. The hon. Member has made a number of comments, and then he has asked a question. I need to address some of the commentary.

He says that he has received feedback from companies that have requested listing statements three times, and three times they have been charged fees. I think that is the suggestion. This is the first time I hear that that has happened. The Commissioner of Income Tax assures me, actually, 2290 that no material complaints have been received on the way that the service is provided.

He talks about policy and that we are looking at the symptom rather than the root of the problem. Actually, the system appears to work very well, and I will tell you why it appears to be working very well indeed. The root problem is not what he suggests. The root problem is this: 2295 when transaction statements are requested and provided to taxpayers, in the very large majority of cases it should not be necessary that the taxpayer actually receives a statement in respect of information that he should already have if he has kept the appropriate tax records. In the large majority of cases it appears, by the nature of the requests that are being made, that the fact that the information is requested is a failure on the part of the taxpayer to keep proper tax records that other taxpayers have obviously kept, which then negates the request that other taxpayers 2300 are making. Let me highlight an example of the sorts of unreasonable requests that were being made before the current system was implemented. I am told by the Commissioner of Income Tax that one accountant requested transaction printouts on a monthly basis for all of their clients, just to keep updated; and another firm would send a listing at each payment-on-account date, February and September, for all 450 clients, requesting this listing for each and every one.

2305 The hon. Member suggests that perhaps an e-gov solution would be a better solution. I do not agree with that. The current system works extremely well, in my view, in the way that it has been explained to me by the Commissioner of Income Tax, Madam Speaker.

**Madam Speaker:** Next question.

**Q68-69/2024**  
**Income and company tax –**  
**Amounts collected April to December 2023**

2310 **Clerk:** Question 68. The Hon. R M Clinton.

**Hon. R M Clinton:** Madam Speaker, can the Government advise the amount of income tax collected for each month from April 2023 to December 2023 inclusive?

2315 **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 69.

2320 **Clerk:** Question 69. The Hon. R M Clinton.

**Hon. R M Clinton:** Madam Speaker, can the Government advise the amount of company tax collected for each month from April 2023 to December 2023, inclusive?

2325 **Clerk:** Answer, the Hon. the Minister for Justice, Trade and Industry.

**Hon. N Feetham:** Madam Speaker, in answer to Question 68, the amount of income tax collected for each month from April 2023 to December 2023 is as follows: April 2023, £17.36 million; May 2023, £22.25 million; June 2023, £25.57 million; July 2023, £20.08 million; August 2023, £19.88 million; September 2023, £19.52 million; October 2023, £18.03 million; November 2023, £22.66 million; and finally, December 2023, £18.65 million.

In answer to Question 69, the amount of company tax collected for each month from April 2023 to December 2023 is as follows: April 2023, £1.65 million; May 2023, £0.34 million; June 2023, £11.69 million; July 2023, £1.37 million; August 2023, £1.54 million; September 2023, £69.91 million; October 2023, £5.93 million; November 2023, £1.10 million; and finally, December 2023, £3.70 million.

**Madam Speaker:** Next question.

## INWARD INVESTMENT AND THE SAVINGS BANK

### Q70-72/2024

#### Public finances at 1st December 2023 – Public debt; General Sinking Fund; gazetting of GSB audited accounts

**Clerk:** Questions to the Minister for Inward Investment and the Savings Bank.  
Question 70. The Hon. R M Clinton.

**Hon. R M Clinton:** Madam Speaker, can the Government please provide the total gross debt, aggregate debt after application of the Sinking Fund to gross debt, cash reserves and net debt figures for public debt for the following date: 1st December 2023?

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

**Minister for Inward Investment and the Savings Bank (Hon. Sir J J Bossano):** Madam Speaker, I will answer this question together with Questions 71 and 72.

**Clerk:** Question 71. The Hon. R M Clinton.

**Hon. R M Clinton:** Can the Government advise the balance on the General Sinking Fund on the following date: 1st December 2023?

**Clerk:** Question 72. The Hon. R M Clinton.

**Hon. R M Clinton:** Can the Government advise why it has not gazetted the audited accounts of the Gibraltar Savings Bank for 2019, 2020, 2021, 2022 and 2023 as provided by section 12(b) of the Gibraltar Savings Bank Act?

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

**Hon. Sir J J Bossano:** Madam Speaker, the General Sinking Fund, gross debt and aggregate debt for December 2023 was the same level as November 2023.

The cash reserves and net debt figures for December were: cash, £78.3 million; debt, £766.8 million.

The accounts of the Savings Bank for the relevant years will be gazetted when the audited accounts of the Government for those same years are completed.

2370 **Hon. R M Clinton:** Madam Speaker, I am grateful to the Minister for his answers to my Questions 70 and 71, on which I have no further questions.

2375 In relation to his answer to Question 72, as the Minister is fully aware, the Principal Auditor is required, under section 12 of the Savings Bank Act, to lay audited accounts before the Minister not later than 31st October in every year. That was section (a). Section (b) says 'be published in the Gazette'. Is the Minister aware that on the Gibraltar Audit Office website the Principal Auditor has said, 'All these accounts have been audited and I have certified all the accounts by the required dates in October 2019, October 2020, October 2021, October 2022 and October 2023'? Then he goes on to say that contrary to the provisions of section 12(b) of the Savings Bank Act, the audited accounts have to date not been published in the Gibraltar Gazette. The Principal Auditor is expressing this concern. Will the Minister not gazette the accounts, as required by law? And, if  
2380 not, why?

**Hon. Sir J J Bossano:** Madam Speaker, I do not think the Principal Auditor is a lawyer, and therefore I do not think I need to take his view on the law as a legally binding interpretation. As far as I am concerned, what is clear is that there is a date by which he has to audit, and after being  
2385 audited it has to be gazetted. I would have thought that if he has not produced the accounts for those years, he is hardly in a position to criticise whether it is gazetted or not, given that the audited accounts of the Government are much more relevant to everybody than the gazetting of the accounts. The position of the Government is that we will gazette the accounts when he produces the audited government accounts. For the same year that he does it, we will do it.

2390 **Hon. R M Clinton:** Madam Speaker, does the Minister not accept that there is a legal provision to gazette? He is in possession of the audited accounts. What possible rational reason can the Government have for not gazetting them? Why should the publication of the full accounts of the Government in any way impede the publication of the accounts of what is, in effect, a special fund  
2395 of the Government? Can the Minister answer that?

**Hon. Sir J J Bossano:** Madam Speaker, the date for publication is not stated in the legislation; it says it has to be published. The only date is the date by which they have to be audited. Therefore, there is a legal obligation on the auditor to audit by a date, and then, after the day it is audited, it  
2400 is gazetted. The policy decision of the Government is that when he produces the account for the audited government accounts, we will gazette the year, the same year that he does.

It is a decision that he does not have to agree with, and he can agree with the views of the Auditor, but we do not agree with the views of the Auditor and that is our position.

2405 **Hon. R M Clinton:** Madam Speaker, the Minister may not answer this question, but does he not see any benefit to the Savings Bank – which he obviously holds very close to his heart, I know that – to publish the accounts, if not gazetted, also on the website of the Savings Bank? What can be the possible reason for withholding these accounts from the public?

2410 **Hon. Sir J J Bossano:** Madam Speaker, if we had the same view as the hon. Member, it would have happened and the question would not have been put. The answer is we do not agree with him.

2415 **Hon. Dr K Azopardi:** I think we are trying to understand why. The hon. Member says he does not agree with the view that it should be done in that way. We are just trying to understand. He says as a matter of policy that is not what they are going to do. Can he explain why?

**Hon. Sir J J Bossano:** Why we take decisions and why we do not take decisions I do not think is a matter that we have to explain to the Members opposite. As far as I am concerned, the most  
2420 important information that has to be audited is the accounts for the year. The person who is

responsible for producing the accounts of the year is concerned that we do not gazette something that is a very small proportion of relevance, even though the information, other than his comments, is already available because I produce information on the Savings Bank every month in answer to questions. The position that we have taken and I am taking is that I will give the instructions to gazette when we have the accounts produced, audited, from the auditor. That is the position we have taken. I am not going to give any more explanation than that. That is our position.

**Hon. Dr K Azopardi:** But is that position simply a mechanical one, or is there a rationale behind it and it is just the rationale he does not want to share with us?

**Hon. Sir J J Bossano:** Madam Speaker, the hon. Members are entitled to information. They have got the information. This is a decision that has been taken, and that is the decision that will be implemented and is being implemented. We had two years when we produced the gazetted accounts of the Savings Bank well before the accounts of the Government had been audited, which has only happened this year. From now on, the moment the accounts for the Government are produced, we will gazette the Savings Bank.

**Hon. R M Clinton:** Madam Speaker, this will be my last question on the subject. Does the Minister not appreciate that the Savings Bank is effectively held in a special fund, and therefore he is de facto – I use the word as a layman – acting as trustee for that money which is held in the special fund?

He is very fond of quoting the deposit levels of the Savings Bank, but of course, without the audited accounts, how is the general public going to assess what he is saying in terms of the numbers? I would suggest he revisit his policy and gazette and publish these accounts. The public of Gibraltar deserve that, at the very minimum. If they are entrusting their savings to the Savings Bank, at the very least the Minister could return the courtesy by providing them with the audited accounts. Will he not consider that?

**Hon. Sir J J Bossano:** Madam Speaker, the position of the Government is as I have stated. I have nothing further to add.

**Madam Speaker:** All right. I think that is the end of questions.

## Questions for Written Answer

**Clerk:** Answers to Written Questions.

**Chief Minister (Hon. F R Picardo):** Madam Speaker, I have the honour to table the answers to Written Questions W1/2024 to W6/2024 inclusive.



## Order of the Day

### Standing Order 19 suspended to proceed with government motion

**Clerk:** (ix) The Order of the Day. Government motion. The Hon. the Chief Minister.

2460 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I have the honour to move the motion standing in my name, which reads as follows:

*I hereby give notice of motion, under Standing Order No. 59, to proceed with the suspension of Standing Order No. 19, in order to proceed with a government motion.*

**Madam Speaker:** Those in favour? (**Members:** Aye.) Those against? Carried.

### GOVERNMENT MOTION

#### Public Services Ombudsman – Ms Wendy Cumming appointed

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

2465 **Chief Minister (Hon. F R Picardo):** Madam Speaker, I have the honour to move the motion standing in my name, which reads as follows:

*This House:*

*RESOLVES TO HEREBY APPOINT Ms Wendy Cumming to be Public Services Ombudsman for Gibraltar under section 3(2) of the Public Services Ombudsman Act 1998, for all the purposes of that Act for a period of three years.*

2470 Madam Speaker, yesterday afternoon I had cause to speak to Ron Coram to thank him for the work that he has done as Public Service Ombudsman between the period of 1st May 2021 and 2024 when his tenure will come to an end. Ron had indicated to me that he was ready to stand down. He has done sterling work, as have all our previous ombudsmen, and he is in the process of completing certain surveys which will enable the Government to assess how e-government is working, in particular in relation to our elderly citizens. I thank him and the team that has supported him for the work that he has done in his tenure. I believe there is one outstanding report that he will soon finish and will be put before the House.

2475 After I spoke to Ron Coram, I spoke to the Leader of the Opposition. Although the Public Services Ombudsman Act 1998 does not require me to consult him on who is appointed as Ombudsman because the appointment is made by resolution of the House, I shared with him that the Government's view, which had been supported by the whole Cabinet on Monday morning, was that Wendy Cumming, who has until recently been, or will be until 1st May, the leader of the Gibraltar General and Clerical Association (GGCA) union, should be appointed as Public Services Ombudsman. I am happy to say that he was positive in the response that he gave me. Thereafter, I signed the Gibraltar Gazette Legal Notice No. 5/2024 making the appointment, which the law requires should be approved by resolution of this House within 30 days of the notice being made.

2485 Wendy Cumming has been in the government service for some time. She started her service as an investigating officer in the office of the Ombudsman in 2001. Thereafter, she became Crown

Counsel with some additional work that she did elsewhere in the private sector. She became Crown Counsel in 2005, until 2015, and in 2015 she became the president of the GGCA. She therefore knows the inner workings of the Civil Service, both as a civil servant and indeed as the leader of the union of civil servants. For that reason, given in particular that she has been an investigating officer in the office of the Ombudsman, the Cabinet considered, and I hope the whole House will agree, that she will have all of the qualities necessary to be an excellent Ombudsman for Gibraltar, to discharge the functions that that office requires, to hold the respect of the community in an office that needs to enjoy the support not just of this Parliament on its passing of a resolution today but also of the whole community, who will bring problems with the administration to her attention and to those of her investigating officers and supporting staff who will enable us to learn where the administration is getting its interaction with the public wrong – and where we are getting it right, too – and how we need to fix that.

And so, Madam Speaker, on behalf of the Government, I move the motion which is standing in my name to enable the whole House – I hope, unanimously – to appoint Wendy Marie Cumming as Gibraltar's next Ombudsman. I do hope that all of the qualities that I have set out in the course of my short speech will benefit the whole of Gibraltar whenever any of our citizens require her assistance or the assistance of her office. The initial appointment is for a period of three years. Given that Ms Cumming is a relatively young individual, we hope to see her in post long after that initial period of three years has expired.

I commend the proposed appointment to the House.

**Madam Speaker:** I now propose the question in terms of the motion moved by the Hon. the Chief Minister. Does any Member wish to speak?

**Hon. Dr K Azopardi:** Madam Speaker, in speaking on this motion, may I start my remarks by thanking Ron Corum for his service – since 1st May 2021, in practice – over the last three years as Ombudsman? Ron has had a long career as a public servant in different fields. We welcomed his appointment when he first became Ombudsman. Being Ombudsman is not an easy task, especially when dealing with so many issues of concern that people have in dealing with government departments. Ron, who has had years of experience, has undertaken his task energetically and efficiently, and so we thank him from this side of the House for all his service to Gibraltar as Ombudsman.

Before I turn to Ms Cumming, the Chief Minister did call me, as he said, the other day, just before the motion was published. He stressed at the time that it was not consultation, it was information, because of course consultation is not something that is required as a matter of process. I do reflect that it is something that we might want to change and that perhaps consultation of the Government with the Opposition is something, going forward, that can be reflected in the legislation but is not for now; it is just a thought I have on this issue.

Ms Cumming is a civil servant with a long career also in the Civil Service, although she is relatively young. I say 'relatively young' ... my learned colleague ... I hope that was not a laugh at the age issue. *(Interjection)* I think she is relatively young, and yes, indeed, everything is relative in life. Perhaps the Chief Minister wants to confirm, given that she is a civil servant, her status on appointment and going forward. He might want to do that. He has already said she is a three-year appointee. She has had a distinguished service, not just as a civil servant but at the head of the Civil Service union. In that role she has been an advocate for her members, and, at times, fearlessly so, taking on the Government, which, of course, is an important role that she would now have as Ombudsman. As Ombudsman, the number of her members has enlarged by thousands. Instead of having a few hundred members, she now will have thirty five or forty thousand members who will, maybe, knock on her door with different concerns about government departments. If she applies the same skill that she has done in defending her members, I am sure she will fulfil her task as Ombudsman in a very good way. We will support the motion and vote in favour of her appointment as Ombudsman.

**Madam Speaker:** Does any other hon. Member wish to speak?

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**Hon. D J Bossino:** I would like to endorse everything that the Leader of the Opposition has just said, Madam Speaker, and indeed the Chief Minister as the mover of the motion.

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I rise, in particular, for two reasons. One is that I have known Wendy Cumming for a very long time and I have the greatest of respect for her and am glad that the Opposition will be supporting her appointment through the favourable vote of this motion. The Chief Minister says that she brings all the qualities necessary for the job, and we entirely agree with that statement and endorse it. I think she has the quality as an individual, the intellect, and she will bring the independence of mind and approach which my hon. and learned Friend has referred to. She also has the passion and will bring vigour to the job, which I think is very important in discharging what will become her statutory responsibilities. I would add that, certainly as far as her role in discharging the chairmanship of the GGCA union is concerned, I think she will also bring a reasonableness in her approach. She can always see the other side and she will come to a reasonable position on things.

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The second point that I would raise and invite the mover of the motion to comment on is the point in respect of which there may be less of an agreement. If the Hon. Chief Minister recalls when he brought the motion in respect of the appointment of – I think it was at the same session – Ron Corum as the Ombudsman at the time, the then Minister for Financial Services, Minister Isola, said that the person who discharges the Ombudsman role would also be discharging the role of Financial Services Ombudsman. As I understand it, the legislative position and architecture in relation to that has not yet been commenced, but I would invite the Hon. the Chief Minister to state whether it remains government policy for that to be the case: in other words, when that legislation comes into being and into force, whether it is expected that Ms Cumming will be discharging those obligations as well.

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Thank you.

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**Madam Speaker:** Would any other hon. Member like to speak? In that case, I will call on the mover to reply.

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**Hon. Chief Minister:** Thank you very much, Madam Speaker, and I thank hon. Members opposite for indicating that they will support this motion, as they supported the motion for the appointment of the previous Ombudsman.

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May I start by saying that I do not think that age is relevant, simply that age is, in this context, something which relates to the current employment of the individual, and for that reason, in answering the point from the Leader of the Opposition, she will no longer be a civil servant. She will forgo her status as a civil servant in order to be able to be independent and to take the post of Ombudsman. As the Hon. the Leader of the Opposition says, she will have to investigate civil servants, and therefore it would not be possible for her to continue to hold the post of civil servant. In fact, I think that Ms Cumming is younger than both of us, and therefore is potentially able to have quite a long run in this job, which I think is only a good thing.

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I tend to agree with the hon. Gentleman in respect of the issue of consultation. That is why I rang him, although I did not have to, because I thought it was important that a post like this should enjoy the benefit of a de facto consultation, although, as the hon. Gentleman knows, a consultation does not require agreement, and after a consultation the person who is required to consult may take the view that despite protestations from the other individual, he is going to continue with the proposed appointment, or indeed might take the view that if there are protestations from the other individual and they include considerations that had not been brought to his or her attention at the time, he wants to change the position. I tend to agree that the practice I have followed, which was not followed by them when they were in government, is the practice that is commendable and should be reflected in statute, not just in the practice of a GSLP

2590 Liberal Chief Minister but in the practice of all future Chief Ministers, even if, perish the thought, one of them were ever to be from the GSD.

I do agree with the hon. Gentleman that Ms Cumming has been a staunch defender of the interests of her members as a union leader. I have not yet met a union leader – whether as Leader of the Opposition or as Chief Minister – as a Member of this House, who has not been staunch in the defence of the members they represent, although, of course, happily, in the context of the Government since 2011, none of them need to be fearless, as there is nothing to fear in discharging your functions as a union leader. Those days are gone. The Chief Minister who used to say that he wished to be feared and not loved – which came from that stable, not this one – is no longer someone with whom one has to concern oneself when representing the interests of one's members.

2600 The Hon. Mr Bossino gets up to talk about the fact that he likes Wendy Cumming, he respects her and all the rest of it. Well, in the context of a motion like this, if all of us who like Wendy Cumming were to get up to say that we like Wendy Cumming, we would be here until tomorrow, but I am very pleased that given that she is going to enjoy the unanimous support of the House on the motion, people either like her or respect her – which is the more important thing – in sufficient measure that she is going to get the appointment with the unanimous support of the House, which I think is what matters.

2610 Frankly, Madam Speaker, this motion, which is about the appointment of an individual to the role of Ombudsman, I do not think is the time to be debating the scope of the Ombudsman's powers. We have a law that relates to the Ombudsman. That is the law which this Ombudsman we are seeking to appoint will discharge the functions of. Any other debates can be had on a motion, if hon. Members want to put it, or raised in questions – although questions should not be a pretext for a debate.

2615 Hoping that I have dealt with all of the issues that all hon. Members have raised in the context of their speeches, I am delighted to hear that this motion will enjoy the unanimous support of all Members of the House, and I once again commend the motion to the House.

**Madam Speaker:** I now put the question in the terms of the motion proposed by the Hon. Chief Minister. Those in favour? (**Members:** Aye.) Those against? Carried.

### Adjournment

2620 **Chief Minister (Hon. F R Picardo):** Madam Speaker, having heard the hon. Gentleman call me sour from a sedentary position, (*Interjection*) I must, once again, assert just how sweet I am and move that the House should adjourn *sine die*.

2625 **Madam Speaker:** I now propose the question, which is that this House should adjourn *sine die*. I now put the question, which is that this House should adjourn *sine die*. Those in favour? (**Members:** Aye.) Those against? Passed.  
This House will now adjourn *sine die*.

*The House adjourned at 6.55 p.m.*